United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, TUESDAY, JULY 10, 2007 No. 109

House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. GUTIERREZ).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 10, 2007.

I hereby appoint the Honorable LUIS V. GUTIERREZ to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord our God, ancient days, like yesterday and tomorrow, are before You as ever present. Be with the House of Representatives as it resumes its many tasks of policy and legislation today and in the weeks to come.

Lord, every day we in America pray for our women and men in military service, especially those who are in harm's way in Iraq. Today, we expand the vision and embrace of our prayer as we commend to You all the people of Iraq. Having inserted ourselves into the life of this land of antiquity and biblical proportions, we cannot help but be moved by their fear, confusion, and suffering occasioned by war.

Help us as a young and powerful nation, Lord, to learn more about this ancient world with so much complexity, history, and so many contemporary issues which must be addressed.

Guide the United States, Iraq, and other nations to seek Your face and seek the way of peace for these people. Help all who are so concerned to speak responsibly, to act prudently, and to pray boldly for one another. For You alone can bring good out of contradictory evil as You do now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Massachusetts (Mr. MCGOVERN) come forward and lead the House in the Pledge of Allegiance.

Mr. MCGOVERN 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1. An act to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.

H.R. 710. An act to amend the National Organ Transplant Act to provide that criminal penalties do not apply to paired donations of human kidneys, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1) ''An Act to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States'', requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LIEBERMAN, Mr. LEVIN, Mr. AKAKA, Mr. CARPER, Mr. PRYOR, Ms. COLLINS, Mr. VOINOVICH, Mr. COLEMAN, and Mr. COBURN, to be the conferees on the part of the Senate; and from the

Committee on Banking, Housing, and Urban Affairs: Mr. DODD, and Mr. SHELBY;

Committee on Commerce, Science, and Transportation: Mr. INOUYE, and Mr. STEVENS; and

Committee on Foreign Relations: Mr. BIDEN, and Mr. LUGAR, to be the conferees on the part of the Senate.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 29, 2007.

Hon. NANCY PELOSI, The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 29, 2007, at 2:59 pm:

That the Senate passed S. 1612

That the Senate passed S. 966

That the Senate passed with an amendment H.R. 556

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Friday, June 29, 2007:

H.R. 1830, to extend the authorities of the Andean Trade Preference Act until February 29, 2008;

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S. 277, to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes;

S. 1704, to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Massachusetts (Mr. MEEHAN), the whole number of the House is 432.

WELCOME BACK

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, since we have all been gone, the Glasgow Airport has been bombed, Piccadilly Circus in London was the site of an attempted terrorist attack, another attempt on a hospital, and within 48 hours, the British Intelligence Agency rounded up several credible suspects. Their use of intelligence should be commended. They have faced terrorist attacks on their soil for over 30 years and put in place the tools to deal with these.

On the other hand, it seems the liberal leadership of this Congress wants to backtrack in our attempts to track and survey potential terrorists by scaling back our critical intelligence-gathering efforts.

They took issue with the program designed to monitor phone calls from potential terrorists. They railed against the PATRIOT Act. They even shifted funds from critical intelligence-gathering programs to put it into a slush fund to study global warming. Mr. Speaker, the last time I checked, global warming didn't have one single thing to do with putting a bomb in Piccadilly Circus or trying to blow up the JFK airport. Global warming didn't bomb the USS *Cole* or take down the Twin Towers. Climate change can be studied, but it need not be done at the expense of human intelligence needed to help eliminate international terrorism. We need to adjust our priorities. It's time to get to work.

BORDER CROSSINGS AND TRAFFIC TICKETS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, news from the lawless southern border: Homeland Security is claiming illegal entry is decreasing. According to their reports, the number of illegals arrested on the Mexico-U.S. border has decreased almost 25 percent.

Armed with these statistics, these bureaucrats are thus claiming fewer illegals are trying to sneak into the United States. Interesting enough, just last month the Homeland Security Secretary said, while he was lobbying for the now defeated Senate amnesty plan, that he cannot secure the U.S. borders. Now he claims illegal crossings are down because apprehensions on the border are down. That is like saying there are fewer cars on the road because the police are issuing fewer traffic tickets.

The American people are not fooled by this statistical game. Rather than claiming these glowing statistics mean that all is well on the southern front, Homeland Security should stop issuing propaganda statements and give the border protectors the support, equipment, and manpower to protect the border from infiltration. Homeland Security must quit being delightfully ignorant of the truth and not claim border victory because it issues fewer traffic tickets.

And that's just the way it is.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

CESAR ESTRADA CHAVEZ STUDY ACT

Mr. SARBANES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 359) to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 359

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 ''César Estrada Chávez Study Act''.

SEC. 2. SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary of the Interior (referred to in this Act as the ''Secretary'') shall complete a special resource study of sites in the State of Arizona, the State of California, and other States that are significant to the life of César E. Chávez and the farm labor movement in the western United States to determine—

(1) appropriate methods for preserving and interpreting the sites; and

(2) whether any of the sites meets the criteria for listing on the National Register of Historic Places or designation as a national historic landmark under—

(A) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); or

(B) the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(b) REQUIREMENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) consider the criteria for the study of areas for potential inclusion in the National Park System under section 8(b)(2) of Public Law 91–383 (16 U.S.C. 1a–5(b)(2)); and

(2) consult with—

(A) the César E. Chávez Foundation;

(B) the United Farm Workers Union; and

(C) State and local historical associations and societies, including any State historic preservation offices in the State in which the site is located.

(c) REPORT.—On completion of the study, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any recommendations of the Secretary.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentlewoman from Tennessee (Mrs. BLACKBURN) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 359 authorizes the Secretary of the Interior to conduct a special resource study of the sites associated with the life of Cesar Estrada Chavez and the farm labor movement.

Representative HILDA SOLIS, my colleague on the Natural Resources Committee, has worked tirelessly for the last 6 years to move this important legislation forward. I am proud to join Representative SOLIS and 68 other Representatives as a cosponsor of this bill, and I want to thank Ms. SOLIS for her efforts and leadership in getting this important study authorized.

In 1962, Cesar Chavez founded the National Farm Workers Association, which later became the United Farm Workers of America, working to protect farm workers' rights. Chavez led the United Farm Workers for 31 years and gained increases in wages and better working conditions for farm laborers. Through his work, Chavez became a national leader on civil rights and social justice and an inspiration to millions of Americans and people around the world.

H.R. 359 directs the Secretary of the Interior to consider sites in Arizona, California, and other States that are significant to the life of Cesar Chavez and the farm labor movement in the western United States. The bill requires the Secretary to determine the appropriate methods for preserving and

interpreting the sites and to determine whether any of them meet the criteria for being listed on the National Register of Historic Places or possible designation as national historic landmarks. The Secretary has 3 years from the date on which funds are made available to submit a report describing the findings of the study as well as the Secretary's recommendations.

The Subcommittee on National Parks, Forests, and Public Lands held a hearing on this bill in March of this year where we heard testimony from the administration in support of this bill. Later, at both a subcommittee markup and a full committee markup, this legislation advanced with bipartisan support.

Mr. Speaker, H.R. 359 is a bill whose time has come. Similar legislation has passed the Senate once before in 2003, and I am pleased this bill is finally making it to the House floor. We need to move forward with this congressionally authorized study so that we can learn about and evaluate options to protect the resources associated with Cesar Chavez and the farm labor movement. The longer we wait, the more likely it is that these resources may be lost to development or the ravages of time. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, I yield myself such time as I may consume.

The majority has adequately explained the bill, Mr. Speaker, and I note that during the full committee consideration of this bill the minority was assured that this act was in no way to be construed as advancing any effort to establish a national holiday honoring Cesar Chavez. Further, the majority gave assurances that this bill was not going to be used to promote House Resolution 76, which urges the establishment of such a holiday. With this understanding, we will not object to the consideration of this measure.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. SARBANES. Mr. Speaker, at this time I yield such time as she may consume to the sponsor of this legislation, my colleague from the National Resources Committee, Representative HILDA SOLIS.

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Ms. SOLIS. Mr. Speaker, I rise in strong support of H.R. 359, the Cesar Chavez Study Act, and urge my colleagues to support this legislation.

Mr. Speaker, you know that the National Park System units are important components of our Nation's historic, cultural and economic and recreation and social identity.

H.R. 359 authorizes a study to determine whether sufficient historic resources still exist, so that the story of Cesar Chavez could be added to the National Park System.

I first introduced this legislation more than 6 years ago to honor the important contributions he made to the environment and to help the National Park Service finally recognize a significant Hispanic leader. Since then, I have worked hard with my colleagues to bring this bill to the floor.

I would like to personally thank Chairman RAHALL and Chairman GRIJALVA for their support, and the staff of the committee.

Cesar Estrada Chavez was a second-generation American. He was born in the United States March 31, 1927 in Yuma, Arizona, and raised during the Great Depression.

The lessons he learned during his time inspired him to dedicate his life to improving the lives of others less fortunate even than himself.

Chavez led by action. He was a student of Mahatma Gandhi's nonviolent philosophy, and believed that non-violence was one of the most powerful tools to achieve change, including social and economic justice and equality.

In 1968 he fasted for 25 days, Mr. Speaker, one of many fasts he held to demonstrate a commitment to non-violence through sacrifice and penance. He was a deeply religious man.

Through his work, Cesar Chavez changed the course of history for thousands of Latinos and Hispanics and farm workers in this country. Farm workers have been empowered now to fight for fair wages, health care coverage, pension benefits, housing improvements, pesticide and health regulations and countless other protections for their health and well-being.

These changes have meant considerably improvements for the life of farm workers and their families, in fact, three fourths of which are Hispanic or Latino.

During his 66 years with us, Chavez made a significant difference in the lives of those he touched, well beyond improvements for farm workers. And at an early age, I too was inspired by Cesar Chavez's work on behalf of farm workers and the environmental justice movement. This includes protecting green space in both urban and rural areas so that all communities can enjoy the benefits of recreation.

Chavez strongly understood the importance of land and the value of the environment in connection to one's health and economic stability. For many Hispanics, this appreciation of the environment is cultural; 96 percent of Hispanics believe that the environment should be an important priority for this country, yet there is not one single unit of the National Park System dedicated to Hispanics.

And as a result of Chavez's belief exhibited through his actions, I was moved to introduce this legislation and believe it important that we preserve the history through our National Park System. It is my hope that one day Hispanic families all have a place in the National Park Service where they can appreciate, honor and learn about Cesar Chavez's work, his beliefs, just as we do now in celebration with African American families who can now visit the Martin Luther King, Jr. historical site and Selma-Montgomery trail.

The significance of Chavez's life and work is widely recognized. The Department of Labor has honored Chavez in the Labor Hall of Fame, and the Bush administration, as you heard, supports this legislation. I won't list all the supporters, but there are more than 20 organizations nationally recognized who support this legislation.

In fact, at his funeral, Cardinal Roger Mahoney of Los Angeles called Chavez, and I quote, ''a special prophet for the world's farm workers.''

In 1994, Chavez's widow, Helen, accepted the Medal of Freedom from President Clinton, who lauded Chavez for facing a ''formidable, often violent opposition with dignity and non-violence.''

It is my hope that through this legislation, future generations can understand who Cesar Chavez was, and why the work that he did was so important, know that they too can be courageous and work toward the betterment of all mankind.

I strongly urge my colleagues to support this legislation.

Mr. SARBANES. Mr. Speaker, I congratulate Ms. SOLIS again on her persistence, and congratulate her on having this brought to the floor today.

I do want to say that while Cesar Chavez certainly cast a long shadow in the western United States, I worked with an organization in Maryland that did work on the Eastern Shore of Maryland on behalf of farm workers, and he was a national hero to them. So congratulations again.

Mr. BACA. Mr. Speaker, I rise today to voice my strong support for H.R. 359. This important legislation would require the Secretary of the Interior to study the potential creation of a historic landmark in honor of Cesar Estrada Chavez.

I want to thank my friend, Congresswoman HILDA SOLIS, for sponsoring this bill and championing this cause which is of great significance to so many Americans, myself included.

Cesar Chavez provided hope for thousands of people. Perhaps best known for founding and leading the United Farm Workers of America, Chavez used non-violent tactics that included boycotts, fasts, and strikes to bring attention to the dangerous working conditions in the field. His efforts helped to produce the first industry-wide labor contracts in the history of American agriculture.

Cesar Chavez' legacy has empowered, encouraged and motivated countless individuals. He is a continuing example that with hard work, dedication and love, change can happen and oppression can be conquered. His famous words, ''Si se puede'' (Yes you can), still inspire us today.

I cannot think of anything more American than standing up for one's right to justice, fairness, and equality.

I urge my colleagues to cast a vote in recognition of Cesar Estrada Chavez, and to support H.R. 359.

Mr. SARBANES. Mr. Speaker, I have no further requests for time, and yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and pass the bill, H.R. 359, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LAND GRANT PATENT MODIFICATION

Mr. SARBANES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2121) to modify a land grant patent issued by the Secretary of the Interior.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO LAND GRANT PATENT ISSUED BY SECRETARY OF THE INTERIOR.

Patent Number 61–2000–0007, issued by the Secretary of the Interior to the Great Lakes Shipwreck Historical Society, Chippewa County, Michigan, pursuant to section 5505 of division A of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–516) is amended in paragraph 6, under the heading ''SUBJECT ALSO TO THE FOLLOWING CONDITIONS'' by striking ''Whitefish Point Comprehensive Plan of October 1992, or a gift shop'' and inserting ''Human Use/Natural Resource Plan for Whitefish Point, dated December 2002, permitted as the intent of Congress''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentleman from Oklahoma (Mr. COLE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. Mr. Speaker, the Great Lakes Shipwreck Museum on Michigan's Upper Peninsula sits on land jutting out into Lake Superior near the Canadian border. The museum collection presents the history of and preserves artifacts from the many shipwrecks that occurred in the area, including perhaps the most famous, the Edmund Fitzgerald, which went down in 1975, along with her crew of 29 men.

The museum sits on land originally obtained from the Department of the Interior under a land grant patent. A new management plan developed by the museum would improve visitor services. This legislation amends the original patent to reference the new management plan.

Representative STUPAK is to be commended for his diligence on behalf of this legislation. An earlier version of this measure was approved by the House in the last Congress, and we urge our colleagues to support H.R. 2121 today.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2121 is a simple measure that updates a land patent reference to an outdated management plan currently being used by the Great Lakes Shipwreck Historical Society. This 8-acre property was obtained in 1992 from the Department of the Interior under a land grant patent. Under the new resource management plan, the museum will be able to greatly improve its visitor access to wildlife areas and to expand its facilities to accommodate additional shipwreck exhibits.

I urge my colleagues to support the bill.

Mr. Speaker, I have no additional speakers, and yield back the balance of my time.

Mr. SARBANES. Mr. Speaker, I'd like to yield such time as he may consume to my colleague, Mr. STUPAK to speak to the bill.

Mr. STUPAK. Mr. Speaker, I rise today as the author of H.R. 2121, and I'd like to thank Chairman RAHALL and ranking member YOUNG and their staff on the Natural Resource Committee for assisting and moving this legislation forward.

H.R. 2121 is a straightforward bill that would allow the Great Lakes Shipwreck Historical Society to implement a new Human Use/Natural Resource Management Plan for the Great Lakes Shipwreck Museum in Chippewa County, Michigan.

While this legislation was approved by the House of Representatives in September of 2006 in the 109th Congress, but the 109th Congress ended before the Senate had time to consider the bill. By acting on this bill now, I am hopeful the House will allow the Senate ample time to consider and approve this legislation.

The Great Lakes Shipwreck Historical Society is a nonprofit organization dedicated to preserving the history of shipwrecks in the Great Lakes. Since 1992, the Great Lakes Shipwreck Historical Society has operated the Great Lakes Shipwreck Museum to educate the public about shipwrecks in the region.

The museum provides exhibits on several shipwrecks in the area, including an in-depth exhibit on the wreck of the *Edmund Fitzgerald*, which was lost with her entire crew of 29 men near Whitefish Point, Michigan on November 10, 1975. Among the items on display is a 200-pound bronze bell recovered from the wreckage in 1995 as a memorial to her lost crew.

In 2002, the Great Lakes Shipwreck Historical Society, working with the U.S. Fish and Wildlife Service, the Michigan Audubon Society, and the local community, finalized a new management plan to improve the experience at the museum.

The new management plan, which was signed and agreed upon by all the parties, will allow the Historical Society to expand the museum exhibits while addressing concerns about parking and access to surrounding wildlife areas.

However, because the original land grant patent references the previous management plan, legislation to amend the patent is necessary before the new management plan can be implemented. In response, I've introduced this legislation, H.R. 2121, to amend the land grant patent to allow the new plan to be implemented.

Congressman DAVE CAMP from Michigan has joined me in cosponsoring this legislation, and I thank him for his support.

The Great Lakes Shipwreck Historical Society has continuously improved the experience at the museum since it was established in 1992. With the approval of H.R. 2121, Congress will allow the Great Lakes Shipwreck Museum to further develop this cultural and historical resource.

I urge my colleagues to support this simple legislation which will improve the opportunities available to visitors of Chippewa County, Michigan, and the Great Lakes Shipwreck Museum.

I thank all Members for their cooperation with this legislation.

Mr. SARBANES. Mr. Speaker, I have no further requests for time. I yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and pass the bill, H.R. 2121.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EIGHTMILE WILD AND SCENIC RIVER ACT

Mr. SARBANES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 986) to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 986

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 ''Eightmile Wild and Scenic River Act''.

SEC. 2. WILD AND SCENIC RIVER DESIGNATION, EIGHTMILE RIVER, CONNECTICUT.

(a) FINDINGS.—Congress finds the following:

(1) The Eightmile River Wild and Scenic River Study Act of 2001 (Public Law 107–65; 115 Stat. 484) authorized the study of the Eightmile River in the State of Connecticut from its headwaters downstream to its confluence with the Connecticut River for potential inclusion in the National Wild and Scenic Rivers System.

(2) The segments of the Eightmile River covered by the study are in a free-flowing condition, and the outstanding resource values of the river segments include the cultural landscape, water quality, watershed hydrology, unique species and natural communities, geology, and watershed ecosystem.

(3) The Eightmile River Wild and Scenic Study Committee has determined that—

(A) the outstanding resource values of these river segments depend on sustaining the integrity and quality of the Eightmile River watershed;

(B) these resource values are manifest within the entire watershed; and

(C) the watershed as a whole, including its protection, is itself intrinsically important to this designation.

(4) The Eightmile River Wild and Scenic Study Committee took a watershed approach in studying and recommending management options for the river segments and the Eightmile River watershed as a whole.

(5) During the study, the Eightmile River Wild and Scenic Study Committee, with assistance from the National Park Service, prepared a comprehensive management plan for the Eightmile River watershed, dated December 8, 2005 (in this section referred to as the ''Eightmile River Watershed Management Plan''), which establishes objectives, standards, and action programs that will ensure long-term protection of the outstanding values of the river and compatible management of the land and water resources of the Eightmile River and its watershed, without Federal management of affected lands not owned by the United States.

(6) The Eightmile River Wild and Scenic Study Committee voted in favor of inclusion of the Eightmile River in the National Wild and Scenic Rivers System and included this recommendation as an integral part of the Eightmile River Watershed Management Plan.

(7) The residents of the towns lying along the Eightmile River and comprising most of its watershed (Salem, East Haddam, and Lyme, Connecticut), as well as the Boards of Selectmen and Land Use Commissions of these towns, voted to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(8) The State of Connecticut General Assembly enacted Public Act 05–18 to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(b) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

''(__) EIGHTMILE RIVER, CONNECTICUT.—Segments of the main stem and specified tributaries of the Eightmile River in the State of Connecticut, totaling approximately 25.3 miles, to be administered by the Secretary of the Interior as follows:

''(A) The entire 10.8-mile segment of the main stem, starting at its confluence with Lake Hayward Brook to its confluence with the Connecticut River at the mouth of Hamburg Cove, as a scenic river.

''(B) The 8.0-mile segment of the East Branch of the Eightmile River starting at Witch Meadow Road to its confluence with the main stem of the Eightmile River, as a scenic river.

''(C) The 3.9-mile segment of Harris Brook starting with the confluence of an unnamed stream lying 0.74 miles due east of the intersection of Hartford Road (State Route 85) and Round Hill Road to its confluence with the East Branch of the Eightmile River, as a scenic river.

''(D) The 1.9-mile segment of Beaver Brook starting at its confluence with Cedar Pond Brook to its confluence with the main stem of the Eightmile River, as a scenic river.

''(E) The 0.7-mile segment of Falls Brook from its confluence with Tisdale Brook to its confluence with the main stem of the Eightmile River at Hamburg Cove, as a scenic river.''.

(c) MANAGEMENT.—The segments of the main stem and certain tributaries of the Eightmile River in the State of Connecticut designated as components of the National Wild and Scenic Rivers System by the amendment made by subsection (b) (in this section referred to as the ''Eightmile River'') shall be managed in accordance with the Eightmile River Watershed Management Plan and such amendments to the plan as the Secretary of the Interior determines are consistent with this section. The Eightmile River Watershed Management Plan is deemed to satisfy the requirements for a comprehensive management plan required by section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(d) COMMITTEE.—The Secretary of the Interior shall coordinate the management responsibilities of the Secretary with regard to the Eightmile River with the Eightmile River Coordinating Committee, as specified in the Eightmile River Watershed Management Plan.

(e) COOPERATIVE AGREEMENTS.—In order to provide for the long-term protection, preservation, and enhancement of the Eightmile River, the Secretary of the Interior may enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the State of Connecticut, the towns of Salem, Lyme, and East Haddam, Connecticut, and appropriate local planning and environmental organizations. All cooperative agreements authorized by this subsection shall be consistent with the Eightmile River Watershed Management Plan and may include provisions for financial or other assistance from the United States.

(f) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the Eightmile River shall not be administered as part of the National Park System or be subject to regulations which govern the National Park System.

(g) LAND MANAGEMENT.—The zoning ordinances adopted by the towns of Salem, East Haddam, and Lyme, Connecticut, in effect as of December 8, 2005, including provisions for conservation of floodplains, wetlands, and watercourses associated with the segments, are deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277 (c)). For the purpose of section 6(c) of that Act, such towns shall be deemed ''villages'' and the provisions of that section, which prohibit Federal acquisition of lands by condemnation, shall apply to the segments designated by subsection (a). The authority of the Secretary to acquire lands for the purposes of this Act shall be limited to acquisition by donation or acquisition with the consent of the owner thereof, and shall be subject to the additional criteria set forth in the Eightmile River Watershed Management Plan.

(h) WATERSHED APPROACH.—

(1) IN GENERAL.—In furtherance of the watershed approach to resource preservation and enhancement articulated in the Eightmile River Watershed Management Plan, the tributaries of the Eightmile River watershed specified in paragraph (2) are recognized as integral to the protection and enhancement of the Eightmile River and its watershed.

(2) COVERED TRIBUTARIES.—Paragraph (1) applies with respect to Beaver Brook, Big Brook, Burnhams Brook, Cedar Pond Brook, Cranberry Meadow Brook, Early Brook, Falls Brook, Fraser Brook, Harris Brook, Hedge Brook, Lake Hayward Brook, Malt House Brook, Muddy Brook, Ransom Brook, Rattlesnake Ledge Brook, Shingle Mill Brook, Strongs Brook, Tisdale Brook, Witch Meadow Brook, and all other perennial streams within the Eightmile River watershed.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section and the amendment made by subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentleman from Oklahoma (Mr. COLE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. Mr. Speaker, H.R. 986 would designate 25.3 miles of the Eightmile River and its tributaries in Connecticut as a national scenic river. The bill was introduced by my friend and freshman class colleague, Representative JOE COURTNEY, who has been a strong and effective advocate of this designation.

This legislation would protect portions of the Eightmile River that have been found to have ''outstandingly remarkable'' values, including an intact watershed with a natural flow, very high water quality, unusual geological features, and large numbers of rare plants and animals.

The bill would designate five segments of the river and its tributaries as scenic under the Wild and Scenic Rivers Act. The designated segments would be managed according to a plan produced pursuant to the 2001 Eightmile River Wild and Scenic River Study Act.

The administration supports the bill, as we were told by a National Park Service witness at a hearing before the National Parks, Forests and Public Lands Subcommittee on April 17. In a draft study, the agency found these portions of the river and its tributaries to be eligible and suitable for designation.

The bill is cosponsored by the entire Connecticut House delegation. Both Connecticut Senators support the designation, as does the Republican Governor of Connecticut. The bill also enjoys ample support from the local community, including the local governments of the towns of Salem, East Haddam and Lyme.

The river would be managed under a partnership agreement as envisioned in section 10(e) of the Wild and Scenic Rivers Act.

The Congressional Budget Office has found that the bill contains no unfunded mandates, and will impose no

cost on State, local or tribal governments. CBO also says the bill will not affect direct spending, and will not significantly affect the National Park Service's costs.

□ 1430

During committee consideration of the bill, there had been expressed some concern about the private property protections in the bill. To ensure that the bill is absolutely clear on this point, my subcommittee chairman, the gentleman from Arizona (Mr. GRIJALVA) offered, and the committee adopted, language that expressly deems the zoning ordinances adopted by the towns of Salem, East Haddam, and Lyme to satisfy section 6(c) of the Wild and Scenic Rivers Act and limits the Secretary's acquisition authority to lands that are donated or bought from willing sellers. That provision tracks the language used in several wild and scenic river designations in the east, including the designation of Connecticut's other wild and scenic river, the Farmington River. The language has been in effect for over a decade without questions or ambiguity on those rivers or in court. According to the National Park Service, the administering agency, that language is absolutely unambiguous.

Mr. Speaker, this is a good bill. And I want to commend my colleague from Connecticut, Representative COURTNEY, for his commitment and leadership on this matter. We support passage of H.R. 986, as amended, and urge its adoption by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, some of our Members believe H.R. 986 has significant negative implications on private property in Connecticut. Fuzzy language included in this bill may leave the door open for the Federal Government to use eminent domain to seize private property in this new designation. This is especially concerning because this is the same congressional district where the Kelo v. New Haven case originated. I remind my colleagues that many times the Federal Government uses just the threat of condemnation to frighten private property owners and to intimidate them until they become so-called ''willing sellers.'' We must protect our constituents from this wanton abuse of power by making our intentions clear in this legislation.

Resource Committee Republicans made numerous efforts in both subcommittee and full committee to insert language that would have protected property owners in Connecticut. The language was plain and clear: Congress would not empower the Federal Government to condemn land and pressure owners into selling.

Unfortunately, these efforts were rebuffed by committee Democrats. It is still unclear to our side of the aisle why the majority wants to expose property owners to the threat of eminent domain. The only reasonable conclusion is that they believe the Federal Government should and must confiscate private property.

Because this bill has been brought under suspension of the rules, the minority will not have the opportunity to clean it up before the full House.

I urge my colleagues to oppose the bill and stand up against this and other Kelo-style assaults on private property rights.

Mr. Speaker, I reserve the balance of my time.

Mr. SARBANES. Mr. Speaker, I just want to assure my colleague again that the bill as drafted and as proposed today is one that is very clear in terms of the protections that he seeks, and we were very careful over the course of this bill's evolution to make sure of that.

I would at this time, Mr. Speaker, wish to yield such time as he may consume to the sponsor of this legislation, the gentleman from Connecticut and a colleague of my class (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, I, first of all, want to commend Mr. SARBANES for his superb summary of this legislation and the context in which it occurred and was introduced this year with the full support of the Connecticut delegation on a bipartisan basis, the Republican Governor of Connecticut, Jodi Rell, who was supporting the bill, and the Connecticut State legislature, which also passed a resolution in support of this measure. I also want to thank Chairman RAHALL and Ranking Member YOUNG for helping us bring this bill to the floor and also in particular subcommittee Chairman GRIJALVA and Ranking Member BISHOP for helping this bill through subcommittee and raising important issues, which, as has been pointed out, strike particularly close to home since the City of New London, which was a party to the Kelo case, was the locus of that decision and obviously caused great concern about property rights all across the country.

This bill, however, though, I believe is a balanced bill which represents more than 10 years of hard work by local citizens and elected officials to protect this important river and its intact watershed. The Eightmile River takes its name from the distance between its mouth at Lake Hayword to the Connecticut River and Long Island sound. It is unique in that it is a virtually free-flowing river over its entire run. The entire 62-square-mile watershed has a large forest cover and excellent water quality and is home to diverse fish populations and rare species. It is quite rare for a river of this size to be intact throughout its entire watershed, especially in areas so close to the coast of Long Island Sound and in such a densely populated State as the State of Connecticut.

After securing the go-ahead for a wild and scenic river study approved by this Congress in 2001, local officials and advocates decided early on to base the study on a watershed approach, rather than looking at specific areas of the river.

The wild and scenic study identified six outstanding resource values including its watershed ecosystem, natural communities, and cultural landscape. It concluded that the 25 miles of the meandering Eightmile River should be recommended for designation as ''scenic'' under the Wild and Scenic Rivers Act.

A management plan was approved by the three towns of East Haddam, Salem, and Lyme. And as I mentioned earlier, the General Assembly in Connecticut also joined in support for that management plan. And I will enter into the RECORD letters submitted by the First Selectmen of Salem and East Haddam, again bipartisan letters of support for this measure dated within the last about 48 hours or so.

SELECTMEN'S OFFICE,
East Haddam, CT, July 6, 2007.

An Act Concerning Designation of the Eightmile River Watershed within the National Wild and Scenic River System.

Hon. JOSEPH COURTNEY,
Congressman, Second District,
Norwich, CT.

DEAR CONGRESSMAN COURTNEY: Thank you for your time and efforts in this important matter. I am writing to reassure you that the citizens and elected officials of East Haddam are overwhelmingly in favor of Wild & Scenic designation.

Over ten years ago my predecessor, along with the First Selectmen from Lyme and Salem signed the Eightmile River Watershed Conservation Compact. That inter-municipal agreement represented East Haddam's commitment to a regional project that our town has participated in and endorsed widely. The Compact states: ''We understand that 1) land use in our towns is the key determinant to the health of the Watershed's natural resources; 2) a healthy watershed ecosystem is consistent with our town goals of promoting a healthy community, preserving rural character, and nurturing suitable economic growth.''

This broad view of the Eightmile River Watershed including its rural character, economic well being and intact natural resources has led to a heightened awareness and concern for this fragile system by a broad spectrum of town residents. Over the 12 years of East Haddam's participation in the Eightmile work, I have heard of only a small number of individuals who oppose the project. We have overwhelming support from the business community and private citizens alike. In fact, our river front landowners are some of the strongest advocates—they deeply understand the risks that unchecked development and sprawl will have on the river in their own back yards. The town has also taken measures to protect much of the open space in the watershed area.

Thanks again for your time and attention to our pristine Eightmile Watershed.

Sincerely,

BRAD PARKER,
First Selectman.

THE TOWN OF SALEM, CONNECTICUT,
July 9, 2007.

Hon. JOSEPH COURTNEY,
Washington, DC.

DEAR CONGRESSMAN COURTNEY: As First Selectman for the Town of Salem I would

like to reiterate Salem's strong commitment to protecting and preserving the Eight Mile River and the surrounding watershed. Resources such as this are critically important to the health and well being of all residents in this part of southeastern Connecticut, and need to be recognized for their intrinsic value.

Federal designation as a Wild and Scenic River is an important part of preserving this natural resource. The Town of Salem is pleased that you have chosen to sponsor this effort and guide it through the legislative process. Thank you, and if we can be of any additional assistance in support of your efforts, please do not hesitate to contact us.

Sincerely,

R. LARRY REITZ,
First Selectman.

Mr. Speaker, as I said from the beginning, this is a locally driven effort, and over the course of this study there were forums, mailings, public meetings, and even a local land use commissioners summit, which demonstrated broad bipartisan support for the legislation.

Although located in a rural area of Connecticut, the watershed is no less susceptible to unchecked growth and development. But it is important, and, again, this I know was raised by the minority, to emphasize that the bill before us today preserves the rights of landowners. Section 2(g)(2) specifically prohibits the use of eminete domain-type powers for this system. And, again, we have experience in Connecticut with the Farmington River Wild and Scenic designation to know that that language is, in fact, a barrier for any kind of unwarranted intrusion by the Federal Government over private property rights. And, again, the amendment, which Mr. SARBANES referred to, in the subcommittee, if anything, beefed up that protection to make sure that any concerns which may exist about involuntary takings are addressed in this legislation.

Mr. Speaker, the Wild and Scenic Rivers Act will next year celebrate its 40th year of successful environmental stewardship in this country. And it is important to add the Eightmile, a river with unique, intact natural resources, to the list of important rivers protected under this act. Designation as a member of the wild and scenic river system would facilitate long-term coordination among the towns within the watershed and increase local commitment to long-term river protection.

The entire Connecticut delegation is supportive of this endeavor; and to my colleagues in the House, I ask them to join me in support of this legislation. And, again, I thank Mr. SARBANES for his support.

Mr. COLE of Oklahoma. Mr. Speaker, I yield back the balance of my time.

Mr. SARBANES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and pass the bill, H.R. 986, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MCHENRY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT FEASIBILITY STUDY

Mr. SARBANES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1337) to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CENTRAL OKLAHOMA MASTER CONSERVATORY DISTRICT FEASIBILITY STUDY.

(a) FINDINGS.—Congress finds that—

(1) Thunderbird Lake, located on Little River in central Oklahoma, was constructed in 1965 by the Bureau of Reclamation for flood control, water supply, recreation, and fish and wildlife purposes;

(2) the available yield of Thunderbird Lake is allocated to the Central Oklahoma Master Conservatory District, which supplies municipal and industrial water supplies to the cities of Norman, Midwest City, and Del City, Oklahoma; and

(3) studies conducted by the Bureau during fiscal year 2003 indicate that the District will require additional water supplies to meet the future needs of the District, including through—

(A) the drilling of additional wells;

(B) the implementation of a seasonal pool plan at Thunderbird Lake;

(C) the construction of terminal storage to hold wet-weather yield from Thunderbird Lake;

(D) a reallocation of water storage; and

(E) the importation of surplus water from sources outside the basin of Thunderbird Lake.

(b) STUDY.—Beginning no later than 1 year after the date of enactment of this Act, the Commissioner of the Bureau of Reclamation shall conduct a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservatory District and cities served by the District, including recommendations of the Commissioner, if any.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commissioner of the Bureau of Reclamation $900,000 to conduct the study under subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentleman from Oklahoma (Mr. COLE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 1337, introduced by our colleague, Congressman TOM COLE of Oklahoma, is to direct the Commissioner of the Bureau of Reclamation to conduct a feasibility study on alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the district.

The Norman Project was constructed by the Bureau of Reclamation for municipal and industrial water supply, flood control, recreation, and fish and wildlife purposes in central Oklahoma. Population growth in the area is increasing pressure on already constrained water supplies, and the demand for water is expected to surpass the supply that the Norman Project in its present form can provide.

A preliminary report on alternative measures to augment water supplies at Lake Thunderbird has already been completed. The report concluded that a need exists to improve municipal and industrial water supplies from the Norman Project and that a number of alternatives are available to meet that need. A feasibility study is required to fully evaluate all the alternatives. H.R. 1337 directs the Bureau of Reclamation to conduct such a study.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1337.

This bill, which I authored, provides for a water feasibility study to ascertain additional sources of water for the Central Oklahoma Master Conservancy District, which serves the cities of Norman, Midwest City, and Del City, Oklahoma. This bill provides limited Federal assistance, with the Conservancy District providing a local 50/50 match and demonstrating their dedication to this critical initiative. This legislation will help address and alleviate the water challenges facing these three cities. I would like to commend and sincerely thank all the parties involved in working hard to help see this bill pass into public law.

The primary source of water for the Conservancy District is Lake Thunderbird, completed in 1965 by the Bureau of Reclamation. Incidentally, since 1988 one of the cities serviced by the Conservancy District, Norman, Oklahoma, has on numerous occasions exceeded their annual share of Lake Thunderbird's supplies. As a result, Norman has been forced to pull additional water from its original water source used before Lake Thunderbird was built and create an emergency supply line from

nearby Oklahoma City. Recognizing that the projected demand on water supply will only increase as these three cities grow in population, the Conservancy District is taking proactive steps to find long-range solutions to their water needs.

In 2003, working with the Conservancy District and recognizing the water strain in central Oklahoma, Congress provided the Bureau of Reclamation with funding for an initial water study, which it completed in August of 2005. This appraisal explores and proposes much-needed viable opportunities to enhance the current and long-term water supply of the Conservancy District. I introduced H.R. 1337 both at the behest of the Conservancy District and in the same spirit that Congress previously funded the building of Lake Thunderbird and the appraisal investigation: to facilitate the long-term vitality and well-being of the citizens served by the Conservancy District and, as an extension, the vitality and well-being of Oklahoma as a whole. It is important to note, Mr. Speaker, that the Conservancy District provides waters for more than 175,000 residents, meaning that no fewer than one out of every four of my constituents stands to benefit from this study.

Mr. Speaker, I sincerely appreciate the chairman and ranking member's diligent work on this bill, and I strongly urge support and passage of H.R. 1337.

□ 1445

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SARBANES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and pass the bill, H.R. 1337, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SARBANES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RANCHO CALIFORNIA WATER DISTRICT RECYCLED WATER RECLAMATION FACILITY ACT OF 2007

Mr. SARBANES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1725) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Rancho California Water District Southern Riverside County Recycled/Non-Potable Distribution Facilities and Demineralization/Desalination Recycled Water Treatment and Reclamation Facility Project.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1725

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 ''Rancho California Water District Recycled Water Reclamation Facility Act of 2007''.

SEC. 2. PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding after section 16___ the following:

''SEC. 16___. RANCHO CALIFORNIA WATER DISTRICT PROJECT, CALIFORNIA.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Rancho California Water District, California, may participate in the design, planning, and construction of permanent facilities for water recycling, demineralization, and desalination, and distribution of non-potable water supplies in Southern Riverside County, California.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project or $20,000,000, whichever is less.

''(c) LIMITATION.—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the project described in subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of items in section 2 of Public Law 102–575 is amended by inserting after the item relating to section 16___ the following:

''Sec. 16___. Rancho California Water District Project, California.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentleman from Oklahoma (Mr. COLE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. Mr. Speaker, I yield myself such time as I may consume.

The purpose of H.R. 1725, as introduced by our colleague from California (Mrs. BONO), is to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in an important water supply project for Southern Riverside County in California.

H.R. 1725 authorizes the Secretary of the Interior, in cooperation with the Rancho California Water District, to participate in the design, planning and construction of permanent facilities for water recycling, demineralization, desalination and distribution of non-potable water supplies in Southern Riverside County. When completed, the project will significantly enhance scarce water resources in Rancho California by quadrupling recycled water supplies.

H.R. 1725 seeks to help communities in Southern Riverside County as they try to drought-proof their water supplies.

I urge my colleagues to join me in supporting H.R. 1725.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I rise in support of H.R. 1725 and yield myself such time as I may consume.

H.R. 1725, introduced by our colleague, MARY BONO of California, authorizes funds to complete a three-stage plan for water recycling in Riverside County, California, Mr. Speaker.

This legislation would help ease the county's dependency on imported water and will help drought-proof this arid region of southern California.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SARBANES. Mr. Speaker, I yield back the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I would like to yield such time as she may consume to the distinguished gentlelady from California (Mrs. BONO).

Mrs. BONO. Mr. Speaker, I would first like to take this opportunity to thank Chairman RAHALL and Ranking Member YOUNG for their support of H.R. 1725, the Rancho California Water District, or RCWD, Recycled Water Reclamation Facility Act of 2007.

Thanks to the speed with which they were able to move this bill through regular order, with the help of Subcommittee Chairman NAPOLITANO and Ranking Member MCMORRIS RODGERS, we are now able to consider this legislation in the full House.

Mr. Speaker, H.R. 1725, which I introduced in March of this year, authorizes funding to begin implementation of the RCWD regional Integrated Resources Plan. The legislation directly affects water usage for an area of the Nation that continues to experience rapid population growth. Riverside County, where RCWD operates, is California's fourth largest county and experienced a population increase of 76 percent from 1980 to 1990. By the year 2000, this county's population was at over 1.5 million residents.

In particular, RCWD serves the City of Temecula, parts of the City of Murrieta and the surrounding area, which is represented by both myself and Congressman DARRELL ISSA. Southwest Riverside County continues to grow quickly, with numerous military families and those who commute to both Los Angeles and San Diego. Coupled with this residential growth, the area is also home to a strong agricultural industry. Citrus, avocados and wine grape fields dot the area and bring with them jobs, crop revenues and, not to mention, some extremely good wine.

H.R. 1725 also enjoys the support from the surrounding water districts, including Eastern and Western Municipal Water Districts and Metropolitan

Water District, which provides drinking water to nearly 18 million people throughout southern California.

The funding authorized in my legislation will take significant steps toward enacting the Integrated Resource Plan that has a total cost of around $103 million. The results of this plan are primarily three things: an expansion of local recycled water resources; a dependable conversion of water used in the agriculture sector to a recycled and raw water system; and a facility to desalinate recycled water for agricultural use.

Put in more simple terms, the benefits to the area are clear: As this part of Riverside County continues to see more residential growth, the IRP project will free up enough treated water to supply up to 70,000 households. The capability to reuse over 16,000 acre-feet of recycled water will be in place, keeping the local agricultural sector vibrant and maximizing local water storage.

It is also important to note that, in May, the local water districts completed a year-long feasibility study which, in part, indicated a gross savings of $789 million in purchased water costs over the 30 years after the project is completed. The savings to the area and modernization of local water infrastructure is something crucial for this part of my district.

As you know, the value of thoughtful water usage in this area of southern California is extremely high. The strong support this legislation received within the Natural Resources Committee shows a bipartisan understanding other Members have of improving water delivery to both residential and agricultural users.

Once again, I would like to thank the chairman, the ranking member, their staff, and my own Chris Foster, for all of their help.

I ask for the support of Members from both sides of the aisle on H.R. 1725, the legislation I'm proud to have authored.

Mr. COLE of Oklahoma. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and pass the bill, H.R. 1725.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NEW MEXICO WATER PLANNING ASSISTANCE ACT

Mr. SARBANES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1904) to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1904

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 ''New Mexico Water Planning Assistance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey.

(2) STATE.—The term ''State'' means the State of New Mexico.

SEC. 3. COMPREHENSIVE WATER PLAN ASSISTANCE.

(a) IN GENERAL.—Upon the request of the Governor of the State and subject to subsections (b) through (f), the Secretary shall—

(1) provide to the State technical assistance and grants for the development of comprehensive State water plans;

(2) conduct water resources mapping in the State; and

(3) conduct a comprehensive study of groundwater resources (including potable, brackish, and saline water resources) in the State to assess the quantity, quality, and interaction of groundwater and surface water resources.

(b) TECHNICAL ASSISTANCE.—Technical assistance provided under subsection (a) may include—

(1) acquisition of hydrologic data, groundwater characterization, database development, and data distribution;

(2) expansion of climate, surface water, and groundwater monitoring networks;

(3) assessment of existing water resources, surface water storage, and groundwater storage potential;

(4) numerical analysis and modeling necessary to provide an integrated understanding of water resources and water management options;

(5) participation in State planning forums and planning groups;

(6) coordination of Federal water management planning efforts;

(7) technical review of data, models, planning scenarios, and water plans developed by the State; and

(8) provision of scientific and technical specialists to support State and local activities.

(c) ALLOCATION.—In providing grants under subsection (a), the Secretary shall, subject to the availability of appropriations, allocate—

(1) $5,000,000 to develop hydrologic models and acquire associated equipment for the New Mexico Rio Grande main stem sections and Rios Pueblo de Taos and Hondo, Rios Nambe, Pojoaque and Teseque, Rio Chama, and Lower Rio Grande tributaries;

(2) $1,500,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for the San Juan River and tributaries;

(3) $1,000,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for Southwest New Mexico, including the Animas Basin, the Gila River, and tributaries;

(4) $4,500,000 for statewide digital orthophotography mapping; and

(5) such sums as are necessary to carry out additional projects consistent with subsection (b).

(d) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The non-Federal share of the total cost of any activity carried out using a grant provided under subsection (a) shall be 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the activity assisted.

(e) NONREIMBURSABLE BASIS.—Any assistance or grants provided to the State under this Act shall be made on a non-reimbursable basis.

(f) AUTHORIZED TRANSFERS.—On request of the State, the Secretary shall directly transfer to 1 or more Federal agencies any amounts made available to the State to carry out this Act.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $3,000,000 for each of fiscal years 2008 through 2012.

SEC. 5. SUNSET OF AUTHORITY.

The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentleman from Oklahoma (Mr. COLE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. Mr. Speaker, I yield myself such time as I may consume.

The purpose of H.R. 1904, as introduced by our colleague from New Mexico (Mrs. WILSON), is to provide assistance to the State of New Mexico for the development of comprehensive State water plans.

The bill directs the Secretary of the Interior to provide New Mexico with technical assistance and grants for the development of a comprehensive State water plan. This includes a survey and mapping of water resources in New Mexico, a study of groundwater quality and quantity, and a study on the relationships between groundwater and surface water in the State.

A key understanding of our most precious resource is required if we are to meet the water supply needs of our growing communities and our environment. H.R. 1904 seeks just such an understanding from New Mexico.

I urge my colleagues to join me in supporting H.R. 1904.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I rise in support of H.R. 1904 and yield myself such time as I may consume.

H.R. 1904, introduced by our colleague, HEATHER WILSON, directs the Secretary of the Interior to provide New Mexico with technical assistance and grants for the development of comprehensive State water plans and to assess the quality, quantity and interaction of groundwater and surface water resources in the State.

This legislation recognizes that States have primacy over groundwater but provides limited Federal assistance to help the State carry out its efforts and help water consumers.

I urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SARBANES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and pass the bill, H.R. 1904.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING 63RD ANNIVERSARY OF BIG BEND NATIONAL PARK

Mr. SARBANES. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 483) recognizing the 63rd Anniversary of Big Bend National Park, established on June 12, 1944.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 483

Whereas Big Bend National Park is a scenic treasure of southwest Texas encompassing more than 800,000 acres;

Whereas Big Bend National Park manages nearly one quarter of the approximately 1000 mile stretch of the Rio Grande River that also serves as the boundary between the United States and Mexico;

Whereas along the boundary of the park, the flow of the Rio Grande River shifts from a southeasterly direction to the northeast, forming the bend after which the park is named;

Whereas Big Bend National Park is unique because it covers a variety of different ecosystems ranging from the Chihuahuan Desert to the Chisos Mountains;

Whereas Native people inhabited the area for thousands of years;

Whereas many people have traversed the Big Bend region in the past 150 years, including Spanish explorers, Comanche Indians, Mexican settlers, and American ranchers;

Whereas in 1933 the Texas Legislature, led by Everett Ewing Townsend, established the Texas Canyons State Park;

Whereas later that year the park was expanded and renamed Big Bend State Park;

Whereas Townsend later became known as the Father of Big Bend National Park;

Whereas between 1934 and 1942 the Civilian Conservation Corps worked diligently to make the park suitable for visitors; and

Whereas 63 years ago Big Bend National Park, ''Texas' Gift to the Nation'', was officially established on June 12, 1944: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 63rd anniversary of the founding of Big Bend National Park; and

(2) honors the National Park Service for their service to the Big Bend region and Big Bend National Park.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentleman from Oklahoma (Mr. COLE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SARBANES. Mr. Speaker, House Resolution 483 was introduced by our colleague from Texas, Representative CIRO RODRIGUEZ. And I know that Representative RODRIGUEZ wanted to be here today in the Chamber as we speak to this legislation but has been caught in the storms outside.

H. Res. 483 recognizes the 63rd anniversary of Big Bend National Park in west Texas and honors the National Park Service for their service to the Big Bend region and Big Bend National Park.

I want to commend Representative RODRIGUEZ for his efforts to bring congressional recognition to this special place and to the agency and hard-working employees who care for it.

Big Bend National Park is a spectacular 800,000-acre scenic treasure on the Rio Grande in west Texas. The park protects the largest representative example of the Chihuahuan Desert ecosystem within the United States. The park's river, desert and mountain environments support an extraordinary richness of biologic diversity, including unique plants and animals that exist nowhere else in the world. The park provides outstanding recreation opportunities to over 300,000 visitors a year.

Big Bend is not only nationally significant but also internationally significant. Big Bend National Park manages nearly one-quarter of the approximately 1,000-mile stretch of the Rio Grande River that also serves as the boundary between the United States and Mexico.

Together with two Mexican protected areas, Big Bend is now part of the largest transboundary protected areas in North America, serving as a model for international cooperation.

Mr. Speaker, House Resolution 483 recognizes the importance of Big Bend National Park to the ecology, history and economy of west Texas. It also recognizes the hard work of the National Park Service and its employees and honors their service to the region and the country as a whole.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

The majority has adequately explained this resolution. We join with them in recognizing the 63rd anniversary of Big Bend National Park and hope this occasion will further highlight the need to secure our public lands from the ecological devastation caused by unfettered, illegal crossers and drug traffickers.

I urge colleagues to support this resolution.

Mr. RODRIGUEZ. Mr. Speaker, I rise today in support of H. Res. 483, to recognize the anniversary of Big Bend National Park.

Sixty-three years ago the State of Texas bestowed the 800,000 acres of pristine desert and mountain terrain that now make up the Big Bend National Park upon the United States of America.

Big Bend began as a small State park, but in 1942, just following the Great Depression, Texas purchased 600,000 acres of land from private landowners at the price of $1.5 million.

The cost was high at the time, but Texas donated the land to the Federal Government for the establishment of a national park.

With that gesture, the State of Texas provided the Nation and its citizens with a majestic national park that has been enjoyed for over a half a century so far.

This resolution pays tribute not only to the picturesque landscape of the park itself, but to those who made it possible to preserve this land for generations to come.

Everett Ewing Townsend, known as the father of Big Bend National Park, was the champion of this effort.

In 1894 Townsend traveled to the Chisos Mountains and later recalled that the breathtaking southern view from the mountains made him ''see God as he had never seen Him before.''

He vowed to preserve the region in some way, and 63 years later we can see that he has made good on his promise.

His efforts, first in the State Legislature and later as the Commissioner of the national park, provided the United States with an unspoiled tract of land that has since been enjoyed by hundreds of thousands of visitors.

Big Bend National Park, encompassing the region where the Chihuahuan Desert intersects with the Chisos Mountains features a distinct landscape.

The park is surrounded on the south by the mighty Rio Grande.

The outer boundary is marked by the area where the flow of the river shifts from southeast to northeast, forming the giant bend after which the park is named.

With river, mountain and desert all in one, Big Bend National Park could easily be considered three parks in one.

However, west Texas is fortunate to have such a diverse environment preserved within the boundaries of one awe-inspiring park.

The establishment of Big Bend National Park in 1944 allowed the vast expanse of land to be conserved.

At the same time, it protected the rich history of the region.

Native people have inhabited the area for thousands of years, and in more recent years diverse groups of people have traversed the Big Bend.

In the past century and a half Spanish explorers, Comanche Indians, Mexican settlers and American ranchers have all traveled through or lived within the park's terrain.

Thus, this important resolution recognizes the 63rd anniversary of the establishment of

Big Bend National Park and the people who made their way through the region well before then.

H. Res. 483 also honors the National Park Service for their work in the Big Bend.

It is important that we recognize Big Bend National Park's contributions to our Nation as well as the contribution that the park's founders and staff have made to the land since then.

Mr. COLE of Oklahoma. Mr. Speaker, I yield back the balance of my time.

Mr. SARBANES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and agree to the resolution, H. Res. 483.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

UPPER MISSISSIPPI RIVER BASIN PROTECTION ACT

Mr. SARBANES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2381) to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Upper Mississippi River Basin Protection Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Reliance on sound science.

TITLE I—SEDIMENT AND NUTRIENT MONITORING NETWORK

Sec. 101. Establishment of monitoring network.
Sec. 102. Data collection and storage responsibilities.
Sec. 103. Relationship to existing sediment and nutrient monitoring.
Sec. 104. Collaboration with other public and private monitoring efforts.
Sec. 105. Reporting requirements.
Sec. 106. National Research Council assessment.

TITLE II—COMPUTER MODELING AND RESEARCH

Sec. 201. Computer modeling and research of sediment and nutrient sources.
Sec. 202. Use of electronic means to distribute information.
Sec. 203. Reporting requirements.

TITLE III—AUTHORIZATION OF APPROPRIATIONS AND RELATED MATTERS

Sec. 301. Authorization of appropriations.
Sec. 302. Cost-sharing requirements.

SEC. 2. DEFINITIONS.

In this Act:

(1) The terms ''Upper Mississippi River Basin'' and ''Basin'' mean the watershed portion of the Upper Mississippi River and Illinois River basins, from Cairo, Illinois, to the headwaters of the Mississippi River, in the States of Minnesota, Wisconsin, Illinois, Iowa, and Missouri. The designation includes the Kaskaskia watershed along the Illinois River and the Meramec watershed along the Missouri River.

(2) The terms ''Upper Mississippi River Stewardship Initiative'' and ''Initiative'' mean the activities authorized or required by this Act to monitor nutrient and sediment loss in the Upper Mississippi River Basin.

(3) The term ''sound science'' refers to the use of accepted and documented scientific methods to identify and quantify the sources, transport, and fate of nutrients and sediment and to quantify the effect of various treatment methods or conservation measures on nutrient and sediment loss. Sound science requires the use of documented protocols for data collection and data analysis, and peer review of the data, results, and findings.

SEC. 3. RELIANCE ON SOUND SCIENCE.

It is the policy of Congress that Federal investments in the Upper Mississippi River Basin must be guided by sound science.

TITLE I—SEDIMENT AND NUTRIENT MONITORING NETWORK

SEC. 101. ESTABLISHMENT OF MONITORING NETWORK.

(a) ESTABLISHMENT.—As part of the Upper Mississippi River Stewardship Initiative, the Secretary of the Interior shall establish a sediment and nutrient monitoring network for the Upper Mississippi River Basin for the purposes of—

(1) identifying and evaluating significant sources of sediment and nutrients in the Upper Mississippi River Basin;

(2) quantifying the processes affecting mobilization, transport, and fate of those sediments and nutrients on land and in water;

(3) quantifying the transport of those sediments and nutrients to and through the Upper Mississippi River Basin;

(4) recording changes to sediment and nutrient loss over time;

(5) providing coordinated data to be used in computer modeling of the Basin, pursuant to section 201; and

(6) identifying major sources of sediment and nutrients within the Basin for the purpose of targeting resources to reduce sediment and nutrient loss.

(b) ROLE OF UNITED STATES GEOLOGICAL SURVEY.—The Secretary of the Interior shall carry out this title acting through the office of the Director of the United States Geological Survey.

SEC. 102. DATA COLLECTION AND STORAGE RESPONSIBILITIES.

(a) GUIDELINES FOR DATA COLLECTION AND STORAGE.—The Secretary of the Interior shall establish guidelines for the effective design of data collection activities regarding sediment and nutrient monitoring, for the use of suitable and consistent methods for data collection, and for consistent reporting, data storage, and archiving practices.

(b) RELEASE OF DATA.—Data resulting from sediment and nutrient monitoring in the Upper Mississippi River Basin shall be released to the public using generic station identifiers and hydrologic unit codes. In the case of a monitoring station located on private lands, information regarding the location of the station shall not be disseminated without the landowner's permission.

(c) PROTECTION OF PRIVACY.—Data resulting from sediment and nutrient monitoring in the Upper Mississippi River Basin is not subject to the mandatory disclosure provisions of section 552 of title 5, United States Code, but may be released only as provided in subsection (b).

SEC. 103. RELATIONSHIP TO EXISTING SEDIMENT AND NUTRIENT MONITORING.

(a) INVENTORY.—To the maximum extent practicable, the Secretary of the Interior shall inventory the sediment and nutrient monitoring efforts, in existence as of the date of the enactment of this Act, of Federal, State, local, and nongovernmental entities for the purpose of creating a baseline understanding of overlap, data gaps and redundancies.

(b) INTEGRATION.—On the basis of the inventory, the Secretary of the Interior shall integrate the existing sediment and nutrient monitoring efforts, to the maximum extent practicable, into the sediment and nutrient monitoring network required by section 101.

(c) CONSULTATION AND USE OF EXISTING DATA.—In carrying out this section, the Secretary of the Interior shall make maximum use of data in existence as of the date of the enactment of this Act and of ongoing programs and efforts of Federal, State, tribal, local, and nongovernmental entities in developing the sediment and nutrient monitoring network required by section 101.

(d) COORDINATION WITH LONG-TERM ESTUARY ASSESSMENT PROJECT.—The Secretary of the Interior shall carry out this section in coordination with the long-term estuary assessment project authorized by section 902 of the Estuaries and Clean Waters Act of 2000 (Public Law 106–457; 33 U.S.C. 2901 note).

SEC. 104. COLLABORATION WITH OTHER PUBLIC AND PRIVATE MONITORING EFFORTS.

To establish the sediment and nutrient monitoring network, the Secretary of the Interior shall collaborate, to the maximum extent practicable, with other Federal, State, tribal, local and private sediment and nutrient monitoring programs that meet guidelines prescribed under section 102(a), as determined by the Secretary.

SEC. 105. REPORTING REQUIREMENTS.

The Secretary of the Interior shall report to Congress not later than 180 days after the date of the enactment of this Act on the development of the sediment and nutrient monitoring network.

SEC. 106. NATIONAL RESEARCH COUNCIL ASSESSMENT.

The National Research Council of the National Academy of Sciences shall conduct a comprehensive water resources assessment of the Upper Mississippi River Basin.

TITLE II—COMPUTER MODELING AND RESEARCH

SEC. 201. COMPUTER MODELING AND RESEARCH OF SEDIMENT AND NUTRIENT SOURCES.

(a) MODELING PROGRAM REQUIRED.—As part of the Upper Mississippi River Stewardship Initiative, the Director of the United States Geological Survey shall establish a modeling program to identify significant sources of sediment and nutrients in the Upper Mississippi River Basin.

(b) ROLE.—Computer modeling shall be used to identify subwatersheds which are significant sources of sediment and nutrient loss and shall be made available for the purposes of targeting public and private sediment and nutrient reduction efforts.

(c) COMPONENTS.—Sediment and nutrient models for the Upper Mississippi River Basin shall include the following:

(1) Models to relate nutrient loss to landscape, land use, and land management practices.

(2) Models to relate sediment loss to landscape, land use, and land management practices.

(3) Models to define river channel nutrient transformation processes.

(d) COLLECTION OF ANCILLARY INFORMATION.—Ancillary information shall be collected in a GIS format to support modeling

and management use of modeling results, including the following:

(1) Land use data.

(2) Soils data.

(3) Elevation data.

(4) Information on sediment and nutrient reduction improvement actions.

(5) Remotely sense data.

SEC. 202. USE OF ELECTRONIC MEANS TO DISTRIBUTE INFORMATION.

Not later than 90 days after the date of the enactment of this Act, the Director of the United States Geological Survey shall establish a system that uses the telecommunications medium known as the Internet to provide information regarding the following:

(1) Public and private programs designed to reduce sediment and nutrient loss in the Upper Mississippi River Basin.

(2) Information on sediment and nutrient levels in the Upper Mississippi River and its tributaries.

(3) Successful sediment and nutrient reduction projects.

SEC. 203. REPORTING REQUIREMENTS.

(a) MONITORING ACTIVITIES.—Commencing one year after the date of the enactment of this Act, the Director of the United States Geological Survey shall provide to Congress and make available to the public an annual report regarding monitoring activities conducted in the Upper Mississippi River Basin.

(b) MODELING ACTIVITIES.—Every three years, the Director of the United States Geological Survey shall provide to Congress and make available to the public a progress report regarding modeling activities.

TITLE III—AUTHORIZATION OF APPROPRIATIONS AND RELATED MATTERS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) UNITED STATES GEOLOGICAL SURVEY ACTIVITIES.—There is authorized to be appropriated to the United States Geological Survey $6,250,000 each fiscal year to carry out this Act (other than section 106). Of the amounts appropriated for a fiscal year pursuant to this authorization of appropriations, one-third shall be made available for the United States Geological Survey Cooperative Water Program and the remainder shall be made available for the United States Geological Survey Hydrologic Networks and Analysis Program.

(b) WATER RESOURCE AND WATER QUALITY MANAGEMENT ASSESSMENT.—There is authorized to be appropriated $650,000 to allow the National Research Council to perform the assessment required by section 106.

SEC. 302. COST-SHARING REQUIREMENTS.

Funds made available for the United States Geological Survey Cooperative Water Program under section 301(a) shall be subject to the same cost sharing requirements as specified in the last proviso under the heading ''**UNITED STATES GEOLOGICAL SURVEY-SURVEYS, INVESTIGATIONS, AND RESEARCH**'' of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54; 119 Stat. 510; 43 U.S.C. 50).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. SARBANES) and the gentleman from Oklahoma (Mr. COLE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

□ 1500

Mr. SARBANES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2381 directs the Secretary of the Interior, acting through the United States Geological Survey, to establish a nutrient and sediment monitoring network for the Upper Mississippi River Basin. We strongly support H.R. 2381, championed by our colleague on the Natural Resources Committee, Congressman RON KIND. This bill would put into place a coordinated public-private approach to sediment and nutrient monitoring in the Upper Mississippi River Basin as part of an effort to improve water quality.

The Upper Mississippi River is extremely important not only to the communities and States along the route it flows, but also to the Nation as a whole. Twenty-one years ago, Congress designated this river segment as both a nationally significant ecosystem and a nationally significant navigation system. It is the only inland river in the United States to have such a designation. Our colleague, RON KIND, has worked hard to secure enactment of this legislation. I commend him for his diligent effort on this important bill.

I urge my colleagues to support H.R. 2381.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I rise in support of H.R. 2381 and yield myself such time as I may consume.

Mr. Speaker, the Democratic bill manager has more than adequately explained this piece of legislation. The House has passed a similar version of this bill in the previous two Congresses. I am certainly happy to see that we are doing so again.

Mr. KIND. Mr. Speaker, I rise today in support of a bill I have authored that will help scientists and local officials make informed, scientifically based decisions about one of the most important natural resources in this country, the Upper Mississippi River.

The Mississippi River is one of America's great national treasures, running right through the heart of this country. It is North America's largest migratory bird flyway, with 40 percent of the continent's waterfowl species using this corridor during their annual migrations. It also waters the Nation's breadbasket, providing the nutrient-rich soils we enjoy in the midwest and water for irrigation. It also provides drinking water for nearly 30 million Americans and a passageway for billions of dollars in commerce.

But, the Mississippi is threatened by increasing sediment and nutrient flows that gum up the river and poison its ecosystems. H.R. 2381, The Upper Mississippi River Basin Protection Act, is a commonsense piece of legislation that would establish a coordinated public-private approach to reducing these threats, which affect all parts of the river and even the Gulf of Mexico where nutrients have created and continue to enlarge the gulf dead zone.

We can address these issues, but we need hard scientific data to do it. That is where this bill comes in. H.R. 2381 establishes a sub-basin monitoring program whereby the United States Geological Service will monitor where nutrients enter the river and use computer modeling to follow the nutrient flows downstream. This will allow local conservationists and land managers to pinpoint exactly where conservation and education are most needed.

This scientific approach has received widespread approval and been endorsed by the five Upper Mississippi State Governors. I thank the Natural Resources Committee staff for helping put this innovative piece of legislation together, and I thank the chairman for his support of the bill. This bill has passed the House in each of the last three Congresses, and I urge my colleagues to support it again today.

Mr. COLE of Oklahoma. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. SARBANES. Mr. Speaker, I have no further requests for time. I do understand that Representative KIND has been delayed, as well, by the storm; and he wanted to be here.

Mr. Speaker, I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and pass the bill, H.R. 2381.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING HOME OWNERSHIP AND RESPONSIBLE LENDING

Mrs. MALONEY of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 526) supporting home ownership and responsible lending.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 526

Whereas home ownership is an important part of realizing the American Dream;

Whereas home ownership is a powerful economic stimulus, both for individual homeowners and for the national economy;

Whereas home ownership also benefits neighborhoods by raising property values and by providing economic and social capital in previously distressed communities;

Whereas in 2006, more than 75,000,000 Americans owned homes, and the home ownership rate was nearly 69 percent, a near record high;

Whereas the home ownership rate for non-Hispanic whites in 2006 was 76 percent, while the rate for African American households was only 48.2 percent; Hispanic households were at 49.5 percent, and Asian, Native Americans, and Pacific Islanders were at 60 percent;

Whereas this Nation experienced a housing boom from 2001 to 2006, due to historically low mortgage rates, rising home prices, and increased liquidity in the secondary mortgage market, all factors that led to the growth of the sub-prime mortgage industry;

Whereas the sub-prime market has created home ownership opportunities for lower-income people, families without access to down payments and people with little or no credit histories, but has also created opportunities for ''predatory'' lending in which unscrupulous lenders have hidden the true cost of sub-prime loans from unsophisticated borrowers;

Whereas during the past few months, it has become increasingly clear that irresponsible sub-prime lending practices have contributed to a wave of foreclosures that are harming communities and disrupting housing markets;

Whereas higher cost sub-prime mortgage loans are most prevalent in lower-income neighborhoods with high concentrations of minorities (in 2005, 53 percent of African American and 37.8 percent of Hispanic borrowers took out sub-prime loans);

Whereas foreclosures are also costly from a legal and administrative standpoint, with the average foreclosure costing the borrower $7,200 in administrative charges;

Whereas lenders do not typically benefit from taking over a delinquent owner's property, losing thousands of dollars per foreclosure;

Whereas foreclosures can also be very costly for local governments because abandoned homes cost districts tax revenue;

Whereas a recent study calculated that a single-family home foreclosure lowers the value of homes located within one-eighth of a mile (or one city block) by an average of 0.9 percent and even more so (1.4 percent) in low to moderate-income communities; and

Whereas the time has come to raise awareness about the dangers of risky loans and to protect homeowners from unscrupulous lending practices: Now, therefore, be it

Resolved, That—

(1) it is the sense of the House that Government action should be taken that protects buyers from unscrupulous mortgage brokers and lenders; and

(2) specifically, such action should—

(A) enforce rules to eliminate unfair and deceptive practices in sub-prime mortgage lending;

(B) encourage lenders to evaluate a borrower's ability to reasonably repay any mortgage loan;

(C) establish clear minimum standards for mortgage originators;

(D) require that disclosures clearly and effectively communicate necessary information about any mortgage loan to the potential borrower;

(E) reduce or eliminate abuses in prepayment penalties;

(F) address appraisal and other mortgage fraud;

(G) raise public awareness regarding mortgage originators whose loans have high foreclosure rates; and

(H) increase opportunities for loan counseling.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MALONEY) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous materials thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 526, a resolution that supports both homeownership and responsible lending. This resolution is on the floor today because we are facing, by all accounts, a tsunami of defaults and foreclosures in the primary subprime market. In each of our districts, our constituents are encountering payment shock as their subprime loans reset to much higher rates. By some estimates, 2.2 million homeowners with subprime loans made through 2006 will lose their homes.

As Chair of the House Subcommittee on Financial Institutions and Consumer Credit, I have held three hearings on this important and complex issue. At these hearings, we have heard from the Federal regulators, including the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Association, and the Federal Reserve. Acting in a cooperative manner, the FDIC, OCC, OTS and the Fed have issued joint guidance that require financial institutions under their supervision to issue mortgages based on the customer's ability to repay that mortgage.

This commonsense guidance includes underwriting loans to the fully indexed rate and not just to the 2- or 3-year teaser rates that have been so popular over the last few years, as well as allowing borrowers a reasonable time to refinance without prepayment penalties. At these hearings, we have also heard from consumer groups and advocates who tell us that while this guidance is a good first step, 50 percent of the mortgage market comes from lenders outside of the oversight of these Federal regulators.

To effect real change, we need standardized rules over the entire market. One option that has frequently been mentioned is for the Federal Reserve to use its authority to stop unfair and deceptive practices under the Home-Ownership and Equity Protection Act. I am told that the Fed is looking into this. I fully support their using this authority that the Congress has given them in this area.

Beyond HOEPA, we must work together here in Congress to ensure that unfair lending practices are not rewarded and that our constituents have access to credit. Over the coming months, I plan to continue working with Chairman FRANK and holding hearings on this issue and drafting legislation to address some of the problems that have been highlighted both in this resolution and at our hearings. Each and every one of us here in Congress wants to ensure that the American Dream of homeownership does not become a nightmare for our constituents. I support this resolution. I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

I rise to support House Resolution 526, recognizing homeownership and responsible lending. As the ranking member of the House Committee on Financial Services Subcommittee on Housing and Community Opportunity, I want to thank the gentleman from Maryland, Representative CUMMINGS, and Chairman FRANK and Chairwoman MALONEY for working in a cooperative fashion to ensure that the language protects borrowers while preserving access to homeownership opportunities.

Over the past several years, the housing market has helped to drive the national economy as Americans bought and refinanced homes in record numbers. The benefits of homeownership are undeniable. For this reason, there has been a significant focus on improving homeownership opportunities for everyone, including the low-income borrower. At the same time, the subprime market has flourished and provided credit to many families that may not have qualified under conventional standards.

Today, this country enjoys record-high homeownership rates. More than 68 million Americans own a home. Of this 68 million, 50 million homeowners have a mortgage, and 13 million of them have a subprime loan. According to a recent Chicago Tribune article, ''Subprime loans, often with adjustable rates, made homeownership possible for millions of Americans whose credit ratings or income levels made them ineligible for cheaper prime loans.''

However, of the 13 million subprime loans, roughly 5 percent of them are entering foreclosure. According to the data released by the Mortgage Bankers Association, these numbers are on the rise. These mortgage foreclosure rates raise eyebrows and call into question what actions are to be taken to help homeowners keep their homes, and I would like to emphasize the word ''action.'' While I believe that this resolution under consideration outlines many important facts, most of which Americans have seen printed in the news for months, it does not take action. The resolution tells the House something that we already have authority to do, and that is to take action.

Americans are waiting for the leadership of this House to exercise that authority. We can talk about the increase in foreclosure rates until we are blue in the face, and why is the leadership in this House waiting. The fact of the matter is, this body needs to join forces with the folks in the public and private sectors to take action immediately.

What it is we should be doing right now is to ensure that the 650,000 homeowners and others who may follow can keep their homes. First we can and should pass a Federal Housing Administration modernization bill. I introduced H.R. 1752, the Expanding American Homeownership Act of 2007, a bill

identical to the one that passed the House last July by a strong bipartisan vote of 415–7.

However, on the same day, two of my colleagues on the other side of the aisle introduced another FHA reform bill that includes a new and controversial housing trust fund provision. This trust fund provision has stalled the bill. So while the other side of the aisle is holding out for a brand-new trust fund, millions of Americans may lose their homes in 2007 because they did not have the refinancing option that a modernized FHA could have offered them.

In testimony before the House Financial Services Committee, U.S. Department of Housing and Urban Development Assistant Secretary for Housing Brian D. Montgomery urged Congress to pass an FHA reform bill and said FHA could help hundreds of thousands of additional borrowers to secure a safe and affordable mortgage. He said that the best thing to help subprime borrowers is to reform FHA, and he added that HUD is prepared to immediately implement FHA reforms.

Second, this resolution mentions we can immediately increase opportunities for housing counseling. It also says that we should raise public awareness. I think that first by advertising available resources we can both raise public awareness and increase opportunities for housing counseling. It is crucial to promote financial literacy and educate our youth and adults. This is the most direct way of ensuring that consumers understand the terms of their loan so that they may avoid predatory loans and foreclosure altogether.

I am pleased that on June 25, Neighborhood Works America and the Ad Council launched a national ad campaign aimed at preventing home foreclosures. Homeowners in trouble can try to save their homes by calling a hotline, 888–995–HOPE, a number provided by the Homeowner Preservation Foundation.

In addition, we have about 2,300 HUD-certified housing counseling agencies across the country. Americans should know they can visit HUD's Web site or call 800–569–4287 to find a HUD-certified counselor in their neighborhood. HUD-certified counselors can give straightforward and free or low-cost advice to potential or existing homeowners about buying a home, refinancing a mortgage, or preventing foreclosure.

Third, we need to address the root problems resulting from predatory or bad subprime loans. The Federal regulators have recently stepped up to the plate and tried to address the increasing number of foreclosures through interagency guidance on subprime loans. The guidance to mortgage lenders focuses on loans in the subprime market, particularly adjustable rate mortgage products. It specifies that a lender's assessment or a consumer's ability to repay should be based on the fully indexed rate, assuming a fully amortized repayment schedule. The guidance also focuses on the need for clear and balanced communication to the borrower with regard to mortgage loan benefits.

I support these efforts, but there is much more to do. I know that the issue of mortgage fraud is hot in the Chicago area. We need to ensure that law enforcement has the necessary tools and resources to crack down on fraudulent activities.

Finally, I support this resolution because I agree with my colleagues on the importance of shedding some light on actions that Congress or Federal regulators can take to help homeowners enter into realistic and affordable loans in the future. As we consider our options to take action at the Federal level to help Americans keep and own their homes, I would urge my colleagues to carefully weigh the potential consequences of such actions.

We should allow secondary mortgage markets to adjust to the rise in foreclosures accordingly and to continue to supply liquidity to the primary mortgage market. Simultaneously, we should take immediate action. We need to pass FHA modernization now, and we need to ensure that people continue to have immediate access to financial education and counseling, credit, and viable mortgage options so that people in future generations can realize the American Dream of homeownership.

Again, I thank the gentleman from Maryland (Mr. CUMMINGS) for his hard work on this resolution.

Mr. Speaker, I reserve the balance of my time.

□ 1515

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent to manage the time in lieu of the gentlewoman from New York (Mrs. MALONEY).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 2 minutes.

The gentlewoman from Illinois decided to get into another bill, the FHA bill, and made a couple of statements about it, one of which is inaccurate and one of which is incomplete.

The inaccurate one is to suggest that it has been held up because of the fact that we want to use some of the money that will be generated by the bill, by specifically removing the cap on home equity mortgages, for affordable housing. I understand her objection to our trying to spend some money for more affordable housing construction, but that is not what held up the bill.

We ran into a dispute between those people who do the home equity mortgage servicing and the AARP over the fees to be charged. We adopted an amendment; it was a bipartisan amendment. Our colleague from Georgia, Mr. MARSHALL, and the gentlewoman from Florida (Mrs. GINNY BROWN-WAITE) offered an amendment, and that led to a dispute. I asked that the groups try to work this out, and they have done that, so we are now able to come to the floor with that bill. But we then ran out of time because of the appropriations process. But what held that bill up was that dispute over funding.

Secondly, the gentlewoman said we passed this very good bill last year. We passed a bill last year, and I voted for it because, with the other party then in control, we couldn't make it better. But here is the major difference between that bill and the bill we will bring forward regarding subprime. Under the bill we passed last year and under the position of the gentlewoman from Illinois, people with weaker credit who make all of their payments will be charged more. I think it is inappropriate for the Federal Government to do that.

The FHA, under the bill that was passed last year, would extend credit to borrowers with weaker credit, would guarantee their mortgages but charge them more. Under our bill, because we don't think that the Federal Government ought to charge people more if they are meeting their responsibilities, we cross-subsidize, and we say, if you have weaker credit, your initial payments will be higher. But if you make your payments for 5 years, you will get all of the money back, and I look forward to debating that difference.

I don't think we should be penalizing people, and I don't think people making $40,000 a year who are diligent in making their payments ought to pay more than us.

Mr. Speaker, on this resolution, I yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS) who was the main sponsor of this important resolution.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for yielding, and I want to thank Mr. FRANK for his leadership and the assistance of his staff in helping us bring this resolution to the floor. And certainly I also say thanks to the ranking member of the subcommittee and the chair of the subcommittee.

Mr. Speaker, I rise today to encourage my colleagues to join me in supporting the passage of H. Res. 526, which supports homeownership and responsible lending. Specifically, this resolution expresses the sense of the House that government action should be taken to protect home buyers from unscrupulous brokers and lenders.

This resolution was inspired by the plight of the American people, the people of Maryland, and my neighbors in Maryland's Seventh Congressional District who have lost their homes to foreclosure or who are currently facing foreclosure.

The dramatic increase in foreclosures is directly related to the emergence of the subprime mortgage industry, which has grown from less than 8 percent of the total mortgage market in 2001 to approximately 20 percent of the market today.

While subprime loans are not inherently dangerous, practices within the industry are turning homeownership, an essential component of the American dream, into a nightmare, costing many people their ticket to the middle class and/or preventing them from passing property on to their children.

Subprime mortgage loans are geared towards borrowers with low credit scores. Other characteristics of the loans often include low initial payments based on a fixed introductory or ''teaser'' rate that expires after 2 or 3 years and then adjusts to a variable rate for the remaining term of the loan; no payment or rate caps on how much the payment amount or interest rate may increase on the reset dates; and substantial prepayment penalties.

Terms of this nature present incredible risks to consumers who find it impossible to meet the increased payment requirements. Furthermore, the risk of foreclosure increases when borrowers are not adequately informed of product features and risks. And I would say to this House, we must be very careful not to blame the victim.

Many believe that the government should just allow the market to correct itself. However, remaining idle while the situation continues to get worse is unconscionable. According to the Center for Responsible Lending, approximately one in five subprime loans issued in 2005 and 2006 will go into default, costing 2.2 million homeowners their homes over the next several years.

RealtyTrac, a real estate research firm, estimates that foreclosures have increased by 42 percent from 2005 to 2006, to 1.2 million. This translates into one foreclosure for every 92 households. Most alarming is the fact that new foreclosure events in May 2007 totaled over 176,000, an increase of 19 percent since April and of 90 percent since May of 2006.

Recent reports estimate that 5,700 homeowners in Maryland were facing foreclosure and over 36,000 were late on their mortgages in the first quarter of the year. Most startling is the fact that, in June, Maryland ranked 22nd nationally in foreclosures, up from 40th in 2006.

My congressional district alone had 466 foreclosures in the month of May. This equates to a 570 percent increase since May 2005.

Mr. Speaker, these are astounding figures, but when combined with the impact that foreclosures have upon families and their communities, there is little doubt that immediate action needs to be taken to address this national crisis. We must do everything in our power to protect the future of homeownership.

A foreclosure results not only in the loss of a stable living place and significant investment for a family, but it also lowers the homeowner's credit rating, creating barriers to future home purchases and also hindering the ability to pay rent. It typically takes a victim of foreclosure 10 years to recover and buy another house, which means that more and more potential homeowners will be taken out of the home buyer base.

For lower-income communities attempting to revitalize, the consequence of increased foreclosures is often a substantial setback in neighborhood security and sustainability. Areas of concentrated foreclosures can affect the price that other sellers can get for their houses. As higher foreclosure rates ripple through local markets, each house tossed back into the market adds to the supply of for-sale homes and could bring down home prices. In the last 2 years, foreclosures have cost the city of Baltimore approximately $1.8 billion in reduced property values.

Finally, the predominance of subprime loans in low-income and/or minority neighborhoods means that the bulk of the spillover costs of foreclosures are concentrated among the Nation's most vulnerable households. These neighborhoods already have incidences of crime, and increased foreclosures have been found to contribute to higher levels of violent crime. Because of the inherent dangers posed by foreclosures, we must act now to save families across this Nation and preserve our communities.

Various pieces of legislation have been introduced in the House and Senate to help homeowners refinance their homes, but congressional action alone will not fix the problem. Earlier this year, I sent a letter to Chairman Bernanke of the Federal Reserve asking that action be taken to protect homeowners from predatory lending practices using its authority under the Home Ownership Equity Protection Act. I am pleased that the board and other regulators recently issued guidelines to lenders that encompass many of the ideas expressed in the letter sent in May and in House Resolution 526, which states that the government action should do the following: enforce rules to eliminate unfair and deceptive practices in subprime mortgage lending; encourage lenders to evaluate a borrower's ability to reasonably repay the mortgage over the life of the loan, not just at the introductory rate; establish clear minimum standards for mortgage originators; require that disclosures clearly and effectively communicate necessary information about any mortgage loan to the potential borrower; reduce or eliminate abuses in prepayment penalties; address appraisal and other mortgage fraud; raise public awareness regarding mortgage originators whose loans have high foreclosure rates; and increase opportunities for loan counseling.

Mr. Speaker, in closing, I would like to reiterate that owning a home is an essential component of the American dream. Simply put, homeownership has the power to transform lives. Therefore, I urge all of my colleagues to vote in favor of this resolution and continue working to address this critical issue. Again, I thank Chairman FRANK for his leadership.

Mrs. BIGGERT. Mr. Speaker, I have no further requests for time but would just ask one question of the chairman.

I think this is so important, and you mentioned that the FHA bill will be coming up. I was curious as to when we would be considering a subprime bill?

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. In the fall. As the gentlewoman knows, this period is appropriations period, except for the voucher bill where we had gotten in line.

But I would hope that we can work in committee on the subprime. I would note, by the way, that 2 years ago, the current ranking member of the full committee was the chairman of the Subcommittee on Financial Institutions, and he was pretty far along in conversations with my two colleagues from North Carolina, Mr. WATT and Mr. MILLER. And frankly, I think if we had not been interfered with from above, we might have gotten a bill a couple of years ago, I think we can pick up where we left off. I am optimistic we can do a bill this fall.

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman, and I thank the gentleman from Maryland (Mr. CUMMINGS) for bringing this resolution forward and outlining the important facts that will enable and make certain that people can keep their homes.

Mr. Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MALONEY) that the House suspend the rules and agree to the resolution, H. Res. 526.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

FOREIGN INVESTMENT AND NATIONAL SECURITY ACT OF 2007

Mrs. MALONEY of New York. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 556) to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined

for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Foreign Investment and National Security Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. United States security improvement amendments; clarification of review and investigation process.
Sec. 3. Statutory establishment of the Committee on Foreign Investment in the United States.
Sec. 4. Additional factors for consideration.
Sec. 5. Mitigation, tracking, and postconsummation monitoring and enforcement.
Sec. 6. Action by the President.
Sec. 7. Increased oversight by Congress.
Sec. 8. Certification of notices and assurances.
Sec. 9. Regulations.
Sec. 10. Effect on other law.
Sec. 11. Clerical amendments
Sec. 12. Effective date.

SEC. 2. UNITED STATES SECURITY IMPROVEMENT AMENDMENTS; CLARIFICATION OF REVIEW AND INVESTIGATION PROCESS.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by striking subsections (a) and (b) and inserting the following:

''(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) COMMITTEE; CHAIRPERSON.—The terms 'Committee' and 'chairperson' mean the Committee on Foreign Investment in the United States and the chairperson thereof, respectively.

''(2) CONTROL.—The term 'control' has the meaning given to such term in regulations which the Committee shall prescribe.

''(3) COVERED TRANSACTION.—The term 'covered transaction' means any merger, acquisition, or takeover that is proposed or pending after August 23, 1988, by or with any foreign person which could result in foreign control of any person engaged in interstate commerce in the United States.

''(4) FOREIGN GOVERNMENT-CONTROLLED TRANSACTION.—The term 'foreign government-controlled transaction' means any covered transaction that could result in the control of any person engaged in interstate commerce in the United States by a foreign government or an entity controlled by or acting on behalf of a foreign government.

''(5) CLARIFICATION.—The term 'national security' shall be construed so as to include those issues relating to 'homeland security', including its application to critical infrastructure.

''(6) CRITICAL INFRASTRUCTURE.—The term 'critical infrastructure' means, subject to rules issued under this section, systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems or assets would have a debilitating impact on national security.

''(7) CRITICAL TECHNOLOGIES.—The term 'critical technologies' means critical technology, critical components, or critical technology items essential to national defense, identified pursuant to this section, subject to regulations issued at the direction of the President, in accordance with subsection (h).

''(8) LEAD AGENCY.—The term 'lead agency' means the agency, or agencies, designated as the lead agency or agencies pursuant to subsection (k)(5) for the review of a transaction.

''(b) NATIONAL SECURITY REVIEWS AND INVESTIGATIONS.—

''(1) NATIONAL SECURITY REVIEWS.—

''(A) IN GENERAL.—Upon receiving written notification under subparagraph (C) of any covered transaction, or pursuant to a unilateral notification initiated under subparagraph (D) with respect to any covered transaction, the President, acting through the Committee—

''(i) shall review the covered transaction to determine the effects of the transaction on the national security of the United States; and

''(ii) shall consider the factors specified in subsection (f) for such purpose, as appropriate.

''(B) CONTROL BY FOREIGN GOVERNMENT.—If the Committee determines that the covered transaction is a foreign government-controlled transaction, the Committee shall conduct an investigation of the transaction under paragraph (2).

''(C) WRITTEN NOTICE.—

''(i) IN GENERAL.—Any party or parties to any covered transaction may initiate a review of the transaction under this paragraph by submitting a written notice of the transaction to the Chairperson of the Committee.

''(ii) WITHDRAWAL OF NOTICE.—No covered transaction for which a notice was submitted under clause (i) may be withdrawn from review, unless a written request for such withdrawal is submitted to the Committee by any party to the transaction and approved by the Committee.

''(iii) CONTINUING DISCUSSIONS.—A request for withdrawal under clause (ii) shall not be construed to preclude any party to the covered transaction from continuing informal discussions with the Committee or any member thereof regarding possible resubmission for review pursuant to this paragraph.

''(D) UNILATERAL INITIATION OF REVIEW.—Subject to subparagraph (F), the President or the Committee may initiate a review under subparagraph (A) of—

''(i) any covered transaction;

''(ii) any covered transaction that has previously been reviewed or investigated under this section, if any party to the transaction submitted false or misleading material information to the Committee in connection with the review or investigation or omitted material information, including material documents, from information submitted to the Committee; or

''(iii) any covered transaction that has previously been reviewed or investigated under this section, if—

''(I) any party to the transaction or the entity resulting from consummation of the transaction intentionally materially breaches a mitigation agreement or condition described in subsection (l)(1)(A);

''(II) such breach is certified to the Committee by the lead department or agency monitoring and enforcing such agreement or condition as an intentional material breach; and

''(III) the Committee determines that there are no other remedies or enforcement tools available to address such breach.

''(E) TIMING.—Any review under this paragraph shall be completed before the end of the 30-day period beginning on the date of the acceptance of written notice under subparagraph (C) by the chairperson, or beginning on the date of the initiation of the review in accordance with subparagraph (D), as applicable.

''(F) LIMIT ON DELEGATION OF CERTAIN AUTHORITY.—The authority of the Committee to initiate a review under subparagraph (D) may not be delegated to any person, other than the Deputy Secretary or an appropriate Under Secretary of the department or agency represented on the Committee.

''(2) NATIONAL SECURITY INVESTIGATIONS.—

''(A) IN GENERAL.—In each case described in subparagraph (B), the Committee shall immediately conduct an investigation of the effects of a covered transaction on the national security of the United States, and take any necessary actions in connection with the transaction to protect the national security of the United States.

''(B) APPLICABILITY.—Subparagraph (A) shall apply in each case in which—

''(i) a review of a covered transaction under paragraph (1) results in a determination that—

''(I) the transaction threatens to impair the national security of the United States and that threat has not been mitigated during or prior to the review of a covered transaction under paragraph (1);

''(II) the transaction is a foreign government-controlled transaction; or

''(III) the transaction would result in control of any critical infrastructure of or within the United States by or on behalf of any foreign person, if the Committee determines that the transaction could impair national security, and that such impairment to national security has not been mitigated by assurances provided or renewed with the approval of the Committee, as described in subsection (l), during the review period under paragraph (1); or

''(ii) the lead agency recommends, and the Committee concurs, that an investigation be undertaken.

''(C) TIMING.—Any investigation under subparagraph (A) shall be completed before the end of the 45-day period beginning on the date on which the investigation commenced.

''(D) EXCEPTION.—

''(i) IN GENERAL.—Notwithstanding subparagraph (B)(i), an investigation of a foreign government-controlled transaction described in subclause (II) of subparagraph (B)(i) or a transaction involving critical infrastructure described in subclause (III) of subparagraph (B)(i) shall not be required under this paragraph, if the Secretary of the Treasury and the head of the lead agency jointly determine, on the basis of the review of the transaction under paragraph (1), that the transaction will not impair the national security of the United States.

''(ii) NONDELEGATION.—The authority of the Secretary or the head of an agency referred to in clause (i) may not be delegated to any person, other than the Deputy Secretary of the Treasury or the deputy head (or the equivalent thereof) of the lead agency, respectively.

''(E) GUIDANCE ON CERTAIN TRANSACTIONS WITH NATIONAL SECURITY IMPLICATIONS.—The Chairperson shall, not later than 180 days after the effective date of the Foreign Investment and National Security Act of 2007, publish in the Federal Register guidance on the types of transactions that the Committee has reviewed and that have presented national security considerations, including transactions that may constitute covered transactions that would result in control of critical infrastructure relating to United States national security by a foreign government or an entity controlled by or acting on behalf of a foreign government.

''(3) CERTIFICATIONS TO CONGRESS.—

''(A) CERTIFIED NOTICE AT COMPLETION OF REVIEW.—Upon completion of a review under subsection (b) that concludes action under this section, the chairperson and the head of the lead agency shall transmit a certified notice to the members of Congress specified in subparagraph (C)(iii).

''(B) CERTIFIED REPORT AT COMPLETION OF INVESTIGATION.—As soon as is practicable after completion of an investigation under subsection (b) that concludes action under this section, the chairperson and the head of the lead agency shall transmit to the members of Congress specified in subparagraph (C)(iii) a certified written report (consistent with the requirements of subsection (c)) on the results of the investigation, unless the matter under investigation has been sent to the President for decision.

''(C) CERTIFICATION PROCEDURES.—

''(i) IN GENERAL.—Each certified notice and report required under subparagraphs (A) and (B), respectively, shall be submitted to the members of Congress specified in clause (iii), and shall include—

''(I) a description of the actions taken by the Committee with respect to the transaction; and

''(II) identification of the determinative factors considered under subsection (f).

''(ii) CONTENT OF CERTIFICATION.—Each certified notice and report required under subparagraphs (A) and (B), respectively, shall be signed by the chairperson and the head of the lead agency, and shall state that, in the determination of the Committee, there are no unresolved national security concerns with the transaction that is the subject of the notice or report.

''(iii) MEMBERS OF CONGRESS.—Each certified notice and report required under subparagraphs (A) and (B), respectively, shall be transmitted—

''(I) to the Majority Leader and the Minority Leader of the Senate;

''(II) to the chair and ranking member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of any committee of the Senate having oversight over the lead agency;

''(III) to the Speaker and the Minority Leader of the House of Representatives;

''(IV) to the chair and ranking member of the Committee on Financial Services of the House of Representatives and of any committee of the House of Representatives having oversight over the lead agency; and

''(V) with respect to covered transactions involving critical infrastructure, to the members of the Senate from the State in which the principal place of business of the acquired United States person is located, and the member from the Congressional District in which such principal place of business is located.

''(iv) SIGNATURES; LIMIT ON DELEGATION.—

''(I) IN GENERAL.—Each certified notice and report required under subparagraphs (A) and (B), respectively, shall be signed by the chairperson and the head of the lead agency, which signature requirement may only be delegated in accordance with subclause (II).

''(II) LIMITATION ON DELEGATION OF CERTIFICATIONS.—The chairperson and the head of the lead agency may delegate the signature requirement under subclause (I)—

''(aa) only to an appropriate employee of the Department of the Treasury (in the case of the Secretary of the Treasury) or to an appropriate employee of the lead agency (in the case of the lead agency) who was appointed by the President, by and with the advice and consent of the Senate, with respect to any notice provided under paragraph (1) following the completion of a review under this section; or

''(bb) only to a Deputy Secretary of the Treasury (in the case of the Secretary of the Treasury) or a person serving in the Deputy position or the equivalent thereof at the lead agency (in the case of the lead agency), with respect to any report provided under subparagraph (B) following an investigation under this section.

''(4) ANALYSIS BY DIRECTOR OF NATIONAL INTELLIGENCE.—

''(A) IN GENERAL.—The Director of National Intelligence shall expeditiously carry out a thorough analysis of any threat to the national security of the United States posed by any covered transaction. The Director of National Intelligence shall also seek and incorporate the views of all affected or appropriate intelligence agencies with respect to the transaction.

''(B) TIMING.—The analysis required under subparagraph (A) shall be provided by the Director of National Intelligence to the Committee not later than 20 days after the date on which notice of the transaction is accepted by the Committee under paragraph (1)(C), but such analysis may be supplemented or amended, as the Director considers necessary or appropriate, or upon a request for additional information by the Committee. The Director may begin the analysis at any time prior to acceptance of the notice, in accordance with otherwise applicable law.

''(C) INTERACTION WITH INTELLIGENCE COMMUNITY.—The Director of National Intelligence shall ensure that the intelligence community remains engaged in the collection, analysis, and dissemination to the Committee of any additional relevant information that may become available during the course of any investigation conducted under subsection (b) with respect to a transaction.

''(D) INDEPENDENT ROLE OF DIRECTOR.—The Director of National Intelligence shall be a nonvoting, ex officio member of the Committee, and shall be provided with all notices received by the Committee under paragraph (1)(C) regarding covered transactions, but shall serve no policy role on the Committee, other than to provide analysis under subparagraphs (A) and (C) in connection with a covered transaction.

''(5) SUBMISSION OF ADDITIONAL INFORMATION.—No provision of this subsection shall be construed as prohibiting any party to a covered transaction from submitting additional information concerning the transaction, including any proposed restructuring of the transaction or any modifications to any agreements in connection with the transaction, while any review or investigation of the transaction is ongoing.

''(6) NOTICE OF RESULTS TO PARTIES.—The Committee shall notify the parties to a covered transaction of the results of a review or investigation under this section, promptly upon completion of all action under this section.

''(7) REGULATIONS.—Regulations prescribed under this section shall include standard procedures for—

''(A) submitting any notice of a covered transaction to the Committee;

''(B) submitting a request to withdraw a covered transaction from review;

''(C) resubmitting a notice of a covered transaction that was previously withdrawn from review; and

''(D) providing notice of the results of a review or investigation to the parties to the covered transaction, upon completion of all action under this section.''.

SEC. 3. STATUTORY ESTABLISHMENT OF THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by striking subsection (k) and inserting the following:

''(k) COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—

''(1) ESTABLISHMENT.—The Committee on Foreign Investment in the United States, established pursuant to Executive Order No. 11858, shall be a multi agency committee to carry out this section and such other assignments as the President may designate.

''(2) MEMBERSHIP.—The Committee shall be comprised of the following members or the designee of any such member:

''(A) The Secretary of the Treasury.

''(B) The Secretary of Homeland Security.

''(C) The Secretary of Commerce.

''(D) The Secretary of Defense.

''(E) The Secretary of State.

''(F) The Attorney General of the United States.

''(G) The Secretary of Energy.

''(H) The Secretary of Labor (nonvoting, ex officio).

''(I) The Director of National Intelligence (nonvoting, ex officio).

''(J) The heads of any other executive department, agency, or office, as the President determines appropriate, generally or on a case-by-case basis.

''(3) CHAIRPERSON.—The Secretary of the Treasury shall serve as the chairperson of the Committee.

''(4) ASSISTANT SECRETARY FOR THE DEPARTMENT OF THE TREASURY.—There shall be established an additional position of Assistant Secretary of the Treasury, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary appointed under this paragraph shall report directly to the Undersecretary of the Treasury for International Affairs. The duties of the Assistant Secretary shall include duties related to the Committee on Foreign Investment in the United States, as delegated by the Secretary of the Treasury under this section.

''(5) DESIGNATION OF LEAD AGENCY.—The Secretary of the Treasury shall designate, as appropriate, a member or members of the Committee to be the lead agency or agencies on behalf of the Committee—

''(A) for each covered transaction, and for negotiating any mitigation agreements or other conditions necessary to protect national security; and

''(B) for all matters related to the monitoring of the completed transaction, to ensure compliance with such agreements or conditions and with this section.

''(6) OTHER MEMBERS.—The chairperson shall consult with the heads of such other Federal departments, agencies, and independent establishments in any review or investigation under subsection (a), as the chairperson determines to be appropriate, on the basis of the facts and circumstances of the covered transaction under review or investigation (or the designee of any such department or agency head).

''(7) MEETINGS.—The Committee shall meet upon the direction of the President or upon the call of the chairperson, without regard to section 552b of title 5, United States Code (if otherwise applicable).''.

SEC. 4. ADDITIONAL FACTORS FOR CONSIDERATION.

Section 721(f) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(f)) is amended—

(1) in the matter preceding paragraph (1), by striking ''among other factors'';

(2) in paragraph (4)—

(A) in subparagraph (A) by striking ''or'' at the end;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

''(B) identified by the Secretary of Defense as posing a potential regional military threat to the interests of the United States; or''; and

(D) by striking ''and'' at the end;

(3) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(6) the potential national security-related effects on United States critical infrastructure, including major energy assets;

''(7) the potential national security-related effects on United States critical technologies;

''(8) whether the covered transaction is a foreign government-controlled transaction, as determined under subsection (b)(1)(B);

''(9) as appropriate, and particularly with respect to transactions requiring an investigation under subsection (b)(1)(B), a review of the current assessment of—

''(A) the adherence of the subject country to nonproliferation control regimes, including treaties and multilateral supply guidelines, which shall draw on, but not be limited to, the annual report on 'Adherence to and Compliance with Arms Control, Nonproliferation and Disarmament Agreements and Commitments' required by section 403 of the Arms Control and Disarmament Act;

''(B) the relationship of such country with the United States, specifically on its record on cooperating in counter-terrorism efforts, which shall draw on, but not be limited to, the report of the President to Congress under section 7120 of the Intelligence Reform and Terrorism Prevention Act of 2004; and

''(C) the potential for transshipment or diversion of technologies with military applications, including an analysis of national export control laws and regulations;

''(10) the long-term projection of United States requirements for sources of energy and other critical resources and material; and

''(11) such other factors as the President or the Committee may determine to be appropriate,

generally or in connection with a specific review or investigation.''.

SEC. 5. MITIGATION, TRACKING, AND POSTCONSUMMATION MONITORING AND ENFORCEMENT.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by adding at the end the following:

''(l) MITIGATION, TRACKING, AND POSTCONSUMMATION MONITORING AND ENFORCEMENT.—

''(1) MITIGATION.—

''(A) IN GENERAL.—The Committee or a lead agency may, on behalf of the Committee, negotiate, enter into or impose, and enforce any agreement or condition with any party to the covered transaction in order to mitigate any threat to the national security of the United States that arises as a result of the covered transaction.

''(B) RISK-BASED ANALYSIS REQUIRED.—Any agreement entered into or condition imposed under subparagraph (A) shall be based on a risk-based analysis, conducted by the Committee, of the threat to national security of the covered transaction.

''(2) TRACKING AUTHORITY FOR WITHDRAWN NOTICES.—

''(A) IN GENERAL.—If any written notice of a covered transaction that was submitted to the Committee under this section is withdrawn before any review or investigation by the Committee under subsection (b) is completed, the Committee shall establish, as appropriate—

''(i) interim protections to address specific concerns with such transaction that have been raised in connection with any such review or investigation pending any resubmission of any written notice under this section with respect to such transaction and further action by the President under this section;

''(ii) specific time frames for resubmitting any such written notice; and

''(iii) a process for tracking any actions that may be taken by any party to the transaction, in connection with the transaction, before the notice referred to in clause (ii) is resubmitted.

''(B) DESIGNATION OF AGENCY.—The lead agency, other than any entity of the intelligence community (as defined in the National Security Act of 1947), shall, on behalf of the Committee, ensure that the requirements of subparagraph (A) with respect to any covered transaction that is subject to such subparagraph are met.

''(3) NEGOTIATION, MODIFICATION, MONITORING, AND ENFORCEMENT.—

''(A) DESIGNATION OF LEAD AGENCY.—The lead agency shall negotiate, modify, monitor, and enforce, on behalf of the Committee, any agreement entered into or condition imposed under paragraph (1) with respect to a covered transaction, based on the expertise with and knowledge of the issues related to such transaction on the part of the designated department or agency. Nothing in this paragraph shall prohibit other departments or agencies in assisting the lead agency in carrying out the purposes of this paragraph.

''(B) REPORTING BY DESIGNATED AGENCY.—

''(i) MODIFICATION REPORTS.—The lead agency in connection with any agreement entered into or condition imposed with respect to a covered transaction shall—

''(I) provide periodic reports to the Committee on any material modification to any such agreement or condition imposed with respect to the transaction; and

''(II) ensure that any material modification to any such agreement or condition is reported to the Director of National Intelligence, the Attorney General of the United States, and any other Federal department or agency that may have a material interest in such modification.

''(ii) COMPLIANCE.—The Committee shall develop and agree upon methods for evaluating compliance with any agreement entered into or condition imposed with respect to a covered transaction that will allow the Committee to adequately assure compliance, without—

''(I) unnecessarily diverting Committee resources from assessing any new covered transaction for which a written notice has been filed pursuant to subsection (b)(1)(C), and if necessary, reaching a mitigation agreement with or imposing a condition on a party to such covered transaction or any covered transaction for which a review has been reopened for any reason; or

''(II) placing unnecessary burdens on a party to a covered transaction.''.

SEC. 6. ACTION BY THE PRESIDENT.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by striking subsections (d) and (e) and inserting the following:

''(d) ACTION BY THE PRESIDENT.—

''(1) IN GENERAL.—Subject to paragraph (4), the President may take such action for such time as the President considers appropriate to suspend or prohibit any covered transaction that threatens to impair the national security of the United States.

''(2) ANNOUNCEMENT BY THE PRESIDENT.—The President shall announce the decision on whether or not to take action pursuant to paragraph (1) not later than 15 days after the date on which an investigation described in subsection (b) is completed.

''(3) ENFORCEMENT.—The President may direct the Attorney General of the United States to seek appropriate relief, including divestment relief, in the district courts of the United States, in order to implement and enforce this subsection.

''(4) FINDINGS OF THE PRESIDENT.—The President may exercise the authority conferred by paragraph (1), only if the President finds that—

''(A) there is credible evidence that leads the President to believe that the foreign interest exercising control might take action that threatens to impair the national security; and

''(B) provisions of law, other than this section and the International Emergency Economic Powers Act, do not, in the judgment of the President, provide adequate and appropriate authority for the President to protect the national security in the matter before the President.

''(5) FACTORS TO BE CONSIDERED.—For purposes of determining whether to take action under paragraph (1), the President shall consider, among other factors each of the factors described in subsection (f), as appropriate.

''(e) ACTIONS AND FINDINGS NONREVIEWABLE.—The actions of the President under paragraph (1) of subsection (d) and the findings of the President under paragraph (4) of subsection (d) shall not be subject to judicial review.''.

SEC. 7. INCREASED OVERSIGHT BY CONGRESS.

(a) REPORT ON ACTIONS.—Section 721(g) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(g)) is amended to read as follows:

''(g) ADDITIONAL INFORMATION TO CONGRESS; CONFIDENTIALITY.—

''(1) BRIEFING REQUIREMENT ON REQUEST.—The Committee shall, upon request from any Member of Congress specified in subsection (b)(3)(C)(iii), promptly provide briefings on a covered transaction for which all action has concluded under this section, or on compliance with a mitigation agreement or condition imposed with respect to such transaction, on a classified basis, if deemed necessary by the sensitivity of the information. Briefings under this paragraph may be provided to the congressional staff of such a Member of Congress having appropriate security clearance.

''(2) APPLICATION OF CONFIDENTIALITY PROVISIONS.—

''(A) IN GENERAL.—The disclosure of information under this subsection shall be consistent with the requirements of subsection (c). Members of Congress and staff of either House of Congress or any committee of Congress, shall be subject to the same limitations on disclosure of information as are applicable under subsection (c).

''(B) PROPRIETARY INFORMATION.—Proprietary information which can be associated with a particular party to a covered transaction shall be furnished in accordance with subparagraph (A) only to a committee of Congress, and only when the committee provides assurances of confidentiality, unless such party otherwise consents in writing to such disclosure.''.

(b) ANNUAL REPORT.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by adding at the end the following:

''(m) ANNUAL REPORT TO CONGRESS.—

''(1) IN GENERAL.—The chairperson shall transmit a report to the chairman and ranking member of the committee of jurisdiction in the Senate and the House of Representatives, before July 31 of each year on all of the reviews and investigations of covered transactions completed under subsection (b) during the 12-month period covered by the report.

''(2) CONTENTS OF REPORT RELATING TO COVERED TRANSACTIONS.—The annual report under paragraph (1) shall contain the following information, with respect to each covered transaction, for the reporting period:

''(A) A list of all notices filed and all reviews or investigations completed during the period, with basic information on each party to the transaction, the nature of the business activities or products of all pertinent persons, along with information about any withdrawal from the process, and any decision or action by the President under this section.

''(B) Specific, cumulative, and, as appropriate, trend information on the numbers of filings, investigations, withdrawals, and decisions or actions by the President under this section.

''(C) Cumulative and, as appropriate, trend information on the business sectors involved in the filings which have been made, and the countries from which the investments have originated.

''(D) Information on whether companies that withdrew notices to the Committee in accordance with subsection (b)(1)(C)(ii) have later refiled such notices, or, alternatively, abandoned the transaction.

''(E) The types of security arrangements and conditions the Committee has used to mitigate national security concerns about a transaction, including a discussion of the methods that the Committee and any lead agency are using to determine compliance with such arrangements or conditions.

''(F) A detailed discussion of all perceived adverse effects of covered transactions on the national security or critical infrastructure of the United States that the Committee will take into account in its deliberations during the period before delivery of the next report, to the extent possible.

''(3) CONTENTS OF REPORT RELATING TO CRITICAL TECHNOLOGIES.—

''(A) IN GENERAL.—In order to assist Congress in its oversight responsibilities with respect to this section, the President and such agencies as the President shall designate shall include in the annual report submitted under paragraph (1)—

''(i) an evaluation of whether there is credible evidence of a coordinated strategy by 1 or more countries or companies to acquire United States companies involved in research, development, or production of critical technologies for which the United States is a leading producer; and

''(ii) an evaluation of whether there are industrial espionage activities directed or directly assisted by foreign governments against private United States companies aimed at obtaining commercial secrets related to critical technologies.

''(B) RELEASE OF UNCLASSIFIED STUDY.—All appropriate portions of the annual report under paragraph (1) may be classified. An unclassified version of the report, as appropriate, consistent with safeguarding national security and privacy, shall be made available to the public.''.

(c) STUDY AND REPORT.—

(1) STUDY REQUIRED.—Before the end of the 120-day period beginning on the date of enactment of this Act and annually thereafter, the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Commerce, shall conduct a study on foreign direct investments in the United States, especially investments in critical infrastructure and industries affecting national security, by—

(A) foreign governments, entities controlled by or acting on behalf of a foreign government, or persons of foreign countries which comply with any boycott of Israel; or

(B) foreign governments, entities controlled by or acting on behalf of a foreign government, or persons of foreign countries which do not ban organizations designated by the Secretary of State as foreign terrorist organizations.

(2) REPORT.—Before the end of the 30-day period beginning upon the date of completion of each study under paragraph (1), and thereafter in each annual report under section 721(m) of the Defense Production Act of 1950 (as added by this section), the Secretary of the Treasury shall submit a report to Congress, for transmittal to all appropriate committees of the Senate and the House of Representatives, containing the findings and conclusions of the Secretary with respect to the study described in paragraph (1), together with an analysis of the effects of such investment on the national security of the United States and on any efforts to address those effects.

(d) INVESTIGATION BY INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of the Treasury shall conduct an independent investigation to determine all of the facts and circumstances concerning each failure of the Department of the Treasury to make any report to the Congress that was required under section 721(k) of the Defense Production Act of 1950, as in effect on the day before the date of enactment of this Act.

(2) REPORT TO THE CONGRESS.—Before the end of the 270-day period beginning on the date of enactment of this Act, the Inspector General of the Department of the Treasury shall submit a report on the investigation under paragraph (1) containing the findings and conclusions of the Inspector General, to the chairman and ranking member of each committee of the Senate and the House of Representatives having jurisdiction over any aspect of the report, including, at a minimum, the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Energy and Commerce of the House of Representatives.

SEC. 8. CERTIFICATION OF NOTICES AND ASSURANCES.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended by adding at the end the following:

''(n) CERTIFICATION OF NOTICES AND ASSURANCES.—Each notice, and any followup information, submitted under this section and regulations prescribed under this section to the President or the Committee by a party to a covered transaction, and any information submitted by any such party in connection with any action for which a report is required pursuant to paragraph (3)(B) of subsection (l), with respect to the implementation of any mitigation agreement or condition described in paragraph (1)(A) of subsection (l), or any material change in circumstances, shall be accompanied by a written statement by the chief executive officer or the designee of the person required to submit such notice or information certifying that, to the best of the knowledge and belief of that person—

''(1) the notice or information submitted fully complies with the requirements of this section or such regulation, agreement, or condition; and

''(2) the notice or information is accurate and complete in all material respects.''.

SEC. 9. REGULATIONS.

Section 721(h) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(h)) is amended to read as follows:

''(h) REGULATIONS.—

''(1) IN GENERAL.—The President shall direct, subject to notice and comment, the issuance of regulations to carry out this section.

''(2) EFFECTIVE DATE.—Regulations issued under this section shall become effective not later than 180 days after the effective date of the Foreign Investment and National Security Act of 2007.

''(3) CONTENT.—Regulations issued under this subsection shall—

''(A) provide for the imposition of civil penalties for any violation of this section, including any mitigation agreement entered into or conditions imposed pursuant to subsection (l);

''(B) to the extent possible—

''(i) minimize paperwork burdens; and

''(ii) coordinate reporting requirements under this section with reporting requirements under any other provision of Federal law; and

''(C) provide for an appropriate role for the Secretary of Labor with respect to mitigation agreements.''.

SEC. 10. EFFECT ON OTHER LAW.

Section 721(i) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(i)) is amended to read as follows:

''(i) EFFECT ON OTHER LAW.—No provision of this section shall be construed as altering or affecting any other authority, process, regulation, investigation, enforcement measure, or review provided by or established under any other provision of Federal law, including the International Emergency Economic Powers Act, or any other authority of the President or the Congress under the Constitution of the United States.''.

SEC. 11. CLERICAL AMENDMENTS.

(a) TITLE 31.—Section 301(e) of title 31, United States Code, is amended by striking ''8 Assistant'' and inserting ''9 Assistant''.

(b) TITLE 5.—Section 5315 of title 5, United States Code, is amended in the item relating to ''Assistant Secretaries of the Treasury'', by striking ''(8)'' and inserting ''(9)''.

SEC. 12. EFFECTIVE DATE.

The amendments made by this Act shall apply after the end of the 90-day period beginning on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MALONEY) and the gentlewoman from Ohio (Ms. PRYCE) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY of New York. Mr. Speaker, I yield as much time as he may consume to the chairman of the committee, Chairman FRANK, from the great State of Massachusetts.

□ 1530

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentlewoman for her leadership on this bill.

This legislation began last year when she was the ranking member of the Subcommittee on Domestic and International Monetary Policy, which you, Mr. Speaker, now chair, and in a bipartisan way we've brought forward this bill.

A brief history here. The administration, I think, made an error in granting authority to the company, Dubai Ports World, to take over seaports. They should have anticipated the reaction.

I think it was a mistake to let Dubai buy those ports and I'm glad that that was dropped, but I think there was an overreaction. Foreign direct investment is a very good thing for our country. It is a source of jobs.

I remember when I first came here in the early 1980s one of our major goals on the Democratic side, with a lot of Republican support, was to get more foreign direct investment. We had a bill we called the domestic content bill. It was to require that a certain percentage of each car sold in America be made in America, and the purpose of that was frankly to help get Japanese, at that time, automakers to come here.

People should understand foreign direct investment means we're talking direct investment as opposed to buying our bonds or buying financial instruments. It means putting money in here that creates jobs, and it ought to be something welcomed. In a few cases, there could be a problem, but the general rule should be that we welcome foreign direct investment.

Now, after the Dubai Ports and the reaction to it, concern grew in the rest of the world that we were not fully supportive of foreign direct investment, and there was this view that we had scared it away. I mention that because there are some who have incorrectly reported this bill, the CFIUS bill as we call it, the bill giving statutory reform to the Committee on Foreign Investments in the U.S., as an effort further to restrict foreign direct investment. That is the exact opposite of the truth.

We've worked very closely here, not just with the Secretary of the Treasury, Mr. Paulson, a great supporter of foreign direct investment, but also with the Financial Services Forum headed by the former Secretary of Commerce, Don Evans. He's been a real leader in this effort.

This is an effort by the Congress to make clear that we welcome foreign direct investment as a rule, but we will have procedures in place to prevent those exceptional examples where it might be problematic, where it might cause a security problem.

So I, again, want to stress this is the Congress of the United States reaffirming that foreign direct investment is a good thing for our economy, and it is our belief that the structure we have set up will help move things quickly.

By the way, Mr. Speaker, people won't be required to go through the CFIUS process, but they will be given assurance if they do that they can go forward. Now, that's very important

for people making investments. So this is a wholly supportive operation, and I thank the gentlewoman from New York and the gentlewoman from Ohio who have worked hard on this; the minority whip, the gentleman from Missouri, who is one of those who helped lead the fight for this. This is a genuine bipartisan bill. We passed it last year, and it's something that I know you will find it hard to believe, Mr. Speaker, after we passed the bill, somehow the United States Senate was unable to do that. I know that will cause some surprise to you, but there we are.

This year, it's different. We passed the bill, and the Senate under the leadership of the Senator from Connecticut, Mr. DODD, has passed a very similar bill, not identical, but they're close. I prefer in a few details what we have, but given the nature of the legislative process, we thought the best thing to do in consultation with the Secretary of the Treasury and with both parties was to accept the Senate version.

So this is accepting the Senate version, but we're accepting the Senate version of our version because what the Senate did was to make some fairly small changes in the bill that we adopted last year.

Now, with that, Mr. Speaker, I'm ready to yield. My understanding is that the chairman of the Armed Services Committee, who is concerned about this bill, wanted to raise a technical point. So I would ask the gentlewoman from New York if she would yield to the gentleman from Missouri for the purposes of his and I having a colloquy.

Mrs. MALONEY from New York. Mr. Speaker, I yield to my distinguished colleague, IKE SKELTON, as much time as he may consume.

Mr. SKELTON. Mr. Speaker, I thank the gentlewoman.

I strongly support H.R. 556, and I voted for it when it first came through House, passing by a vote of 423–0. I support the bill because it will protect the critical technologies and the critical infrastructure of this country by ensuring that these invaluable assets remain in friendly and responsible hands. In so doing, it strengthens our national security, and I think the bill makes many needed changes, especially by adding homeland security and critical infrastructure as essential elements to be considered for protection during national security investigations, and also by adding opportunities for congressional oversight in the process. In short, I'm in complete agreement with the intent of this bill.

I've been working with the chairman, however, to try and clarify some elements of the bill that may not make the intent of Congress fully clear. I believe that it is the intent of the Congress in this legislation to extend the current practice of seeking consensus in the Committee on Foreign Investments in the United States. This practice requires that transactions being reviewed and investigated by the committee must satisfy the concerns of all the agencies involved.

I believe that it is also Congress' intent under this legislation that the appropriate committees of the House, including all relevant committees with a jurisdictional interest in the outcomes of specific transactions under review, be kept informed by the executive branch.

And lastly, I believe that it's the intent of Congress in this legislation to require the executive branch to monitor and enforce the mitigation agreements imposed under this legislation to ensure compliance and to regularly review compliance with these mitigation agreements.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman would yield to me, I would say that I share the chairman of the Armed Services Committee's desire that the intent of Congress be clear. I also note the chairman has identified a technical error in the Senate amendment which should be corrected involving required reports of presidential decisions. I will work to accomplish a correction of this error, and I agree with the gentleman's statement of what the legislation intended and in the specific incidents that he cited.

Mr. SKELTON. Well, I certainly thank the chairman. I agree that there is a technical change required in the bill to ensure that Congress' intent be followed. I note that one good opportunity for making this technical and clarifying change to this bill will come during the House-Senate conference on the National Defense Authorization Act for fiscal year 2008. Will the chairman work with me to ensure that this technical and clarifying change can be made to this bill, including having it considered during the conference on the National Defense Authorization Act?

Mr. FRANK of Massachusetts. If the gentleman would yield to me, I'm glad to say, yes, I will work with the gentleman to ensure that this technical and clarifying change is made, and I agree with him the best way to do that is through the conference on the National Defense Authorization Act.

And while this technically falls in the jurisdiction of the Financial Services Committee, I am deviating from the script I was given to say that I think the besetting sin of this place is an excessive concern about turf. The people who put jurisdiction ahead of substance really should think better.

So I am delighted to be able to provide an example of intercommittee cooperation with my very good friend whom I admire, the gentleman from Missouri, and I will look forward to his correcting this error in that conference with the blessing, I believe, of our committee.

Mr. SKELTON. I thank my friend, my colleague from Massachusetts, and I thank the gentlewoman for yielding.

Mrs. MALONEY of New York. Mr. Speaker, I reserve the balance of my time and inquire how much time remains on my side.

The SPEAKER pro tempore. Twelve minutes.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentlewoman from New York for the time and also for her leadership on this issue. I rise today in strong support of H.R. 556, and I want to thank Chairman FRANK for building on our work in the last Congress, bringing this bill up when I was a proud sponsor, original sponsor, with Mrs. MALONEY and Mr. BLUNT and Mr. CROWLEY of similar legislation that we passed in this House last Congress, and I am proud to be an original sponsor of this legislation. This has been a bipartisan effort and model for the way Congress should operate all of time.

Mr. Speaker, as we now know and very few knew 18 months ago, CFIUS is charged with assessing the safety and security ramifications of direct foreign investment in the United States of America. The bill before us reforms CFIUS to strike the right balance between ensuring national security and open investment. 9/11 taught us that the number one priority of this government is to do all they can do to assure our citizens' security in their homeland.

Now, Dubai Ports World has left the front page and most people's minds, but it's not forgotten. Congress heard and responded to the immediate concerns voiced by Americans that we could not sell security at our ports at any price. Today, we pass a bill that returns accountability to a broken process, while ensuring job growth and investment in our economy are not collateral damage.

Importantly, the bill we are considering maintains that of the House bill that we introduced last March: increasing administration accountability for the scrutiny of foreign investment transaction; increasing congressional opportunities for oversight of that process; increasing predictability for businesses negotiating the CFIUS process; formalizing the Department of Homeland Security's role in CFIUS; and creating a formal role for the Director of National Intelligence in analyzing each proposed transaction.

Specifically, Mr. Speaker, the bill before us requires that the Treasury Department and each agency directly involved in scrutinizing a transaction sign a certification that goes directly to the Congress. There's strong emphasis on analysis of every transaction by the Director of National Intelligence, and time is given for all members of the CFIUS committee to digest the analysis before making a decision on a transaction. National security is put first in this process. Nothing stands before it.

It should be noted that the administration has radically overhauled the CFIUS process in the last 18 months

since the fiasco. This legislation is needed so there is no backsliding and no further letting down of our guard.

And finally, Mr. Speaker, let me say we cannot wait any longer to enact this legislation. We must send a clear signal to our trading partners. There were concerns that some of the press reports on the reform process gave other Nations the impression that we were going to enact protectionist legislation instead of a bill that continued to welcome foreign investment, which also means domestic job growth.

Trade does not take place in a vacuum. What we do here in the United States affects the environment available to U.S. companies expanding their global reach and the expansion of jobs here at home. Honda Motor Corporation alone has made a $6.3 billion investment in my home State of Ohio, employing over 8,500 people.

I mention this simply to say that we can't get to a point where foreign direct investment is a dirty phrase. The United States remains the world's largest recipient of direct foreign investment but by a decreasing margin. China, which was just a blip on the screen 20 years ago, is now a major competitor for foreign investment dollars. In June, the Commerce Department reported that foreign direct investment into U.S. businesses rose 77 percent in 2006, compared with a year earlier, but remained less than half their peak level in 2000.

If the United States is going to attract the ideas, the people, the capital and companies that will drive economic growth in the 21st century, we need a CFIUS process that protects national security but also keeps America an attractive and accessible place to do business and invest.

I want to thank the many members, the chairman and ranking member especially, who invested so much time and effort to get this process right.

Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY of New York. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I hope that my colleagues who voted for this bill unanimously are as delighted as I am to see H.R. 556, the CFIUS reform bill, once again on this floor, this time headed for the President's desk.

Strengthening the system of review of foreign direct investment in this country is, as this body has recognized repeatedly, an important national and strongly bipartisan interest.

When the Dubai Ports World matter became front page news a year and a half ago, most Americans had no idea that the Committee on Foreign Investments in the United States existed or what it did.

The Dubai Ports World debacle made clear that the CFIUS process needed strengthening and oversight, both to ensure that foreign investment here does not jeopardize our national security in a post-9/11 world and to encourage and support safe foreign investment in this country to create jobs and boost our economy. This bill is designed to accomplish both of these important goals.

As my colleagues will remember, one of the first bills passed by the Financial Services Committee in this Congress and brought to the floor was the original version of this legislation. I am delighted to say that the Senate adopted our bill with very few changes, and it is back here for final passage.

□ 1545

This has been a long and consistently bipartisan effort in which several Members played key roles and deserve special recognition.

I would like to especially thank Chairman FRANK and the Democratic leadership, Speaker NANCY PELOSI and Majority Leader STENY HOYER, for their support. They made this bill a priority and quickly moved it forward for passage.

I also thank Minority Whip ROY BLUNT for his work, both in this Congress and in the last, in putting together a coalition to build support for CFIUS reform. Congressman JOE CROWLEY and Congressman LUIS GUTIERREZ played a key role in that coalition, and I thank them.

My former colleague on the Monetary Policy Subcommittee, Congresswoman PRYCE of Ohio, worked with me to hold hearings on this bill in the last Congress. Those hearings built on the seminal report from the GAO on the weaknesses in the CFIUS process.

I also thank Congressman THOMPSON of Mississippi and Congressman KING of the Homeland Security Committee, who encouraged this bill from the start.

I would like to thank those Members' staff, particularly Scott Morris, Joe Pinder, Kevin Casey, Peter Freeman, Kyle Nehvins; my subcommittee staff director, Eleni Constantine and Ed Mills for their tireless work on this bill over the past 2 years.

I would also like to thank the Senate for moving forward promptly on this key issue and for adopting our bill and our bill number.

In particular, I thank Chairman DODD and Senator SHELBY for their bipartisan work in moving this forward and their staffs for the careful dedication they gave to every detail of this legislation.

Finally, I would like to the thank Secretary Paulson, Deputy Secretary Kimmitt, Undersecretary Steel and Assistant Secretary Lowery. It is they and their successors who will ensure that the CFIUS process works under Congress's oversight. I have appreciated the dialogue we have had over the past 2 years on how the reforms we propose will be implemented, and in some cases, they already have been.

This bill is necessary now more than ever. As the Wall Street journal reported this week, a growing number of countries are imposing new restrictions on foreign investment that go well beyond the strict focus on national security concerns embodied in this legislation.

The story indicates that the new hostility to foreign acquirers reflects a perception that the United States is erecting new barriers to foreign capital. Today's legislation establishes in unequivocal terms that this perception is false.

By strengthening and clarifying the national security review process and maintaining a strict focus on national security, the CFIUS reforms embodied in H.R. 556 clearly endorse the open investment policy of the United States while enhancing our national security protections. In the name of national security, the President can intervene in any transaction, and, similarly, CFIUS can condition approval of a deal on being able to reopen a review. But this bill provides clarity and certainty for investors by requiring a finding by CFIUS that all other remedies have been exhausted before CFIUS can reopen a review.

I would note that the certain and transparent CFIUS procedures in this bill stand in stark contrast to actions by some foreign governments where expropriations of assets have occurred arbitrarily without justification and without recompense for U.S. investors. By passing this bill, we continue our long-standing efforts to ensure that U.S. investors are treated with the same certainty and fairness in foreign markets as we give foreign investors in this bill.

This bill makes several necessary reforms. First, it creates CFIUS by statute, so that its operations, membership and procedures have a sound basis in law, and we are reviewable by Congress.

Second, it requires a full 45-day investigation of foreign government investment, in addition to the 30-day review, which can only be waived by the Secretary or the Deputy Secretary of Treasury. While many foreign governments' transactions are harmless, they also pose certain inherent risks. Governments have more assets and resources than private sector participants and may have nonmarket motives.

Third, it requires review and sign-off on every transaction, by a high-level official. When the Ports World deal became public, no senior official could be found who knew about the approval before it happened. The House bill required all approvals to be made by the Secretary or Deputy Secretary. The Senate bill allows a Deputy Secretary to make a decision, but it also mandates the creation of a special assistant secretary at Treasury whose portfolio would be CFIUS matters. By restricting the additional decision-making ability to one out of the many assistant secretaries at the Treasury, this preserves the accountability and high-level review that motivated the original delegation provision.

Fourth, the bill requires reporting to Congress after the conclusion of reviews. While we do not want to politicize the process of security review, we also want to assure proper oversight.

Fifth, it creates and places and puts in place the importance of review by the National Intelligence Director.

Six, it requires tracking of transactions that are withdrawn from the process. Since deals are often withdrawn because they hit a snag in the initial course of review, it is necessary to make sure that appropriate steps are taken to prevent whatever potential risk was spotted.

For example, this was the case with a Smartmatic transaction that I brought to the attention of Treasury last summer as a matter requiring CFIUS review. As you may recall, press reports indicated that Smartmatic, which had just bought the second largest voting machine company in the United States, Sequoia Voting Systems, had ties to the Venezuelan government.

I thought those allegations needed to be investigated by the body with the power to really get into the tangled ownership of the company, which is CFIUS. Under the broad and flexible definition of national security that the bill puts in place, certainly the ownership of voting machines is a potential national security issue.

A CFIUS review began of the deal. But before it was completed, Smartmatic withdrew and agreed to sell Sequoia. Certainly, this is an agreement that I would want CFIUS to track and make sure actually was followed.

I think we have struck the right balance in this bill in protecting the national security interests of our country, first and foremost, but also providing a certain and clear procedure to encourage safe foreign investment that will create jobs and boost the economy.

I urge my colleagues to once again give this bill their unequivocal support and send it to the President with a bipartisan vote.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 4 minutes to my colleague and good friend from the State of California, the ranking member on the Armed Services Committee, Mr. HUNTER.

Mr. HUNTER. I want to thank my colleague for yielding me some time and for the good work that she has done on this bill, as well as my good friend from New York.

Unfortunately, I oppose this bill for this reason: We passed out what I think was a pretty good bill out of the House. That bill had in it several critical national security elements. One of those elements was that any member of this committee, of the CFIUS committee, including, for example, the Secretary of Defense, or a leader in another agency, could, by a single vote, trigger an investigation if they thought there was a national security problem.

Remember, this bill grew out of the Dubai Ports problem. When we were faced with this takeover of our port operations in a number of key ports by a foreign-owned company, we realized that that company could access information about vulnerable aspects of those particular ports that could, at some point, be utilized in a terrorist activity.

So we understood, and that was a good illustration of how critical this CFIUS process is, especially with this array of foreign investments taking place in this country. So we understood that we needed to reform CFIUS. In those days, during the Dubai Ports problem, before that, you had an arrangement that was largely put together by Presidential directive, and the President, by his directive, gave any member of the CFIUS committee, including SecDef, the ability to raise their hand and basically say, I want an investigation.

Now, we ensured that, as we put this thing together in statute, that we maintained that right. I am turning to the House-passed provision that we passed, that I supported. It talked about an investigation being triggered by a roll call vote, and I am quoting, a roll call vote pursuant to paragraph 3(a) in connection with a review under paragraph 1 of any covered transaction results in at least one vote by a committee member against approving the transaction, meaning that the Secretary of Defense could get up and say, I think there is a problem here, and he could trigger that transaction.

Unfortunately, the product that came back from the Senate didn't have that provision. It had this provision; it said that an investigation would be triggered if ''the lead agency recommends and the committee concurs that an investigation be undertaken.'' They have clearly watered down the ability of one person, for example, the Secretary of Defense, to say, to trigger an investigation upon his demand.

I think that's a fatal flaw, because that takes us back to a weaker position than what we have had under the current practice, which involves an investigation being undertaken if a single member of the committee objects under the present Presidential directive. We are actually going back to a lower standard for triggering an investigation than we had before the Dubai ports problem.

So I think, unfortunately, we have taken a product from the Senate which is fatally flawed in that respect. I would strongly support this provision coming back, this exact same law, coming back with that fix. But I don't know any way we can fix it, or even with a colloquy or in any other way, assign a new congressional intent that will clearly reflect that the words that have been changed aren't, in fact, controlling at this point, but that there is a congressional intent that controls.

Unfortunately, I have to object to the passage of this bill, and I will not support the passage of this bill.

Mrs. MALONEY of New York. Mr. Speaker, I appreciate the gentleman's hard work on this bill and his statements, but I would like to clarify that CFIUS is a consensus body, so each member does and will continue to have an effective veto. This bill does not affect that ability in any way. Chairman FRANK of the committee made that very clear in his statements in committee and on the floor today.

Mr. Speaker, I include in the RECORD a list of important organizations in our country, including the Chamber of Commerce, that have issued letters and statements in support of this legislation.

JULY 10, 2007.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: On behalf of the Financial Services Forum, a trade association comprised of the CEOs of 20 of the largest and most diversified financial institutions, I write in strong support of H.R. 556, the ''Foreign Investment and National Security Act of 2007.'' This bipartisan legislation would ensure that proposed foreign investments in the U.S. meet national security objectives while preserving an open, fair and non-discriminatory investment environment.

Passage of this bill indicates to international investors and trade partners that the U.S. remains open for foreign investment and signals to other countries that they should follow suit by keeping their doors open to U.S. foreign direct investment.

The Forum believes that the legislation strikes the appropriate balance between keeping Americans safe and growing the economy. The included reforms make clear that every Administration will devote time and resources to foreign investment deals that require higher levels of scrutiny, while allowing acquisitions that do not present national security concerns to move forward swiftly.

Foreign direct investment supports employment for over 5 million Americans, who typically earn compensation well above the national average. Investment from abroad supports 19% of all U.S. exports. In 2005, a number of foreign-owned companies reinvested $59 billion in profits back into the U.S. economy. At a time when the competitiveness of the United States is so important, H.R. 556 will help maintain America's global advantage and grow the U.S. economy.

The Forum applauds the bipartisan leaders who worked swiftly and productively to move this bill. H.R. 556 will restore Congressional confidence in the CFIUS process and the Forum urges Members to support this critically important bipartisan bill.

Sincerely,

ROBERT S. NICHOLS,
President and COO,
The Financial Services Forum.

U.S. CHAMBER OF COMMERCE,
CONGRESSIONAL AND PUBLIC AFFAIRS,
Washington, DC, July 9, 2007.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, strongly supports H.R. 556, the ''National Security Foreign Investment Reform and Strengthened Transparency Act of 2007,'' which is expected to be considered by the House under suspension of the rules tomorrow. This bipartisan bill would make certain that the process for vetting proposed foreign investments in the

U.S. meets national security objectives while preserving an open, fair, and non-discriminatory investment environment. Passage of this bill sends the right signals to international investors: that the U.S. is open for foreign investment and that the nation's trade competitors should follow suit and keep their doors open to U.S. foreign direct investment.

The Chamber believes that H.R. 556 strikes the appropriate balance between keeping Americans safe and protecting the economy. The proposed reforms to the Committee on Foreign Investment in the United States (CFIUS) make clear that the administration has the flexibility to devote time and resources on foreign investment deals that require the most attention to national security concerns, while allowing acquisitions that do not present any national security concerns to move forward without impediment.

Foreign direct investment supports employment for 5.1 million Americans, who typically earn compensation well above the national average. Investment from abroad supports 19% of all U.S. exports. In 2005, a number of foreign-owned companies reinvested $59 billion in profits back into the U.S. economy. Clearly, this bill will help maintain America's competitive edge and continue to contribute positively to the U.S. economic growth.

The Chamber applauds the bipartisan effort that resulted in the completion of this bill. H.R. 556 will restore congressional confidence in the CFIUS process. The Chamber urges the House to support this critical bipartisan bill with a strong affirmative vote. The Chamber will consider using votes on, or in relation to, this issue in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, we have no other requests for time. Let me close by addressing the concerns of my colleague that were just raised. The reforms in many areas of this bill far outweigh the compromise of the committee machinations that were made over in the Senate.

Believe me, it is no small point, and it is one not lost on me. Our product, I believe, is far superior. The Senate's, as the gentleman points out, is weaker than ours.

But I believe that the colloquy between Chairman FRANK and Chairman SKELTON will help us resolve that. Chairman FRANK says it is the intent of this Congress that there is a consensus on the CFIUS, and he agreed to work with Chairman SKELTON and the Defense Authorization Act to correct this.

But taken as a whole, this bill is far superior than current law. It must be enacted, and the sooner the better. Let me reiterate, the rest of the world is watching us here today.

We are passing a balanced bill that does not forget the importance of FDI to our economy, but it protects our ports and our homeland to the extent that this Congress is able to do it.

I believe that we must act quickly. We have been stymied for a year now. We can't afford to send the wrong message. It means that American jobs will be lost, and we will be no safer for prolonging this process. This bill protects our economy, but also the ultimate protection is to our homeland. I urge passage of this bipartisan bill.

Mr. LANTOS. Mr. Speaker, I fully support H.R. 556, the Foreign Investment and National Security Act of 2007.

Greater oversight is needed regarding foreign investment in the United States, and I want to commend Chairman FRANK and Mrs. MALONEY for the work they have done in bringing about this legislation. The Committee on Foreign Affairs has significant jurisdictional interest in this legislation, and I was very pleased at the manner in which our committees have worked on H.R. 556 as it moved through the legislative process.

Mr. Speaker, I want to call attention to two critical issues. First, the treatment that the United States provides to foreign investors is often not reciprocated to United States companies who wish to invest in foreign markets, which threatens bilateral investment relations. The procedures laid out in this bill for the interagency Committee on Foreign Investments in the United States, or CFIUS, allow for a responsible and fair assessment of foreign direct investment into the United States. These procedures, however, stand in stark contrast to actions taken by some foreign governments, where expropriations of assets, often in the energy sector, have occurred arbitrarily, without justification, and without full and fair compensation for United States investors.

Mr. Speaker, we must continue to seek to ensure that U.S. investors are treated fairly in foreign markets, especially when a transaction being evaluated by CFIUS is for a company whose primary place of business is in a country that does not allow foreign direct investment from the United States in the same business sector as that of the covered transaction. In this way, we can seek to ensure that foreign governments honor their commitments in international agreements and provide for a fair and friendly investment climate for United States companies. I am pleased that the gentlelady from New York agrees with me on this score and that the House reports accompanying H.R. 556 address this important issue.

Second, the impact of foreign investments on national security must be considered when reviewing foreign investments into the United States. I am pleased that the Financial Services Committee recognizes the seriousness of how transactions reviewed by CFIUS can impact our national security. The Committee report on H.R. 556 makes clear that Congress expects the acquisitions of U.S. companies, including energy assets, by foreign governments or companies controlled by foreign governments, will be reviewed closely for their national security impact. I fully endorse this view and believe that the United States must remain vigilant in protecting our national security interests.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 556, the "Foreign Investment and National Security Act of 2007". As our Nation pursues the laudable dual goals of free and fair flows of capital and trade in the global economy, it must remain ever vigilant of its own security. Understanding this, H.R. 556 amends existing law to strengthen the process by which the Federal Government performs national security-related reviews of foreign investments in the United States.

First and foremost, this bill establishes in statute the membership of the Committee on Foreign Investment in the United States, CFIUS. H.R. 556 broadens the factors that CFIUS must consider during reviews of proposed foreign investments in the United States. This includes the bill's express intent that critical energy infrastructure-related aspects of national security not be ignored in the CFIUS review process. I am particularly pleased with this provision, as well as the establishment in the bill of adding both the Secretary of Energy and the Secretary of Commerce as permanent members of CFIUS. In short, the Committee on Energy and Commerce appreciates the emphasis laid by the bill on issues that fall squarely within our jurisdiction.

Lastly, I note my support for the bill's requirement that the Inspector General of the Department of the Treasury investigate why that Department has not complied with reporting requirements related to potential industrial espionage or coordinated strategies by foreign parties with respect to U.S. critical technology, as is required under current law. This underscores my strong belief that Congressional oversight is a necessary component in assuring that the laws are properly and thoroughly carried out by the Federal Government.

I do have concerns regarding what I believe are several shortcomings in H.R. 556, when compared to the bill originally passed by the House in February of this year. I am troubled that there is no provision to designate vice chairmen of CFIUS—which, in the bill originally passed by the House, would have been comprised of the Secretaries of Commerce and Homeland Security—and instead replaces it with "lead agencies," to which the responsibility for performing national security reviews would now mainly be delegated. This has the lamentable consequence of hindering the thorough participation of the Department of Commerce in the CFIUS review process, something for which my colleagues on the Subcommittee on Commerce, Trade, and Consumer Protection of the Committee on Energy and Commerce advocated during their hearing on CFIUS reform in July 2006.

Additionally, H.R. 556 now contains weaker provisions related to the collection of evidence in national security reviews, the approval of such reviews, as well as reporting requirements to the Congress about them. For example, while H.R. 556 originally directed CFIUS to submit reports to the Congress on all actions related to covered transactions, the bill now only provides for reports to be submitted to the Congress upon request. Also, I am alarmed that H.R. 556 no longer protects the Federal Government from liability for losses incurred by parties during CFIUS reviews. Such an omission may dissuade the Government from prosecuting thorough reviews for fear of being sued for remuneration by parties to CFIUS-covered transactions.

Although I have chided the bill for what I perceive to be its most apparent weaknesses, I have always maintained that the desire for perfect legislation should not impede the progress of good legislation. I believe H.R. 556 is good legislation that will contribute to the improvement of the CFIUS. I urge my colleagues to support the passage of H.R. 556.

Mr. THOMPSON of Mississippi. Mr. Speaker, I stand here today as Chairman of the

Committee on Homeland Security in support of H.R. 556, the Foreign Investment and National Security Act of 2007. This bill provides necessary reform by formalizing and streamlining the structure and duties of the Committee on Foreign Investment in the United States, CFIUS. This reform combines an understanding of the need for ensuring that foreign investment in the U.S. is in the security interests of the American public with an appreciation for global commerce in the 21st century. Indeed, this bill addresses many of the concerns raised about CFIUS over the past year, especially with regard to its current lack of transparency and oversight. This bill rectifies these concerns by formally establishing CFIUS and its membership, while also streamlining how and when CFIUS review will be conducted. This bill sends an important message to the country and the world: The United States will continue to encourage the international flow of commerce in a manner that demands the security of our country.

Mr. Speaker, the bill formalizes the CFIUS membership and requires the following to serve: (1) Secretaries of Treasury, Homeland Security, Commerce, Defense, State, and Energy; (2) Attorney General; Director of National Intelligence (ex officio); and Secretary of Labor (ex officio); and (3) The heads of any other executive department, agency, or office, as the President determines appropriate, generally on a case-by-case basis.

Under this bill, CFIUS will conduct a review of any transaction by or with any foreign person which could result in the foreign control of any person engaged in interstate commerce in the U.S. to determine the effects of the transaction on the national security of the U.S. CFIUS will determine whether to conduct an investigation of the effects of the transaction on the national security of the U.S. if the initial review of the transaction results in the determination that: The transaction threatens to impair the national security of the U.S. and that the threat has not been mitigated during or prior to the review of the transaction; the transaction is a foreign government-controlled transaction; the transaction would result in control of any critical infrastructure of or within the U.S. by or on behalf of any foreign person, if CFIUS determines that the transaction could impair national security, and that such impairment to national security has not been mitigated by assurances provided to CFIUS; or The lead agency recommends, and CFIUS concurs, that an investigation be undertaken.

Mr. Speaker, I believe that our colleagues in the Senate made remarkable contributions to this bill. For example, I think that its determination to eliminate the option for CFIUS to conduct a second 45-day review at the end of the investigation stage was a wise one. As a result of this change, CFIUS will be required to be efficient and will demonstrate our country's recognition of the importance of not hampering foreign investment that avoids hindering our national security. The Congressional Research Service's independent report, for instance, found that, for all the merger and acquisition activity in 2005, 13 percent of it was from foreign firms acquiring U.S. firms. This is up from 9 percent nearly 10 years before. This statistic shows that foreign investment in the U.S. is vital to our economy.

I must mention, however, my concern with one of the changes to the bill, as passed by my colleagues in the Senate, which eliminates an important role of the Secretary of Homeland Security. Both bills establish the Secretary of the Treasury as the Chairperson of CFIUS. Whereas the original House-passed bill required that the Secretaries of Homeland Security and Commerce be Vice Chairpersons of CFIUS, the current bill eliminates the Vice Chairpersons and, instead, calls for the Secretary of the Treasury to designate, as appropriate, a member or members of CFIUS to be the ''lead agency or agencies'' on behalf of CFIUS for each covered transaction, and for negotiating any mitigation agreements or other conditions necessary to protect national security. In addition, the lead agency or agencies will work on all matters related to the monitoring of the completed transaction. The ''lead agency'' role is particularly important because if the Secretary of the Treasury and the head of the lead agency jointly determine that a transaction will not impair the national security of the U.S. in certain cases, then an investigation will not be required.

The Department of Homeland Security has played a vital role with regard to CFIUS cases in the past and has an unparalleled institutional understanding of such cases. In its involvement with such cases, it represents the need to protect our homeland from attack and to ensure that our critical infrastructure is protected and available to the American public during, and in the aftermath of, an attack. In 2006, the Department was involved in each of the 113 CFIUS filings and, in 15 instances, the Department requested mitigation agreements. Thus far in 2007, the Department has been involved in each of the 80 filings and has requested five mitigation agreements. Furthermore, a large number of these filings regard the ownership of critical infrastructure, which is a major initiative of the Department. The Department's past involvement with CFIUS and its mission to protect our country only underscores its need to be second to none when CFIUS reviews cases. That the Department no longer has a clearly articulated leadership role in this process negates its understanding of such matters and undercuts a developing expertise of this new Department. Once this bill is enacted into law, I hope that the Secretary of the Treasury will appoint the Department of Homeland Security as one of the lead agencies in all CFIUS cases, unless there is an explicit reason to do otherwise. The need to protect our homeland is too vital—and the Department's role therein too intrinsic—for it to be left without a leadership position in all CFIUS filings.

This bill, nevertheless, brings the necessary reform to the CFIUS process. Incidents such as Dubai Ports World and China National Offshore Oil Corporation's attempted bid for control of an oil company, Unocal, raised an increased awareness regarding transactions that should receive CFIUS review. Importantly, though, this bill does not represent an isolationist reaction to these incidents but, instead, balances the need for continued foreign investment in the U.S. with the need to review that investment's impact on national security and our critical infrastructure.

Only through this legislation will CFIUS have a formal budget, membership, and a clear mission—protecting American security while maintaining a free and growing economy.

In closing, let me thank my colleagues on the Financial Services Committee for their leadership on this legislation, especially my Democratic colleagues Chairman FRANK as well as Representative CAROLYN MALONEY and Representative JOSEPH CROWLEY of New York. I would also like to thank my colleagues in the Senate.

I encourage my colleagues to pass this legislation with strong bipartisan support.

Mr. RUSH. Mr. Speaker, I rise today in order to express the support of the Committee on Energy and Commerce, and in particular the Subcommittee for Commerce, Trade, and Consumer Protection, for H.R. 556, the ''Foreign Investment and National Security Act of 2007.'' This bill makes much-needed reforms to the process by which the Committee on Foreign Investment in the United States, hereafter: CFIUS, performs national security-related reviews of potential foreign investments in our country.

Since the DB World scandal, the Committee on Energy and Commerce has been actively involved in efforts to reform CFIUS. Along with the Committee on Financial Services and the Committee on (then) International Relations, our Committee received referral of H.R. 5337, the ''National Security Foreign Investment Reform and Strengthened Transparency Act of 2006,'' in May 2006. Following a hearing by the Subcommittee on Commerce, Trade, and Consumer Protection on H.R. 5337 in July 2006, the Committee on Energy and Commerce ordered the bill reported. While H.R. 5337 was approved by the House, the Senate did not take it up before the conclusion of the 109th Congress.

In January of this year, the Committee on Energy and Commerce again received referral of a CFIUS reform bill, this time H.R. 556, the ''National Security Foreign Investment Reform and Transparency Act of 2007.'' In the interest of expediting House passage of this bill, our Committee agreed to waive its right to mark up H.R. 556, provided that the final bill include provisions for the establishment of a vice chairmanship of CFIUS, additional CFIUS reporting requirements to the Congress, and that the Inspector General of the Treasury Department investigate that Department's failure to report on potential industrial espionage or coordinated strategies by foreign countries with respect to U.S. critical technology. This understanding—intended for the express purpose of strengthening Congressional oversight of the CFIUS review process—is reflected in an exchange of letters between the Committee on Financial Services and Committee on Energy and Commerce, which itself is part of the record of the bill's initial House debate.

Given our jurisdictional stake and strong interest in CFIUS reform, the Committee on Energy and Commerce is pleased that the House will vote today on H.R. 556. This bill is the culmination of over a year's effort to improve the process by which our government reviews potential foreign investment in the United States for national security risks. While my Committee does offer its support of H.R. 556, we would note that our support is tempered by concerns with deficiencies in the Senate amendments to the bill. My good friend and colleague, Chairman DINGELL, discusses these concerns in greater detail in a statement which has been inserted into the RECORD. Given this, the Subcommittee on Commerce, Trade, and Consumer Protection fully intends to monitor the implementation of this new law. We feel, nevertheless, that the bill makes a meaningful contribution to the reform of the CFIUS review

process and would urge our colleagues to vote for its passage.

Mr. MANZULLO. Mr. Speaker, I am particularly pleased that we are this point in the legislative process to send to the President's desk a bipartisan, bicameral reform of the Committee on Foreign Investment in the United States, CFIUS, process. I first became interested in CFIUS reform when a Chinese state-owned enterprise was in competition with a private Italian and a Canadian firm to purchase a very sensitive machine tool division of Ingersoll Milling. The Chinese eventually decided not to attempt to buy the very sensitive machine tool division of Ingersoll but were able to purchase the non-sensitive production line division, which saved hundreds of jobs. It came up again when IBM decided to sell its personal computer division to Lenovo, partially owned by the Chinese government. It emerged again when the China National Offshore Oil Company, CNOOC, another Chinese state-owned enterprise, was ready to outbid a private firm to acquire Unocal.

Let me make clear that I am a strong supporter of foreign direct investment into the United States. U.S. subsidiaries of foreign companies employ 5.1 million Americans, of which 31 percent are in the manufacturing sector; have a payroll of $325 billion; and account for 19 percent of all U.S. exported goods. Foreign direct investment in the U.S. is important because in many cases it provides capital to purchase companies in the U.S. where there is no domestic financing or interest, thus saving thousands of U.S. jobs. Many foreign companies retained numerous firms and jobs in the northern Illinois district I am proud to represent including Ingersoll Machine Milling (Italy) and Ingersoll Cutting Tools (Israel) in Rockford; Nissan Forklift (Japan) in Marengo; Eisenmann Corporation (Germany) in Crystal Lake; and Cadbury-Schweppes (United Kingdom), which owns the Adams confectionary plant in Loves Park. In fact, Illinois is fifth in the United States in terms of the number of employees supported by U.S. subsidiaries of foreign companies per State.

The House is now prepared to send a comprehensive CFIUS reform bill to the President because of the legitimate concern over a year ago of Dubai Ports (DP) World's proposed acquisition of the London-based Peninsular and Oriental Steam Navigation Company (P&O) management operations of 27 terminals at 6 major U.S. ports east of the Mississippi River. Many Americans were legitimately concerned about the national security implications of this deal. However, it was often overlooked that DP World is a state-owned enterprise, owned by the royal family of Dubai. What does it mean for our national interest when foreign governments acquire private sector companies in America?

In the P&O case, the New York Times reported on February 24, 2006 that this sale came down to a ''battle between two foreign, state-backed companies''—DP World and PSA, which is part of the investment arm of the Singapore government. ''The acquisition price (for P&O) reflects the advantage that a number of the fastest growing companies enjoy—their government's deep pockets.'' Here is the key, Mr. Speaker—''DP World paid about 20 percent more (for P&O) than analysts thought the company was worth. Publicly traded companies that were potential bidders were scared off long before DP World's final offer.''

You would think this would be a factor in the CFIUS decisionmaking process, particularly after Congress in 1992 required a 45-day review process for acquisitions by state-owned enterprises in reaction to the proposed sale of LTV's missile division to Thomson-CSF, the American subsidiary of a French firm that was then 58 percent owned by the French Government. Yet, CFIUS initially declined to subject the DP World's proposed acquisition of P&O through the additional 45-day review process until pressured by Congress.

I am pleased that H.R. 556 incorporates my main suggestion to mandate all proposed acquisitions of U.S. assets by a foreign state-owned enterprise undergo the more rigorous additional 45-day review process. The free market cannot work if foreign governments subsidize the purchase of U.S. assets. H.R. 556 will make absolutely crystal clear that in every case where there is a proposed acquisition by a foreign state-owned enterprise, it will undergo heightened scrutiny to ensure that there is no hidden agenda by a foreign government that could undermine our national security. We owe it to our constituents to make sure that foreign governments do not undermine our open free market system as a tool to advance their national interests. I congratulate the Chairmen and Ranking Members in both Houses of Congress for working together to produce a bill that will merit the President's signature. I urge my colleagues to support H.R. 556.

Mr. SHAYS. Mr. Speaker, as a cosponsor of H.R. 556, I am pleased we are considering the Senate amendment to this legislation, which passed the House earlier this Congress by an overwhelming bipartisan vote. This legislation will require congressional notification for cases sent to second-stage reviews and automatically subjects all transactions involving foreign state-owned companies to a second-stage 45-day investigation.

Last year, the attempt by Dubai Ports World, a port operations company owned by the government of the United Arab Emirates, to purchase operating terminals at 6 U.S. ports was a clear indicator the CFIUS process was in dire need of reform.

Whenever a foreign investment affects our homeland security, it deserves greater scrutiny. It seems to me this legislation strikes the proper balance between strengthening our economy and protecting the American people.

Mr. Speaker, I urge my colleagues to support this legislation and move this bill to the President for his signature.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support, and as a proud co-sponsor of H.R. 556, the bipartisan National Security FIRST Act of 2007. This bill will ensure that never again will the Congress and people of the United States be taken by surprise at the discovery that an administration may have endangered the nation's security by authorizing the acquisition of critical American infrastructure by an entity owned or controlled by foreign government with interests inimical to the United States.

Mr. Speaker, recall how outraged Americans were in January 2006 when we learned of the Bush administration's secret approval of the Dubai Ports World deal. That is when it was disclosed that the secretive Committee on Foreign Investment in the United States (CFIUS) had approved a port deal sought by Dubai Ports World—with only minimal review—despite the deal's national security implications. Dubai Ports World is a company owned by the government of the United Arab Emirates (UAE).

The Dubai port deal would have resulted in the company managing terminal operations at six major U.S. ports, including the Port of Houston in my own congressional district. But that is not all. As the facts began to dribble out, we learned that the CFIUS had not initiated a 45-day national security investigation—despite the fact that UAE had links to 9/11 and notwithstanding the fact the Department of Homeland Security had raised security concerns. It was only in response to the overwhelming disapproval, criticism, and anger of the American people and the Congress that Dubai Ports World announced in early March 2006 that it was divesting itself of these U.S. port operations, effectively killing the deal.

Mr. Speaker, although this was a happy outcome it did not obscure the material fact that the CFIUS process was fundamentally flawed. This is because despite the national security implications, the Bush administration lawfully had approved the Dubai Ports World deal with only minimal review—and with no notification to the Congress.

It is also clear from the record that the Bush administration only gave the Dubai port deal a cursory look before approving it. The secretive CFIUS approved the plan with little review, in only 30 days, and without the 45-day national security investigation that should have been conducted. Further, the CFIUS approval was made by mid-level officials. The senior-level decisionmakers in the administration—including the Secretary of the Treasury, the Secretary of Homeland Security, and the President of the United States—were not involved in the decisionmaking process and learned of it only from media reports. In addition, no Member of Congress was informed of the secretive approval by CFIUS of the port deal—with Members also learning about the deal in press reports.

Mr. Speaker, as a senior member of the Committee on Homeland Security, I participated in hearings that uncovered the weaknesses in the CFIUS regulatory framework and cosponsored bipartisan legislation in the 109th Congress that would have corrected these deficiencies. That bill, H.R. 5337, passed the House 424–0 but the Republican congressional leadership in the last Congress could not get together with the Senate to produce and present to the President a bill he would sign.

We rectify that failure today. H.R. 556 strengthens national security by reforming the interagency Committee on Foreign Investment in the United States (CFIUS) process by which the Federal Government reviews foreign investments in the United States for their national security implications.

The bill requires CFIUS to conduct a 30-day review of any national security-related business transaction. After a 30-day review is conducted, CFIUS would be required to conduct a full-scale, 45-day investigation of the effects the business transaction would have on national security if the committee review determines that the transaction threatens to impair national security and these threats have not been mitigated during the 30-day review. The statutory 45-day review is also triggered if the committee review determines that the transaction involves a foreign government-controlled entity and the CFIUS chairman and

vice chairman are unable to certify it poses no threat to the national security. Finally, the 45-day review is required if the Director of National Intelligence (DNI) identifies intelligence concerns with the transaction that he concludes could threaten national security, and these threats have not been mitigated during the 30-day review. The bill also contains numerous other provisions to strengthen the CFIUS review process.

Mr. Speaker, I support H.R. 556 for four important reasons. First, it subjects transactions involving foreign governments to a stricter level of scrutiny. Second, the bill provides for senior-level accountability for CFIUS decisions. Third, the bill improves CFIUS accountability to Congress. Finally, H.R. 556 strengthens the CFIUS review process by establishing a formal role for intelligence assessments for every transaction. I will briefly discuss each of these important procedural improvements.

Mr. Speaker, as I indicated earlier, the Dubai Ports World deal was approved by mid-level officials and without a 45-day national security investigation of the transaction, even though Dubai Ports World was owned by a foreign government. H.R. 556 strengthens current law by requiring in cases involving a company that is controlled by a foreign government, a non-delegable certification by either (1) the chairman of CFIUS (the Secretary of the Treasury) or the vice-chairman of CFIUS (the Secretary of Homeland Security) that the transaction poses no national security threat. In the absence of this non-delegable certification, a second-stage 45-day national security investigation of the transaction must take place.

Next, H.R. 556 ensures senior level accountability for CFIUS decisions by requiring the chairman and vice chairman of CFIUS to approve all transactions where CFIUS consideration is completed within the 30-day review period (limiting delegation of approval authority to the Under Secretary level); and requires that the President approve all transactions that have also been subjected to the second-stage 45-day national security investigation.

H.R. 556 improves CFIUS accountability to Congress. As was noted above, Members of Congress were not notified of the CFIUS approval of the Dubai Ports World deal. This bill rectifies this failure by requiring CFIUS to report to the congressional committees of jurisdiction within 5 days after the final action on a CFIUS investigation, and permits the committees to request one detailed classified briefing on the transaction. The bill also requires CFIUS to file semi-annual reports to Congress that contain information on transactions handled by the committee during the previous 6 months.

Last, H.R. 556 strengthens the CFIUS review process by establishing a formal role for intelligence assessments for every transaction. The bill requires that every transaction be subjected to an assessment by the Director of National Intelligence (DNI) and contains provisions to ensure that the DNI has adequate time to conduct the required assessment.

All in all, Mr. Speaker, H.R. 556 represents an important contribution to our effort to secure the homeland. Last November, the American people voted for change, they voted for competence, they voted for a new direction for our country. I am proud to say that with H.R. 556, the new majority has once again delivered on its promise to chart a new direction to make America safer and more secure.

I urge all Members to join me in supporting H.R. 556.

Ms. PRYCE of Ohio. Mr. Speaker, I yield back the balance of my time.

Mrs. MALONEY of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MALONEY) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 556.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. MALONEY of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

□ 1600

COURT SECURITY IMPROVEMENT ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 660) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 660

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 ''Court Security Improvement Act of 2007''.

TITLE I—JUDICIAL SECURITY IMPROVEMENTS AND FUNDING

SEC. 101. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) ENSURING CONSULTATION WITH THE JUDICIARY.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

''(i) The Director of the United States Marshals Service shall consult with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.''.

(b) CONFORMING AMENDMENT.—Section 331 of title 28, United States Code, is amended by adding at the end the following:

''The Judicial Conference shall consult with the Director of United States Marshals Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.''.

SEC. 102. FINANCIAL DISCLOSURE REPORTS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by striking subparagraph (E).

SEC. 103. PROTECTION OF UNITED STATES TAX COURT.

(a) IN GENERAL.—Section 566(a) of title 28, United States Code, is amended by striking ''and the Court of International Trade'' and inserting '', the Court of International Trade, and any other court, as provided by law''.

(b) INTERNAL REVENUE CODE.—Section 7456(c) of the Internal Revenue Code of 1986 (relating to incidental powers of the Tax Court) is amended in the matter following paragraph (3), by striking the period at the end, and inserting ''and may otherwise provide for the security of the Tax Court, including the personal protection of Tax Court judges, court officers, witnesses, and other threatened person in the interests of justice, where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding.''.

SEC. 104. PROTECTION OF UNITED STATES TAX COURT.

(a) IN GENERAL.—Section 566(a) of title 28, United States Code, is amended by striking ''and the Court of International Trade'' and inserting '', the Court of International Trade, and the United States Tax Court, as provided by law''.

(b) INTERNAL REVENUE CODE.—Section 7456(c) of the Internal Revenue Code of 1986 (relating to incidental powers of the Tax Court) is amended in the matter following paragraph (3), by striking the period at the end, and inserting ''and may otherwise provide, when requested by the chief judge of the Tax Court, for the security of the Tax Court, including the personal protection of Tax Court judges, court officers, witnesses, and other threatened persons in the interests of justice, where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding.''.

(c) REIMBURSEMENT.—The United States Tax Court shall reimburse the United States Marshals Service for protection provided under the amendments made by this section.

TITLE II—CRIMINAL LAW ENHANCEMENTS TO PROTECT JUDGES, FAMILY MEMBERS, AND WITNESSES

SEC. 201. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

''§ 1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title

''Whoever files, attempts to file, or conspires to file, in any public record or in any private record which is generally available

to the public, any false lien or encumbrance against the real or personal property of an individual described in section 1114, on account of the performance of official duties by that individual, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

''1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.''.

SEC. 202. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

''§ 119. Protection of individuals performing certain official duties

''(a) IN GENERAL.—Whoever knowingly makes restricted personal information about a covered official, or a member of the immediate family of that covered official, publicly available—

''(1) with the intent to threaten, intimidate, or incite the commission of a crime of violence against that covered official, or a member of the immediate family of that covered official; or

''(2) with the intent and knowledge that the restricted personal information will be used to threaten, intimidate, or facilitate the commission of a crime of violence against that covered official, or a member of the immediate family of that covered official,

shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) DEFINITIONS.—In this section—

''(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

''(2) the term 'covered official' means—

''(A) an individual designated in section 1114;

''(B) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate;

''(C) a public safety officer (as that term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968) who is employed by a public agency that receives Federal financial assistance; and

''(D) a paid informant or any witness in a Federal criminal investigation or prosecution or in a State criminal investigation or prosecution of an offense that is in or affects interstate or foreign commerce;

''(3) the term 'crime of violence' has the meaning given the term in section 16; and

''(4) the term 'immediate family' has the meaning given the term in section 115(c)(2).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''119. Protection of individuals performing certain official duties.''.

SEC. 203. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e)(1) of title 18, United States Code, is amended by inserting ''or other dangerous weapon'' after ''firearm''.

SEC. 204. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

''(g) A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.''.

SEC. 205. MODIFICATION OF TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

(a) CHANGES IN PENALTIES.—Section 1512 of title 18, United States Code, is amended—

(1) so that subparagraph (A) of subsection (a)(3) reads as follows:

''(A) in the case of a killing, the punishment provided in sections 1111 and 1112;'';

(2) in subsection (a)(3)—

(A) in the matter following clause (ii) of subparagraph (B) by striking ''20 years'' and inserting ''30 years''; and

(B) in subparagraph (C), by striking ''10 years'' and inserting ''20 years'';

(3) in subsection (b), by striking ''ten years'' and inserting ''20 years''; and

(4) in subsection (d), by striking ''one year'' and inserting ''3 years''.

SEC. 206. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended—

(1) in subsection (a)(1)(B)—

(A) by inserting a comma after ''probation''; and

(B) by striking the comma which immediately follows another comma;

(2) in subsection (a)(2)(B), by striking ''20 years'' and inserting ''30 years'';

(3) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting a comma after ''probation''; and

(ii) by striking the comma which immediately follows another comma; and

(B) in the matter following paragraph (2), by striking ''ten years'' and inserting ''20 years''; and

(4) by redesignating the second subsection (e) as subsection (f).

SEC. 207. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

Section 1112(b) of title 18, United States Code, is amended—

(1) by striking ''United States,'' and inserting ''United States—'';

(2) by striking ''Whoever is guilty of voluntary manslaughter,'' and inserting the following:

''(1) subject to paragraph (3), whoever is guilty of voluntary manslaughter'';

(3) by striking ''Whoever is guilty of involuntary manslaughter,'' and inserting the following:

''(2) subject to paragraph (3), whoever is guilty of involuntary manslaughter'';

(4) at the end of paragraph (2) (as designated by paragraph (3)), by striking the period and inserting ''; and''; and

(5) by adding at the end the following:

''(3) whoever is guilty of an offense under section 1114 or chapter 73 that involved a killing shall—

''(A) in the case of voluntary manslaughter, be fined under this title, imprisoned for not more than 20 years, or both; and

''(B) in the case of involuntary manslaughter, be fined under this title, imprisoned for not more than 10 years, or both.''.

SEC. 208. ASSAULT PENALTIES.

Section 115 of title 18, United States Code, is amended in subsection (b) by striking ''(1)'' and all that follows through the end of paragraph (1) and inserting the following :

''(1) The punishment for an assault in violation of this section is a fine under this title and—

''(A) if the assault consists of a simple assault, a term of imprisonment for not more than one year, or both;

''(B) if the assault resulted in bodily injury (as defined in section 1365), a term of imprisonment for not more than 10 years;

''(C) if the assault resulted in serious bodily injury (as defined in section 1365), a term of imprisonment for not more than 15 years; or

''(D) if a dangerous weapon was used during and in relation to the offense, a term of imprisonment for not more than 30 years.''.

SEC. 209. DIRECTION TO THE SENTENCING COMMISSION.

The United States Sentencing Commission is directed to review the Sentencing Guidelines as they apply to threats punishable under section 115 of title 18, United States Code, that occur over the Internet, and determine whether and by how much that should aggravate the punishment pursuant to section 994 of title 28, United States Code. In conducting the study, the Commission shall take into consideration the number of such threats made; the intended number of recipients, whether the initial sender was acting in an individual capacity or part of a larger group.

TITLE III—PROTECTING STATE AND LOCAL JUDGES AND RELATED GRANT PROGRAMS

SEC. 301. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5) by a State, unit of local government, or Indian tribe to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

''SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $20,000,000 for each of the fiscal years 2008 through 2012 to carry out this subtitle.''.

SEC. 302. ELIGIBILITY OF STATE COURTS FOR CERTAIN FEDERAL GRANTS.

(a) CORRECTIONAL OPTIONS GRANTS.—Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) grants to State courts to improve security for State and local court systems.''; and

(2) in subsection (b), by adding at the end the following:

''Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.''.

(b) ALLOCATIONS.—Section 516(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended—

(1) by striking ''80'' and inserting ''70'';

(2) by striking ''and 10'' and inserting ''10''; and

(3) by inserting before the period the following: '', and 10 percent for section 515(a)(4)''.

(c) STATE AND LOCAL GOVERNMENTS TO CONSIDER COURTS.—The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and

(3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.

(d) ARMOR VESTS.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll) is amended—

(1) in subsection (a), by inserting ''and State and local court officers'' after ''tribal law enforcement officers''; and

(2) in subsection (b)(1), by inserting ''State or local court,'' after ''government,''.

SEC. 303. GRANTS TO STATES FOR THREAT ASSESSMENT DATABASES.

(a) IN GENERAL.—The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such courts to establish and maintain a threat assessment database described in subsection (b).

(b) DATABASE.—For purposes of subsection (a), a threat assessment database is a database through which a State can—

(1) analyze trends and patterns in domestic terrorism and crime;

(2) project the probabilities that specific acts of domestic terrorism or crime will occur; and

(3) develop measures and procedures that can effectively reduce the probabilities that those acts will occur.

(c) CORE ELEMENTS.—The Attorney General shall define a core set of data elements to be used by each database funded by this section so that the information in the database can be effectively shared with other States and with the Department of Justice.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2008 through 2011.

TITLE IV—LAW ENFORCEMENT OFFICERS

SEC. 401. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, those who commit fraud and other white-collar offenses, and other criminal cases.

(b) CONTENTS.—The report submitted under subsection (a) shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling prosecutions described in subsection (a) and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling prosecutions described in subsection (a), including threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The firearms deputation policies of the Department of Justice, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each requirement, measure, or policy described in paragraphs (1) through (3), when the requirement, measure, or policy was developed and who was responsible for developing and implementing the requirement, measure, or policy.

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide attorneys handling prosecutions described in subsection (a) with secure parking facilities, and how priorities for such facilities are established—

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency attorneys handling prosecutions described in subsection (a) are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the policy of the Department of Justice as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of attorneys handling prosecutions described in subsection (a), the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, attorneys handling prosecutions described in subsection (a).

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXPANDED PROCUREMENT AUTHORITY FOR THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Section 995 of title 28, United States Code, is amended by adding at the end the following:

''(f) The Commission may—

''(1) use available funds to enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year, to the same extent as executive agencies may enter into such contracts under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l);

''(2) enter into multi-year contracts for the acquisition of property or services to the same extent as executive agencies may enter into such contracts under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c); and

''(3) make advance, partial, progress, or other payments under contracts for property or services to the same extent as executive agencies may make such payments under the authority of section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255).''.

(b) SUNSET.—The amendment made by subsection (a) shall cease to have force and effect on September 30, 2010.

SEC. 502. MAGISTRATE AND TERRITORIAL JUDGES LIFE INSURANCE.

(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after ''hold office during good behavior,'' the following: ''magistrate judges appointed under section 631 of this title, and territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1877 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)),''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 503. ASSIGNMENT OF JUDGES.

Section 296 of title 28, United States Code, is amended by inserting at the end of the second undesignated paragraph the following new sentence: ''However, a judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed, shall have all the powers of a judge of that court, including participation in appointment of court officers and magistrates, rulemaking, governance, and administrative matters.''.

SEC. 504. SENIOR JUDGE PARTICIPATION IN THE SELECTION OF MAGISTRATES.

Section 631(a) of title 28, United States Code, is amended by striking ''Northern Mariana Islands'' the first place it appears and inserting ''Northern Mariana Islands (including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed)''.

SEC. 505. GUARANTEEING COMPLIANCE WITH PRISONER PAYMENT COMMITMENTS.

Section 3624(e) of title 18, United States Code, is amended by striking the last sentence and inserting the following: ''Upon the release of a prisoner by the Bureau of Prisons to supervised release, the Bureau of Prisons shall notify such prisoner, verbally and in writing, of the requirement that the prisoner adhere to an installment schedule, not to exceed two years except in special circumstances, to pay for any fine imposed for the offense committed by such prisoner, and of the consequences of failure to pay such fines under sections 3611 through 3614 of this title.''.

SEC. 506. STUDY AND REPORT.

The Attorney General shall study whether the generally open public access to State and local records imperils the safety of the Federal judiciary. Not later than 18 months after the enactment of this Act, the Attorney General shall report to Congress the results of that study together with any recommendations the Attorney General deems necessary.

SEC. 507. REAUTHORIZATION OF FUGITIVE APPREHENSION TASK FORCES.

Section 6(b) of the Presidential Threat Protection Act of 2000 (28 U.S.C. 566 note; Public Law 106–544) is amended—

(1) by striking ''and'' after ''fiscal year 2002,''; and

(2) by inserting '', and $10,000,000 for each of the fiscal years 2008 through 2012'' before the period.

SEC. 508. INCREASED PROTECTION OF FEDERAL JUDGES.

(a) MINIMUM DOCUMENT REQUIREMENTS.—

(1) MINIMUM REQUIREMENTS.—For purposes of section 202(b)(6) of the REAL ID Act of 2005(49 U.S.C. 30301 note), a State may, in the case of an individual described in subparagraph (A) or (B) of paragraph (2), include in a driver's license or other identification card issued to that individual by the State, the address specified in that subparagraph in lieu of the individual's address of principle residence.

(2) INDIVIDUALS AND INFORMATION.—The individuals and addresses referred to in paragraph (1) are the following:

(A) In the case of a Justice of the United States, the address of the United States Supreme Court.

(B) In the case of a judge of a Federal court, the address of the courthouse.

(b) VERIFICATION OF INFORMATION.—For purposes of section 202(c)(1)(D) of the REAL ID Act of 2005 (49 U.S.C. 30301 note), in the case of an individual described in subparagraph (A) or (B) of subsection (a)(2), a State need only require documentation of the address appearing on the individual's driver's license or other identification card issued by that State to the individual.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Sadly, Mr. Speaker, our Nation's judiciary has been the repeated targets of death threats and sometimes even violent acts. In 2005, for example, the family members of a Federal judge in Chicago were murdered. Two weeks later, a State judge, court reporter, and a sheriff's deputy were killed in an Atlanta courthouse. And so it is these acts of violence in the judiciary that bring us together.

Along with others, we have begun on the Judiciary Committee to realize the need for legislation that will perhaps try to deal more effectively with these concerns of safety in the courts. So I am pleased that the gentleman from Virginia, the chairman of the Subcommittee on Crime, BOBBY SCOTT; and Judge LOUIE GOHMERT of Texas, a distinguished member of the committee, have joined with me in this effort.

What we seek to do is improve the security for court officers and the safeguards of judges and their families. We achieve this objective by making several revisions in the current law.

First, we make the current redaction authority of Federal judges under the Ethics and Government Act permanent. What this provision will do is prevent would-be aggrieved litigants and others who might use a Federal judge's personal information to determine how they might threaten him or her or a family member of the court.

Another thing we do in this legislation is authorize an additional $120 million for the United States Marshals Service over the course of the next 6 years. These monies will enable the service to increase ongoing investigations and expand protective services that are currently provided to the Federal judiciary. This is a long overdue item, and we were glad that we reached authorizing agreement on it.

The bill also makes it a Federal offense to publish the personal information of a judge, law enforcement officer, or witness with the intent to cause some act of intimidation or harassment, or to commit a crime of violence. This measure authorizes $100 million over the course of the next 5 fiscal years to create and expand the witness protection programs to assist witnesses and victims of crime.

It has taken a couple years to put these various pieces together in the bill, and we think that time for its passage is immediate, if not overdue, and I urge my colleagues to give favorable consideration to this very commonsense proposal.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 660, the Court Security Improvement Act of 2007. This legislation is a bipartisan effort, as the chairman just mentioned, to improve the security of those who administer our justice system, as well as those who serve as witnesses, victims, and their families.

In recent years, Mr. Speaker, we have seen an increase in violence and threats against judges, prosecutors, defense counsel, law enforcement officers, courthouse employees; and the list is virtually endless. It is critical that we address this violence in order to preserve the integrity of, and the public confidence in, our justice system.

The murders of family members of U.S. District Judge Joan Lefkow and the brutal slayings of Judge Rowland Barton and his court personnel in Atlanta are just a few of the many examples that underscore the need to better protect those who serve our judiciary and their respective families.

According to the Administrative Office of the U.S. Courts, almost 700 threats a year are made against Federal judges. In numerous cases, it has been necessary to assign Federal judges security details for fear of attack by terrorists, violent gangs, drug organizations, and disgruntled litigants.

The problem of witness intimidation and threats has also continued to grow, particularly at the State and local levels, where few resources are available to protect witnesses, victims, and their families.

H.R. 660 improves coordination between the United States Marshals Service and the Federal judiciary and bolsters security measures for Federal prosecutors handling the dangerous trials against terrorists, drug organizations, and other organized crime figures.

This bill also prohibits public disclosure on the Internet and other public sources of personal information about judges, law enforcement officers, victims, and witnesses, and protects Federal judges and prosecutors from organized efforts to harass and intimidate them through false filings of liens or other encumbrances against personal property.

Additionally, H.R. 660 provides grants to State and local courts to improve their security services. I want to thank the majority for working with us to include other important provisions that were not in the original legislation.

Under our bipartisan agreement, the legislation we consider today, Mr. Speaker, also contains increased criminal penalties for assaults against Federal law enforcement officers, makes permanent the redaction authority for judges filing ethics disclosure forms, and reauthorizes the Presidential Threat Task Forces.

Although we were unable to include in this legislation a provision that ensures retired and off-duty police officers permission to carry firearms under a Federal law enacted in 2004, I appreciate Chairman CONYERS' and Subcommittee Chairman SCOTT's promise to move and pass on suspension the Law Enforcement Officers Safety Act of 2007, which accomplishes that goal.

It is imperative, it seems to me, Mr. Speaker, that we continue to work together on a bipartisan effort to ensure that judges, witnesses, courthouse personnel, and law enforcement officers do not have to face threats and violence when discharging their duties.

At the State and local level there is a dire need to provide basic security services in the courtroom and for witnesses. H.R. 660 represents a significant first step in this area.

Mr. Speaker, when I served as chairman of the Crimes Subcommittee in the previous Congress, the House passed legislation to improve court security, only to see it die in the other body. I commend Chairman CONYERS, the distinguished gentleman from Michigan; Ranking Member SMITH, distinguished gentleman from Texas; as well as Crime Subcommittee Chairman SCOTT, the distinguished gentleman from Virginia; and another distinguished gentleman from Virginia, Representative FORBES, for their continued leadership on this issue, and hope that we can successfully get this legislation across the finish line.

Finally, I want to acknowledge what Chairman CONYERS did, what Ranking

Subcommittee Chairman BOBBY SCOTT did, and the effects, as you mentioned, Mr. Chairman, of Congressman LOUIE GOHMERT, the distinguished gentleman from Texas who himself is a former judge. These three gentlemen were tireless advocates for better judicial security, and I urge my colleagues to support this critical bipartisan measure.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume for these closing remarks.

I agree with HOWARD COBLE, the gentleman from North Carolina, that our Nation's court system and those who work there must function in a safe and professional environment, and that is what we are improving in this measure. We have worked together in great harmony and cooperation, and the measure helps in a substantial way to promote better security for our judiciary and other court personnel, and I urge our colleagues to support the passage of this critical measure.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 660, the "Court Security Improvement Act of 2007." This legislation will go a long way toward enhancing the security and integrity of our judicial system and the able men and women who comprise the Federal judiciary.

Mr. Speaker, let me quote the Chief Justice of the Texas Supreme Court: "Our democracy and the rule of law depend upon safe and secure courthouses." That is because an independent judiciary is essential for a regime based on the rule of law. Nothing can do more to undermine the independence of the judiciary than the very real threat of physical harm to members of the judiciary or their families to intimidate or retaliate. In 1979, U.S. District Court Judge John Wood, Jr., was fatally shot outside of his home by assassin Charles Harrelson. The murder contract had been placed by Texas drug lord Jamiel Chagra, who was awaiting trial before the judge.

In 1988, U.S. District Court Judge Richard Daronco was murdered at his house by Charles Koster, the father of the unsuccessful plaintiff in a discrimination case. The following year, U.S. Circuit Court Judge Richard Vance was killed by a letter bomb sent to his home. The letter bomb was attributed to racist animus against Judge Vance for writing an opinion reversing a lower-court ruling to lift an 18-year desegregation order from the Duval County, Florida schools.

In this age of the global war on terror, the danger faced by Federal judges, judicial officers, and court personnel is real, as illustrated by the three murders noted above. The recent and tragic murder of U.S. District Court Judge Joan Humphrey Letkow's husband and mother reminds us that the danger has not abated.

Mr. Speaker, H.R. 660 provides a three-pronged legislative response to the security challenges facing our judicial institutions and personnel. First, it directs the U.S. Marshals Service to consult with the Judicial Conference regarding the security requirements for the judicial branch, in order to improve the implementation of security measures needed to protect judges, court employees, law enforcement officers, jurors and other members of the public who are regularly in Federal courthouses.

The bill also extends authority to redact information relating to family members from a Federal judge's disclosure statements required by the Ethics in Government Act and removes the sunset provision from the redaction authority, thus making the redaction authority permanent.

Mr. Speaker, H.R. 660 also enhances the security and protection of judicial personnel and their families by making it a criminal offense to maliciously record a fictitious lien against a Federal judge or Federal law enforcement officer. This new crime and punishment is intended to deter individuals from attempting to intimidate and harass Federal judges and employees by filing false liens against their real and personal property.

The bill also makes it a crime to publish on the Internet restricted personal information concerning judges, law enforcement, public safety officers, jurors, witnesses, or other officers in any U.S. Court. The penalty for a violation is a maximum term of imprisonment of 5 years. Additionally, the bill increases the maximum penalty for killing or attempting to kill a witness, victim, or informant to obstruct justice or in retaliation for their testifying or providing information to law enforcement by increasing maximum penalties.

All in all, Mr. Speaker, this bill makes a substantial contribution to the enhancement of security of judicial institutions and personnel. I urge all members to join me in supporting this beneficial legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I have no requests for time, and I too yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 660, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

INTERSTATE RECOGNITION OF NOTARIZATIONS ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1979) to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1979

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 "Interstate Recognition of Notarizations Act of 2007".

SEC. 2. RECOGNITION OF NOTARIZATIONS IN FEDERAL COURTS.

Each Federal court shall recognize any lawful notarization made by a notary public licensed or commissioned under the laws of a State other than the State where the Federal court is located if—

(1) such notarization occurs in or affects interstate commerce; and

(2)(A) a seal of office, as symbol of the notary public's authority, is used in the notarization; or

(B) in the case of an electronic record, the seal information is securely attached to, or logically associated with, the electronic record so as to render the record tamper-resistant.

SEC. 3. RECOGNITION OF NOTARIZATIONS IN STATE COURTS.

Each court that operates under the jurisdiction of a State shall recognize any lawful notarization made by a notary public licensed or commissioned under the laws of a State other than the State where the court is located if—

(1) such notarization occurs in or affects interstate commerce; and

(2)(A) a seal of office, as symbol of the notary public's authority, is used in the notarization; or

(B) in the case of an electronic record, the seal information is securely attached to, or logically associated with, the electronic record so as to render the record tamper-resistant.

SEC. 4. DEFINITIONS.

In this Act:

(1) ELECTRONIC RECORD.—The term "electronic record" has the meaning given that term in section 106 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006).

(2) LOGICALLY ASSOCIATED WITH.—Seal information is "logically associated with" an electronic record if the seal information is securely bound to the electronic record in such a manner as to make it impracticable to falsify or alter, without detection, either the record or the seal information.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

□ 1615

Mr. CONYERS. Mr. Speaker, this measure is a commonsense requirement with respect to the process of notarizing documents that occur in every State, every city, every county. And what we do in H.R. 1979 is simply to require Federal and State courts to recognize documents lawfully notarized in any State of the Union when interstate commerce is, in fact, involved.

As we all know, notary publics play a critical role in ensuring that the signer of a document is, indeed, who he or she claims to be and that the person has willingly and without coercion signed the document. By performing these two tasks, the notary public serves as an indispensable first line of defense against fraudulent acts and other manipulations of contracts and other documents.

Although the purpose of notarizations is the same across our Nation, each State has, in the course of time, established its own laws governing the recognition of notarized documents. And some things are required in some places, and other things are required in others. And so the lack of consistent technical rules and the resultant formalities make it unnecessarily difficult for courts to recognize out-of-State notarizations. Some places impose certain technical requirements, such as dictating that the ink seals must be used, while others require embossers. Some States demand very particular language in the acknowledgment certificate and will, accordingly, reject out-of-State notarizations that lack the same language that they require in their State. And there are many other little details that create snafus, create problems in accepting documents that have been notarized and may be different in some small technical way. These inconsistencies, of course, do not further the goals of notarization. In fact, this problem has led to the bill that we have before us. And I'm very pleased to thank the gentleman from Alabama (Mr. ADERHOLT) and Mr. ARTUR DAVIS, also of Alabama, Mr. BRALEY of Iowa, who have all together introduced this measure. And so what we're seeing here is that we propose to grant relief to these kinds of snafus that occur in accepting out-of-State notarizations.

H.R. 1979 is supported by the National Notary Association, countless numbers of notary publics in many States, the academics that follow this arcane area of the law, and we think that they are correct, that we're making an important revision in how notarized documents are recognized by the courts, all courts. And it's in that spirit that I introduce or urge my colleagues to support H.R. 1979.

I'll reserve the balance of my time, Mr. Speaker.

Mr. COBLE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, Representative ADERHOLT's bill eliminates unnecessary impediments in handling the everyday transactions of individuals and businesses. Many documents executed and notarized in one State, either by design or happenstance, find their way into neighboring or more distant States. A document should not be refused admission to support or defend a claim in court solely on the ground it was not notarized in the State where the Court sits. H.R. 1979 ensures this will not result.

A notarization, in and of itself, Mr. Speaker, neither validates a document nor speaks to the truthfulness or accuracy of its contents. The notarization serves a different function. It verifies that a document's signer is who he or she purports to be and has willingly signed or executed the document.

By executing the appropriate certificate, the notary public, as a disinterested party to the transaction, informs all other parties relying upon or using the document that it is the act of the person who signed it.

H.R. 1979 compels a court to accept the authenticity of the document, even though the notarization was performed in a State other than where the form is located. This reaffirms the importance of the notarial act.

Mr. Speaker, after hearing testimony on this subject before the Judiciary Committee during the 109th Congress, I have concluded that the refusal of one State to accept the validity of another State's notarized document in an intrastate legal proceeding is just plain provincial and insular.

Some of the examples were based on petty reasons. For example, one State requires a notary to affix an ink stamp to a document, an act that is not recognized in a sister State that may well require documents to be notarized with a raised, embossed seal.

Passing this bill will streamline interstate commercial and legal transactions consistent with the guarantees of the Full Faith and Credit Clause of the Constitution. Mr. Speaker, I urge its passage.

Mr. Speaker, I am pleased to recognize the chief sponsor of the bill, the distinguished gentleman from Alabama (Mr. ADERHOLT), for such time as he may consume.

Mr. ADERHOLT. Mr. Speaker, I appreciate the Chairman's support for this legislation to be brought to the floor. I also want to say that I appreciate Congressman COBLE, his lending his support for this legislation and making sure that it gets to the floor today. And as Chairman CONYERS noted, Congressman DAVIS of Alabama and Congressman BRALEY of Iowa have been very helpful in this effort as well. So I'm glad to have their support.

One other person that has been very supportive that actually called this to my attention initially was a friend of mine from Alabama, Mike Turner, some time ago brought this issue to my attention, and so I'm glad that we can work on this and try to get this resolved here on the floor of the House and through the United States Congress.

I'm pleased to have been able to work together with the committee of jurisdiction to find a satisfactory solution to this issue dealing with recognition across State lines. During the hearing that was held during the 109th Congress, which has already been mentioned, by the Subcommittee on the Courts, the Internet and Intellectual Property, then Ranking Member HOWARD BERMAN pointed out that though the topic of notary recognition between the States is not necessarily the most exciting issue, it is an extremely practical one. And to my colleague who, of course, now chairs that subcommittee, I would have to agree with him on both points.

During the hearing, which was held back in March of 2006, we heard from several witnesses who all agree that this is an ongoing and a difficult problem for interstate commerce. To businesses and individuals engaged in businesses across State lines, this is a matter long overdue that is being resolved.

H.R. 1979, the bill today, will eliminate confusion that arises when States refuse to acknowledge the integrity of documents from another State. This act preserves the right of States to set standards and regulate notaries, while reducing the burden on the average citizen who has to use the Court system.

It will streamline the interstate, commercial, and legal transaction consistent with the guarantees of the State's rights that are called for in the Full Faith in Credit Clause of the United States Constitution.

Currently, as the law is today, each State is responsible for regulating its notaries. Typically, an individual will pay a fee, will submit an application, takes an oath of office. Some States require the applicants to enroll in educational courses, pass exams and even to obtain a notary bond. Nothing in this legislation will change these steps. We are not trying to mandate how States regulate notaries which they appoint.

In addition, the bill will also not preclude the challenge of notarized documents such as a will contest.

During the subcommittee hearings on this bill that were held back in the 109th Congress, Tim Reineger, who serves as the executive director of the National Notary Association stated, ''We like this bill because it is talking about a standard for the legal effects of the material act, the admissibility of it, not at all interfering with the State requirements for education and regulation of the notaries themselves.''

This is an issue that has really lagged on for many, many years. When I was first elected to Congress back in 1997, this was an issue that I was first made aware of, and here we are in 2007, and this issue is still not resolved. And this is an issue that people who deal with notaries on a daily basis deal with, to a lot of frustration.

And simply, this legislation that we have before the House today and that will be going before the United States Senate, hopefully in a very short period of time, will address this problem. It will try to expedite interstate commerce so that court documents and so that when notaries are in one State or the other, they will be fully recognized.

And again, I think it must be stressed that it is in no way trying to mandate what a State should do or should not do. It simply allows there to be more free flow of commerce between the States and particularly when you're talking about the regulation of notaries themselves.

Again, thank you, Mr. Chairman, for your support, Congressman COBLE for your support of this legislation, and allowing it to be able to move forward today. And I would urge my colleagues that when this bill comes for a vote, that they would support it under the suspension of the rules.

Mr. COBLE. In closing, Mr. Speaker, this addresses a problem that has come across my path many times. Back home, Mr. CONYERS, I don't know about you in Michigan, but in North Carolina, I hear this complaint frequently. A document properly notarized in one State, and then as I said, it must be by happenstance, crosses a State line and goes to another State, and then, of course, denial rears her ugly head, and all sorts of confusion results.

□ 1630

So this addresses a problem that needs to be fixed, and I think this legislation does it.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I commend the author of this bill, Mr. ADERHOLT, and always I am pleased to come to the floor with the floor manager on the Republican side, Mr. COBLE.

And I only want to underscore the fact that communications interstate are so common and frequent that this is a long overdue and important improvement in the relations of legal documents between the citizens of the several States. So I am proud to sign off with you and join in urging that this matter be unanimously supported by the distinguished House of Representatives.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 1979, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A bill to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce.''.

A motion to reconsider was laid on the table.

TRANSITIONAL MEDICAL ASSISTANCE AND ABSTINENCE EDUCATION PROGRAM EXTENSION

Mr. GENE GREEN of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1701) to provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) AND ABSTINENCE EDUCATION PROGRAM THROUGH THE END OF FISCAL YEAR 2007.

Section 401 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432) is amended—

(1) by striking ''June 30'' and inserting ''September 30''; and

(2) by striking ''third quarter'' each place it appears and inserting ''fourth quarter''.

SEC. 2. SUNSET OF THE LIMITED CONTINUOUS ENROLLMENT PROVISION FOR CERTAIN BENEFICIARIES UNDER THE MEDICARE ADVANTAGE PROGRAM.

Section 1851(e)(2)(E) of the Social Security Act (42 U.S.C. 1395w–21(e)(2)(E)), as added by section 206(a) of division B of the Tax Relief and Health Care Act of 2006, is amended—

(1) in clause (i), by striking ''2007 or 2008'' and inserting ''the period beginning on January 1, 2007, and ending on July 31, 2007,''; and

(2) in clause (iii)—

(A) in the heading, by striking ''YEAR'' and inserting ''THE APPLICABLE PERIOD''; and

(B) by striking ''the year'' and inserting ''the period described in such clause''.

SEC. 3. OFFSETTING ADJUSTMENT IN MEDICARE ADVANTAGE STABILIZATION FUND.

Section 1858(e)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395w–27a(e)(2)(A)(i)), as amended by 301 of division B of the Tax Relief and Health Care Act of 2006, is amended by striking ''the Fund during the period'' and all that follows and inserting ''the Fund—

''(I) during 2012, $1,600,000,000; and

''(II) during 2013, $1,790,000,000.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GENE GREEN) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. GENE GREEN of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this legislation that provides a 3-month extension to the transitional medical assistance program under Medicaid.

TMA provides vital support for low-income American families moving off welfare and into work. Under the TMA program, families whose earnings would otherwise make them ineligible for Medicaid can receive up to 12 months of Medicaid coverage. Without TMA, many families transitioning from welfare to work would go without health insurance and could end up back on welfare.

Families leaving welfare often encounter difficulties such as securing health insurance because they have taken low-wage jobs that do not offer employer-sponsored health coverage. In some cases this choice could serve as a deterrent to returning to work, and we want to provide folks with as many incentives as possible to return to work. According to the Congressional Research Service, 79 percent of people with incomes of at least 200 percent of the Federal poverty level benefit from employer-sponsored health insurance, yet only 19 percent of working-age individuals with incomes below the poverty line receive health care coverage through employment. These are folks who earn $10,210 or less a year. If they can't get coverage through their employer, it is essentially cost-prohibitive for them to purchase health insurance.

No one should be made to choose between a job and health insurance. Thanks to TMA, many Americans are spared this tough choice and allowed to move off welfare and into a job while maintaining their health coverage. Without TMA, many of our most vulnerable Americans would be unable to access the health coverage they need.

In my State of Texas, TMA helps provide more than 111,000 people each month continued treatment for ongoing health care needs. A gap in care would be particularly problematic for the one out of four mothers in the program who are in poor or fair health yet transitioning from welfare to work. The extensions of the program is critical to their continued access to necessary health care.

Again in Texas, TMA also reimburses medical providers for more than $300 million in annual expenses for acute medical care, prescription drugs, and other approved Medicaid services. Without TMA, these costs for medically necessary services would be shifted to local governments or charitable organizations, or worse, the client may not receive needed care at all.

Mr. Speaker, TMA enjoys wide-ranging bipartisan support. The National Governors Association strongly supports TMA and its extension. According to the National Governors Association, ''without access to regular health care, health problems of a new worker or the worker's family members are likely to lead to greater absenteeism and possibly job loss.''

TMA is also supported by the National Conference of State Legislatures, the American Public Health Association, and the National Association of State Medicaid Directors. The administration also supports this vital program as evidenced by the fact that the President included a 1-year extension of TMA in his fiscal year 2008 budget proposal.

Mr. Speaker, in the past Congress has always acted in bipartisan fashion to extend TMA in combination with an equal extension of Federal abstinence education programs. While there is no shortage of debate or opinion on the merits of abstinence education programs, I hope my colleagues will join me in supporting this approach, at least for the short term, so we can ensure that hardworking American families don't lose their health care under

the transitional medical assistance program.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

This statement that I am about to read is the statement of Congressman JOE BARTON, the distinguished gentleman from Texas, who I am told is in transit and is not able to be here:

I rise in support of the bill before us today, which extends the programs of transitional medical assistance and the title V abstinence education program. I am pleased that the Congress is able to work together to extend funding for these programs.

I believe it is important that we support the goals of abstinence education and not get bogged down by the politics that inevitably surround the concept. Our school children deserve the opportunity to receive an education regarding the merits of an abstinent lifestyle. Title V funds are optional for States, and it does not prohibit the funding and teaching of contraceptive-based programs.

Abstinence education provides teens the opportunities to learn about the ramifications of sexual activity including pregnancy and sexually transmitted diseases. As I am sure many of my colleagues would attest, I have heard from numerous programs within my State, and I am sure in the State of Texas from where Mr. BARTON hails, that rely on this Federal funding. They believe in the program and hope to continue providing abstinence education opportunities to local teens.

In closing, Mr. Speaker, I would like to reiterate my support for this bill and encourage my colleagues to do the same.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GENE GREEN) that the House suspend the rules and pass the Senate bill, S. 1701.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. COBLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 40 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1837

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SCOTT of Virginia) at 6 o'clock and 37 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings on motions to suspend the rules previously postponed will be taken tomorrow.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2669, COLLEGE COST REDUCTION ACT OF 2007

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–224) on the resolution (H. Res. 531) providing for consideration of the bill (H.R. 2669) to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008, which was referred to the House Calendar and ordered to be printed.

TIME TO LEAVE IRAQ

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, the time has come for us to leave Iraq. The President intends to continue his war until he leaves office and let the next President clean up his mess. White House advisers debate how to buy more time.

Over 3,600 U.S. troops have been killed. Hundreds, perhaps thousands more, will be killed while we wait for this President to end this war. Thirty thousand U.S. troops wounded. Will that number double while we wait for this President to end his war? Thousands of Iraqi men, women, and children dead, $10 billion each month squandered. Are we ready to spend $200 billion more?

On Sunday, the New York Times laid out why, how, and when the U.S. should end this war. It pulled no punches about how ugly the aftermath might be. It was a hard and honest statement of where we stand right now and where we need to go.

Mr. Speaker, Congress must act. It is time to end this war.

[From the New York Times, July 8, 2007]

THE ROAD HOME

It is time for the United States to leave Iraq, without any more delay than the Pentagon needs to organize an orderly exit.

Like many Americans, we have put off that conclusion, waiting for a sign that President Bush was seriously trying to dig the United States out of the disaster he created by invading Iraq without sufficient cause, in the face of global opposition, and without a plan to stabilize the country afterward.

At first, we believed that after destroying Iraq's government, army, police and economic structures, the United States was obliged to try to accomplish some of the goals Mr. Bush claimed to be pursuing, chiefly building a stable, unified Iraq. When it became clear that the president had neither the vision nor the means to do that, we argued against setting a withdrawal date while there was still some chance to mitigate the chaos that would most likely follow.

While Mr. Bush scorns deadlines, he kept promising breakthroughs—after elections, after a constitution, after sending in thousands more troops. But those milestones came and went without any progress toward a stable, democratic Iraq or a path for withdrawal. It is frighteningly clear that Mr. Bush's plan is to stay the course as long as he is president and dump the mess on his successor. Whatever his cause was, it is lost.

The political leaders Washington has backed are incapable of putting national interests ahead of sectarian score settling. The security forces Washington has trained behave more like partisan militias. Additional military forces poured into the Baghdad region have failed to change anything.

Continuing to sacrifice the lives and limbs of American soldiers is wrong. The war is sapping the strength of the nation's alliances and its military forces. It is a dangerous diversion from the life-and-death struggle against terrorists. It is an increasing burden on American taxpayers, and it is a betrayal of a world that needs the wise application of American power and principles.

A majority of Americans reached these conclusions months ago. Even in politically polarized Washington, positions on the war no longer divide entirely on party lines. When Congress returns this week, extricating American troops from the war should be at the top of its agenda.

That conversation must be candid and focused. Americans must be clear that Iraq, and the region around it, could be even bloodier and more chaotic after Americans leave. There could be reprisals against those who worked with American forces, further ethnic cleansing, even genocide. Potentially destabilizing refugee flows could hit Jordan and Syria. Iran and Turkey could be tempted to make power grabs. Perhaps most important, the invasion has created a new stronghold from which terrorist activity could proliferate.

The administration, the Democratic-controlled Congress, the United Nations and America's allies must try to mitigate those outcomes—and they may fail. But Americans must be equally honest about the fact that keeping troops in Iraq will only make things worse. The nation needs a serious discussion, now, about how to accomplish a withdrawal and meet some of the big challenges that will arise.

THE MECHANICS OF WITHDRAWAL

The United States has about 160,000 troops and millions of tons of military gear inside Iraq. Getting that force out safely will be a formidable challenge. The main road south to Kuwait is notoriously vulnerable to roadside bomb attacks. Soldiers, weapons and vehicles will need to be deployed to secure bases while airlift and sealift operations are organized. Withdrawal routes will have to be guarded. The exit must be everything the invasion was not: based on reality and backed by adequate resources.

The United States should explore using Kurdish territory in the north of Iraq as a secure staging area. Being able to use bases and ports in Turkey would also make withdrawal faster and safer. Turkey has been an inconsistent ally in this war, but like other nations, it should realize that shouldering

part of the burden of the aftermath is in its own interest.

Accomplishing all of this in less than six months is probably unrealistic. The political decision should be made, and the target date set, now.

THE FIGHT AGAINST TERRORISTS

Despite President Bush's repeated claims, Al Qaeda had no significant foothold in Iraq before the invasion, which gave it new base camps, new recruits and new prestige.

This war diverted Pentagon resources from Afghanistan, where the military had a real chance to hunt down Al Qaeda's leaders. It alienated essential allies in the war against terrorism. It drained the strength and readiness of American troops.

And it created a new front where the United States will have to continue to battle terrorist forces and enlist local allies who reject the idea of an Iraq hijacked by international terrorists. The military will need resources and bases to stanch this self-inflicted wound for the foreseeable future.

THE QUESTION OF BASES

The United States could strike an agreement with the Kurds to create those bases in northeastern Iraq. Or, the Pentagon could use its bases in countries like Kuwait and Qatar, and its large naval presence in the Persian Gulf, as staging points.

There are arguments for, and against, both options. Leaving troops in Iraq might make it too easy—and too tempting—to get drawn back into the civil war and confirm suspicions that Washington's real goal was to secure permanent bases in Iraq. Mounting attacks from other countries could endanger those nations' governments.

The White House should make this choice after consultation with Congress and the other countries in the region, whose opinions the Bush administration has essentially ignored. The bottom line: the Pentagon needs enough force to stage effective raids and airstrikes against terrorist forces in Iraq, but not enough to resume large-scale combat.

THE CIVIL WAR

One of Mr. Bush's arguments against withdrawal is that it would lead to civil war. That war is raging, right now, and it may take years to burn out. Iraq may fragment into separate Kurdish, Sunni and Shiite republics, and American troops are not going to stop that from happening.

It is possible, we suppose, that announcing a firm withdrawal date might finally focus Iraq's political leaders and neighboring governments on reality. Ideally, it could spur Iraqi politicians to take the steps toward national reconciliation that they have endlessly discussed but refused to act on.

But it is foolish to count on that, as some Democratic proponents of withdrawal have done. The administration should use whatever leverage it gains from withdrawing to press its allies and Iraq's neighbors to help achieve a negotiated solution.

Iraq's leaders—knowing that they can no longer rely on the Americans to guarantee their survival—might be more open to compromise, perhaps to a Bosnian-style partition, with economic resources fairly shared but with millions of Iraqis forced to relocate. That would be better than the slow-motion ethnic and religious cleansing that has contributed to driving one in seven Iraqis from their homes.

The United States military cannot solve the problem. Congress and the White House must lead an international attempt at a negotiated outcome. To start, Washington must turn to the United Nations, which Mr. Bush spurned and ridiculed as a preface to war.

THE HUMAN CRISIS

There are already nearly two million Iraqi refugees, mostly in Syria and Jordan, and nearly two million more Iraqis who have been displaced within their country. Without the active cooperation of all six countries bordering Iraq—Turkey, Iran, Kuwait, Saudi Arabia, Jordan and Syria—and the help of other nations, this disaster could get worse. Beyond the suffering, massive flows of refugees—some with ethnic and political resentments—could spread Iraq's conflict far beyond Iraq's borders.

Kuwait and Saudi Arabia must share the burden of hosting refugees. Jordan and Syria, now nearly overwhelmed with refugees, need more international help. That, of course, means money. The nations of Europe and Asia have a stake and should contribute. The United States will have to pay a large share of the costs, but should also lead international efforts, perhaps a donors' conference, to raise money for the refugee crisis.

Washington also has to mend fences with allies. There are new governments in Britain, France and Germany that did not participate in the fight over starting this war and are eager to get beyond it. But that will still require a measure of humility and a commitment to multilateral action that this administration has never shown. And, however angry they were with President Bush for creating this mess, those nations should see that they cannot walk away from the consequences. To put it baldly, terrorism and oil make it impossible to ignore.

The United States has the greatest responsibilities, including the admission of many more refugees for permanent resettlement. The most compelling obligation is to the tens of thousands of Iraqis of courage and good will—translators, embassy employees, reconstruction workers—whose lives will be in danger because they believed the promises and cooperated with the Americans.

THE NEIGHBORS

One of the trickiest tasks will be avoiding excessive meddling in Iraq by its neighbors—America's friends as well as its adversaries.

Just as Iran should come under international pressure to allow Shiites in southern Iraq to develop their own independent future, Washington must help persuade Sunni powers like Syria not to intervene on behalf of Sunni Iraqis. Turkey must be kept from sending troops into Kurdish territories.

For this effort to have any remote chance, Mr. Bush must drop his resistance to talking with both Iran and Syria. Britain, France, Russia, China and other nations with influence have a responsibility to help. Civil war in Iraq is a threat to everyone, especially if it spills across Iraq's borders.

President Bush and Vice President Dick Cheney have used demagoguery and fear to quell Americans' demands for an end to this war. They say withdrawing will create bloodshed and chaos and encourage terrorists. Actually, all of that has already happened—the result of this unnecessary invasion and the incompetent management of this war.

This country faces a choice. We can go on allowing Mr. Bush to drag out this war without end or purpose. Or we can insist that American troops are withdrawn as quickly and safely as we can manage—with as much effort as possible to stop the chaos from spreading.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

(Mr. MCCOTTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BRING OUR TROOPS HOME FROM IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, we are back from our Fourth of July district work period, but our homecoming has not been a particularly happy one because we have received even more bad news from the occupation in Iraq.

Yesterday the nonpartisan Congressional Research Service reported that the cost of the occupation has soared to $10 billion a month, which will add up to half a trillion dollars, thanks to the administration's decision to send more troops and escalate the occupation.

Ten billion dollars a month. I pulled out my calculator. I did some division and found that $10 billion translates into $23 million per month per congressional district. Yes, the President is sending a bill to our constituents in every district every month that says you owe $24 million and you had better pay up because if you don't, I will borrow the money and stick your children and your grandchildren with the bill plus plenty of interest. And I am going to send you another bill just like this one every single month from here on.

Now, some people call the spending on the war the ''burn rate.'' But America doesn't have money to burn. Not when we have critically important investments to make in places that really make a difference for our country, like education; health care; the environment; energy independence; and homeland security, including better security at our ports, at our airports and giving first responders the tools they need to keep our communities safe.

And here is what disturbs me the very most about this burn rate: while the administration throws good money after bad in Iraq, it wants to roll back health coverage for kids right here in America. Those are the wrong priorities. They are the wrong values.

Let's ask ourselves what are we getting for our $10 billion a month. We are getting an Iraq Government that isn't meeting any of the benchmarks. We are contributing to a refugee crisis that has already forced at least 4 million Iraqis out of their homes with tens of thousands leaving every month. And we are stretching our military to the breaking point.

Today, the Army announced that in June it missed its recruitment goal for the second month in a row. It appears that parents, alarmed about the bloodshed and never-ending nature of this occupation, are discouraging their children from signing up. Isn't it ironic that our involvement in Iraq is turning

out to be a bad recruiting tool for the United States but a great recruiting tool for al Qaeda and other terrorist groups?

I am encouraged, however, that a growing number of my colleagues on the other side of the aisle are turning against the occupation. But at the same time, the President gave a speech today in Cleveland that showed he isn't budging an inch from his failed escalation strategy. He said that Congress ''should wait'' for General Petraeus's report on the surge in September before making any decision about Iraq, while admitting at the same time that September is a meaningless goal. That is outrageous. The American people didn't send us to Congress to sit around and wait to do nothing. They sent us here to end the occupation, and that is what we must do.

I have proposed a bill that would achieve that, H.R. 508. It would fully fund bringing our troops home safely and soon. It would accelerate international assistance for reconstruction and reconciliation in order to keep Iraq as peaceful as possible. And it would use diplomacy. It would use diplomacy, not war, to achieve political solutions to regional problems.

We will have a golden opportunity in the days and weeks ahead to chart a new course. I urge my colleagues to heed the call and listen to history and listen to the American people and to bring our troops home.

□ 1845

FRANCIS SCOTT KEY AND SAM HOUSTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, Francis Scott Key is best known for being the author of our National Anthem, ''The Star Spangled Banner.'' During the second American revolution, the War of 1812, the British reinvaded the United States, captured Washington, DC, burned this building, the White House and most of this city.

The English then set sail for nearby Baltimore and were determined to take the city, but Fort McHenry was blocking and protecting Baltimore Harbor. Key, a lawyer, had boldly gone on board a British ship to seek release of a captured United States citizen. The Royal Navy held both Key and his client and refused to release either until after the British naval attack on the fort was completed. During the night, the British bombarded the fort with hundreds of shells and rockets, but at ''dawn's early light,'' the American defenders still held the fort, refusing to surrender, and a massive 30 foot by 40 foot American flag still flew defiantly over Fort McHenry. The unsuccessful British sailed away. Francis Scott Key, upon seeing the flag, wrote our national anthem that was sung this past 4th of July throughout the prairies and plains of America.

But, Mr. Speaker, Key also has a Texas connection. Before Sam Houston made his way to Texas, he served with Andrew Jackson in the Indian wars and was elected United States Congressman for Tennessee for two terms and served as Governor of Tennessee.

After his governorship, Houston spent time in Washington, DC, during the 1830s advocating on behalf of the Cherokee Indians and denouncing the corruption in the Bureau of Indian Affairs.

In 1832, Congressman William Stanbery from Ohio made slanderous accusations about Houston and the Cherokees on the floor of Congress. One morning, Houston was leaving a boarding house on Pennsylvania Avenue and saw Stanbery walking down the street. A confrontation occurred between the two men over Stanbery's statement. A street brawl resulted. Sam Houston thrashed and viciously beat Congressman Stanbery with his hickory walking cane for Stanbery's derogatory remarks on this House floor. Stanbery then pulled a pistol and put it to the chest of Houston, but the pistol misfired. Mr. Speaker, fate saved Sam Houston's life.

The United States Congress ordered the arrest of Sam Houston, charging him with assault and demeaning a Member of Congress. Houston was tried before Congress in a joint session with the Supreme Court acting as judges. The trial lasted a month. Houston spent one full day on this House floor in boisterous oratory stating his positions, that he was defending his honor; Stanbery was the aggressor; and anyway, Stanbery deserved the severe caning.

So what does Francis Scott Key have to do with any of this? Francis Scott Key was Sam Houston's defense lawyer. He did an admirable job in the defense of this later Texas hero, but after the trial was over, Houston was found guilty, publically reprimanded and ordered to pay a $500 fine. Houston refused to pay the fine and, rather than face more problems with Congress, left Washington that same year and began a new life and political career in Texas. And the rest, they say, is Texas history.

General Sam Houston was the successful commander of the Texas Army during the Texas War of Independence from Mexico in 1836. After defeating Dictator Santa Anna on the marshy plains of San Jacinto, Houston became the first president of the Republic of Texas. After Texas was admitted to the United States in 1845, he was a United States Senator and then Governor of the State. Houston is the only person to serve as Governor and Member of Congress from two different States.

Sam Houston's troubles with the legislative bodies continued, however. When Texas voted to leave the Union in 1861, the Governor, Houston, refused to take the oath to support the Confederacy. So the Texas legislature removed General Sam from the office of Governor. Too bad. Maybe if Francis Scott Key had been Sam Houston's lawyer before the Texas legislature, the outcome might have been different.

And that's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under sections 211 and 320(c) of S. Con. Res. 21, the Concurrent Resolution on the Budget for fiscal year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for the House Committees on Energy and Commerce, Ways and Means, and Education and Labor for fiscal years 2007, 2008, and the period of 2008 through 2012. This revision represents an adjustment to the Committees' budget allocations and aggregates for the purposes of section 302 of the Congressional Budget Act of 1974, as amended, and in response to the bill S. 1701—to provide for the extension of transitional medical assistance, TMA, and the abstinence education program through the end of fiscal year 2007, and for other purposes. Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates of the Committees on Energy and Commerce, Ways and Means, and Education and Labor applies while the measure—S. 1701—is under consideration. The adjustments will take effect upon enactment of the measure—S. 1701. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal years, in millions of dollars]

House committee	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Education and Labor	$0	$0	$−150	$−150	$−750	$−750
Energy and Commerce	0	0	0	0	0	0
Ways and Means	0	0	0	0	0	0
Change in TMA extension bill (S. 1701):						
Education and Labor	13	4	0	5	0	8
Energy and Commerce	−1	−1	134	132	89	87
Ways and Means	0	0	−38	−38	−98	−98
Total	12	3	96	99	−9	−3
Revised allocation:						
Education and Labor	13	4	−150	−145	−750	−742
Energy and Commerce	−1	−1	134	132	89	87
Ways and Means	0	0	−38	−38	−98	−98

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal year 2007	Fiscal year 2008 [1]	Fiscal years 2008–2012
Current Aggregates: [2]			
Budget Authority	$2,255,558	$2,350,261	n.a.
Outlays	2,268,646	2,353,893	n.a.
Revenues	1,900,340	2,015,841	$11,137,671
Change in TMA extension bill (S. 1701):			
Budget Authority	12	96	n.a.
Outlays	3	99	n.a.
Revenues	0	0	0
Revised Aggregates:			
Budget Authority	2,255,570	2,350,357	n.a.
Outlays	2,268,649	2,353,992	n.a.
Revenues	1,900,340	2,015,841	11,137,671

[1] Pending action by the House Appropriations Committee on spending covered by section 207(d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the current aggregates.
[2] Excludes emergency amounts exempt from enforcement in the budget resolution.
Note.—n.a. = Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

HEALTH CARE IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the minority leader.

Mr. BURGESS. Mr. Speaker, this evening, I wanted to come to the floor of the House to talk once again a little bit about health care. Health care in this country is going to be something that is on the front pages during the next 18 months until the next Presidential election, I suspect, and something we're going to devote a great deal of time and energy to on the floor of this House, perhaps even this month.

As we debate the future of medical care in this country over the next 18 months and through the Presidential election that will follow in 2008 and the Congress that convenes in 2009, we've got to decide on the avenues through which our health care system will be based. And essentially, Mr. Speaker, right now we have a system that is based part on the government, part on the public sector, and partly on the private sector.

The issue before us is, do we expand the public sector? Do we expand the government's involvement in health care? Do we expand the government's involvement in the delivery of health services, as popularly referred to as universal health care, and back in the 1990s, it was termed ''Hillary care,'' or do we encourage and continue the private sector involvement in the delivery of health care? The two options bring about a significant number of questions and a significant number of concerns addressed on both sides of the aisle. But I'm hopeful that as we continue to study this problem and debate this problem in this body, we will shed some light on the direction that we should be taking.

And Mr. Speaker, I don't think there is any question that the United States has developed one of the best health care systems in the world. Access can be an issue, but the quality of health care practiced in this country is second to none. You have people coming from all over the world. When I was a medical student at the Texas Medical Center down in Houston, Texas, you would have people coming from all over the word to avail themselves of the medical care that was available at Texas Medical Center. And close to my district in north Texas, you have Southwestern Medical School in Dallas, a number of Nobel Laureates on the clinical faculty there. Unbelievable sources of talent and knowledge that are available to training the young physicians of tomorrow. So these are the types of things we've got to be certain that we preserve, protect and defend as we do things that will perhaps alter the way medicine is practiced in this country.

Now, there are a lot of people who take issue with the fact that I maintain that the United States has the best health care system in the world. Plenty of people here in this body would say that's an overstatement. They would say, you've got a large number of uninsured people in this country, or prescription drugs cost way too much. The issues are there, but you know what, Mr. Speaker? The old saying is that numbers don't lie, but if you torture them long enough, they'll admit to almost anything.

We've got to dispense with a lot of the platitudes and the soundbites and try to get to really what is causing the problems that we have here, and how can we best go about correcting those problems? Well, how about applying some American ingenuity to getting those problems solved.

So, tonight, in talking about the different principles that guide the debate about public versus private in the delivery of health care services, it's important to concentrate a little bit on the background on how we got to the system that we have today.

The idea that we have a problem to solve is not new. Secretary Leavitt, I certainly agree with him when he made the remarks in a speech not too long ago that tackling the division between the two philosophies, public versus private, recently the Secretary said in a speech and in an op-ed piece, he posed the question, should the government own the system, or should the government be responsible for some organization in the system and leave the proprietary standpoint to someone else?

Mr. Speaker, during World War II, this country was faced with some significant problems, and one of the problems was the specter of inflation. So Franklin Roosevelt said, look, we're going to have wage and price controls in this country so that inflation doesn't get out of control. Employees found themselves highly sought after because a lot of the workforce was overseas fighting the war. Employers wanted to keep their employees happy. They wanted to keep them employed. They wanted to keep them loyal to their respective companies, but they were unable to raise wages because there was a Presidential decree that we were under wage and price controls. So the Supreme Court rendered a decision that benefits, things we talk about now

as a benefits package, health care, retirement, these things could be available and would not violate the spirit of President Roosevelt's wage and price controls. Thus, the era of health insurance benefits or employer-derived health insurance was born. And Mr. Speaker, it worked tremendously well, so well that it persisted well after the end of the Second World War.

Now, a lot of people will look at Western Europe and say, they've got a government-run system. Why don't we do what Europe did? How did Europe develop a system, a single-payer, government-run system? Even though some of the countries in Western Europe were victorious at the end of the Second World War, the war was fought in their back yard; their economies were devastated. It was important for their governments to stand up a medical care system quickly to avert a humanitarian crisis. That is what led to the institution of single-payer systems that you see in many countries in Europe today.

But America, by contrast, came through the war with a benefits package, if you will, that was available to employees. Employees like it. Employers liked it because the employees were happy. The employees stayed, to some degree, healthier and were able to work more effectively and less time off for sick leave. So the American system persisted and did very well for a number of years.

Now, fast forward some 20 years from the end of the war to the middle of the administration of Lyndon Johnson, fellow Texan, fellow House Member, albeit on the other side of the aisle, but during the tenure of President Johnson, he signed both the Medicare and the Medicaid programs into law. This was a large government program and represented a fundamental shift. It was the first time that the government got involved in a big way in running the practice of medicine. But it was created to focus on the elderly, to focus on their hospital care and their doctor care, and certainly make sure that persons who were then to be covered by Medicare weren't left in poverty in old age because of mounting medical bills.

But then fast forward another 40 years to the 108th Congress, and we had the Medicare system that was big and expensive and was very, very slow at change. It was like trying to turn a battleship. In 2003, in this House of Representatives, the President came to us, in the very first State of the Union message that I attended as a Member of Congress in my first term, and the President said he was going to, or this Congress was going to bring a Medicare prescription drug benefit to Medicare, that people had waited too long for this; it was too important to wait for another President or another Congress. And indeed, Congress set about the work of providing what we now know as the Part D benefit. And within the year, we voted on that package, and within the next year, it was, indeed, starting to be run. But the government system needed to address some of the inefficiencies that were built into the system.

Now, the Medicare prescription drug plan has given seniors access to medications that, quite frankly, they just didn't have available before. And when you look at how medicine has changed from 1965 to 2005, when the Medicare drug plan took effect, the changes that had been brought about by the advances in medical research, my dad was a doctor as well, and I used to tease him that, back in 1965, doctors only had two pharmaceutical choices, penicillin and cortisone, and they were regarded as interchangeable. My dad didn't think that was very funny. But the fact is, you come to 2005, look at the lives that have been saved by the introduction of a medicine like statin, medicines that are used for reduction of cholesterol. Dr. Elias Zerhouni of the National Institutes of Health estimates that 800,000 premature deaths have been prevented between 1965 and 2005 with the introduction of medicines to manage cholesterol and lipid levels in patient's blood. That's a tremendous change. In 1965, some people simply had the heart attack and died. In 2005, 2007, that no longer happens. But they are required, in order to maintain that state of health, to be maintained on a medication. Well, if the medicine is too expensive for the patient to buy, they don't take it, and they suffer the health consequences. And as a consequence, the system becomes more expensive because people end up utilizing the system more frequently and the outcomes for disease management become much worse.

The Medicare Prescription Drug Program has been successful. There have been a certain number of people who have been critical, but it has been a great benefit for seniors. And the fact that it is up and running now well into its second year, there is a great deal of satisfaction, and the penetrance into the number of people who have had prescription drug benefits who are covered by Medicare is now at an all-time high.

Now, in this country, as I mentioned earlier, the government pays for about half of our health care expenditures. We have a GDP of roughly $11 trillion in this country. The U.S. Department of Health and Human Services states that Medicare and Medicaid services alone, in fact when we vote on our Labor-HHS appropriations bill this year, it will be significantly north of $600 billion.

□ 1900

So that is about a half of what we spend in health care.

The way the other half is broken down, primarily the weight is borne by commercial insurance, by private insurance. There is a significant number of dollars that are contributed as charity care or uncompensated care. Certainly there are some individuals who do still simply just pay for their medical care out of pocket, but about half are from the Government source and half from private sources or the goodwill of America's physicians.

The numbers are going to increase because the overall dollar expenditure in health care is going to increase. The baby boomers are aging. There are more and more advances discovered with every passing month. The Federal Government is going to continue to funnel taxpayer dollars into Medicare. We have to ask ourselves, are we getting value for the dollar? Are we doing the best that we possibly can do with that money? Is the government doing an excellent job of managing our health care dollars? Do we think that the government is better suited to be the arbiter of a person's health care needs, or are those decisions better left up to an individual and their family? And who, at the fundamental end of it all, who is better able, who is going to be able to handle the growing health care needs in this country?

I would argue that if you have a public only, a government-run system, a universal, single-payer system, that in America it is going to be a significant problem. In fact, it will have the perverse incentive of hampering our innovation and perhaps even hampering the delivery of the most modern health care services available.

As an example, I would suggest that we have a model that we can examine, and that is our neighbor to the north in Canada. Canada has a completely government-run system. The Supreme Court in Canada in 2005, however, said that the waiting times in Canada were unconscionable and access to a waiting list did not equate to the same thing as access to care.

Now, in Canada they actually have a safety valve, because if somebody needs a medical procedure or needs a medical test done, they actually do have an area where there is a surplus of medical care available, and that would be on their southern border, the United States of America. So if somebody has the ability to pay and wants to come from Canada and cross the border to Henry Ford Hospital in Detroit, they are very capable of doing that. I am certain that the good folks at Henry Ford Hospital welcome their neighbors from Toronto all the time to sell essentially excess capacity that they have, whether it be an MRI or a CT scan or even a mammogram, heart surgery, or an artificial hip. The things that are on the waiting list in Canada that might take months or even years can be accessed relatively quickly simply by crossing the border. The waiting list is significantly long for some procedures.

If we look across the ocean to the country of Great Britain, the National Health Service, of course, has long been established in Britain. The citizens of that country regard their health system with a good deal of affection. But there is, in fact, a two-tier system in England. If someone is on a list for a hip replacement and has the

money to pay for it, they can go outside the system to a private orthopedic physician and have that surgery performed. Obviously, someone who doesn't have the means to provide that for themselves will simply have to stay on the waiting list. You get into a little trouble with the fact that when it takes so long, if someone is of a certain age, another year or two wait is a significant percentage of their remaining expected life years. In many ways that is not fair either. A sad reality that exists, but it is true.

So, in both instances, you can see that where the single-payer, government-run system has been oversubscribed, where they have a private system, either here in the United States for the country of Canada or a two-tiered system in the country of Great Britain, they have a private system to act as a backstop.

So, the question that I would ask is, if the private sector is more nimble and more able to provide care on a timely basis, why in the world would we do anything that would interfere with that system? It is a complex relationship.

How Congress does its job and how we react to the situation can, in fact, have a significant impact on making sure that we have the best health care possible. Certainly I think it is incumbent upon Congress to promote policies that keep the private sector involved in the delivery of health care in this country.

Now, you almost can't talk about health care in this country without talking about the problem of the uninsured. Regardless of the number you use, whether it is 42, 45 or 46 million, it does become a question of access for people without insurance.

But I would also point out that health care is rendered all the time in this country to people who don't have insurance or don't have the means to pay for it. It is not always rendered in the time frame that would be most propitious for the best health outcome, and certainly it is not always administered in the time frame where it is the least expensive type of care, but access to care in this country is, in fact, something that is generally available. But it can become very expensive and the time involved can be significant.

Now, we have a program in this country. It is about to turn 10 years old. In fact, it is a program that we have to reauthorize this year or it will expire at the end of September. This is a program that provides health insurance for children whose parents earn too much money for them to qualify for Medicaid and not enough money to purchase health insurance. So we have the SCHIP program that operates as a joint Federal-State partnership. It does provide some flexibility to States to determine the standards for providing health care funding for those children, again, who are not eligible for Medicaid and whose parents have not been able to get private insurance. The program has been very well thought of. It has been very successful across the board.

This year, in fact, before September 30, we have to reauthorize the State Children's Health Insurance Program. There is going to be a lot of debate. I suspect there will be a lot of debate this month. Certainly, in my Committee on Energy and Commerce and the Committee on Ways and Means, there will be a lot of debate on the best way to go forward with that.

One of the things I have had a problem with since coming to Congress and examining the SCHIP system is the fact that it is a program that was designed to cover children, but, in fact, we have some States that cover adults. Pregnant women, okay, it is reasonable to have them covered under the SCHIP system. But nonpregnant adults, it strains credulity to have a system that is there to provide health care for children, and in four States in this country we actually have more adults covered under the SCHIP program than we do children.

Certainly, where you have a State where all of the uninsured children have been covered by the SCHIP program, it may be appropriate to cover some adults. But until that trigger point is met, until that condition is met, to me it makes less sense to cover adults, when there are children who would benefit from having the coverage from the State Children's Health Insurance Program, to have them remain uncovered while we cover a population where the money was never intended to be used for that purpose.

A bill that I introduced, H.R. 1013, would make certain that SCHIP funds are spent exclusively on children and pregnant women and not on any other group. I hope to be able to have that concept considered when we go through the reauthorization of the SCHIP program.

Last year in Congress we also debated and got through the committee process the reauthorization for Federally Qualified Health Centers. We did not finish the work on that legislation, so we are likely to have to take that up again this year.

But about someone who is not a child, not a pregnant woman, who doesn't have access to health insurance, there are many places in the country where Federally Qualified Health Centers exist that give the patients access to health care without insurance; gives them a medical home, gives them continuity of care, a place they can go and see the same health care providers, whether it be a physician or nurse practioner, can see that person over and over again; provides primary health, oral and mental health and substance abuse services to persons at all stages in the life cycle.

Federally Qualified Health Centers take care of 15 million people in this country every year, typically someone who does not have insurance and so would be counted as one of the uninsured, but the reality is that they do have access to the continuity of care, just as someone who has insurance. Both the SCHIP program and the Federal Qualified Health Centers are designed to help the poorest, youngest and neediest in our communities.

But what about for individuals who can afford to pay some for their health services but just choose not to? We need to get past that point, and certainly there are two things that would improve the access to health insurance for people who do have the ability to pay something for their health care, health savings accounts and health association plans.

Health savings accounts are a tax-advantaged medical savings account available to taxpayers who are enrolled in a high-deductible health plan, a health insurance plan with lower premiums and a higher deductible than a traditional health plan. In the old days we used to refer to this as a catastrophic health plan.

Now, about 1996 or 1997, long before I ever thought about running for Congress, I was a physician in practice back in Texas. The Kennedy-Kassebaum bill was passed by the House and Senate and signed into law. It had in it what was called a demonstration project that would allow 750,000 people in the United States to sign up for at that time what were called medical savings accounts.

I subscribed to one of those. I purchased one of those for my family. The primary reason I did it was not even so much cost considerations but because it kept me in control of making health-care decisions. Those were the days when HMOs and 1–800 numbers were the order of the day, and I wanted to be certain that the health care decisions made in my family were made by my family and not by a bureaucrat or an insurance executive at the end of a 1–800 number.

The medical savings account proved to have a lot of restrictions on them. For that reason, a lot of people shied away from them. So I don't know that they ever got to their full enrollment of 750,000, but to me it was another very viable form of insurance.

Again, the premiums were lower because the deductible was higher, and you were able to put money into an account like an IRA, called a medical IRA, that would grow tax-free. The interest in it would grow tax-free year over year. This money could be used only for legitimate medical expenses, but if you found yourself in a situation where you needed to pay for medical care, yes, you had a high deductible, but now you have saved some money that can offset the high deductible.

When the Medicare Modernization Act passed in 2003, we also did away with a lot of the regulations and restrictions on medical savings accounts, and the follow-on for that are what are called health savings accounts or HSAs.

For an HSA, the funds contributed to the account are not subject to the income tax and can only be used to pay

for medical expenses. But one of the best parts about having an HSA is that all deposits stay the property of the policyholder. They don't go to the insurance company. They don't go to the government. They stay under the control and ownership of the person who has put those funds, regardless of the source of the deposit. So even if an employer makes a contribution to that, the funds belong to the person who owns the insurance policy. Additionally, any funds deposited that are not used that year will stay in the fund and grow year over year, different from the old use-it-or-lose-it programs that were so prevalent and popular during the 1990s.

The popularity of health savings accounts has grown considerably since its inception. The latest numbers I have are, unfortunately, a couple of years old. They are from 2005. But by December of that year, 3.5 million people had insurance coverage through an HSA. Of that number, 42 percent of the individuals are families who had income levels below $50,000 a year and were purchasing an HSA type of insurance. Additionally, about another 40 percent were individuals who previously had not been insured. So this allowed a way for people who were previously uninsured to access insurance. A good number of those folks were between the ages of 50 and 60, taking away some credence to the myth that HSAs are only for the healthy and wealthy.

These programs have been well-subscribed. Again, the numbers that I have are from 2005. I suspect they are much more robust at this point.

Well, when you consider a young person just getting out of college, roundabout age 25, if they don't want to go to work for a major corporation and therefore have employer-derived insurance, what are their options? I will tell you, 10 years ago, you didn't have many options. In fact, I tried to purchase a health insurance policy for an adult child just in that situation. You almost couldn't get an insurance policy for a single individual, regardless of the price you were willing to pay.

Fast forward to 2005 or 2007. You can go on the Internet, type ''health savings account'' into the search engine of your choice, and very quickly you will be given a plethora of choices from a variety of different health plans. In my home State of Texas, a male age 25 looking for health insurance can find a high-deductible PPO plan from a reputable insurance provider for between $60 and $70 a month. So that is eminently affordable.

Sure, there is a high deductible involved with that. That means every fall, if you go get a flu shot, you are probably going to pay for that flu shot out-of-pocket, or if you have money in your health savings account, you can make a draw on that.

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So that type of expense is not going to be covered, but if that individual is in an accident and ends up spending 3 or 4 hours in the emergency room and a day in the intensive care unit, they will be covered because those expenses will rapidly exceed their deductible. That individual will be covered with health insurance. That is a concept that we need to make people aware of, that there are options. Even though you may work for a company that doesn't provide insurance or you are self-employed and are a small group and otherwise would not have access to employer-derived health insurance, the concept of a health savings account is available and marketed over the Internet, and there is a lot of competition for those products. As a consequence of that competition, the price on those has come down in the years since they were introduced.

Mr. Speaker, another concept that we have debated in this House at least every year I have been here is the concept of association health plans. Association health plans allow small employers to band together to get the purchasing power of a larger corporation when they go out and price insurance on the open market.

To date, we have passed that legislation four times that I can recall in the House of Representatives. It never passed in the Senate. I would like to see us take up and at least discuss that as a possibility this year. I don't know in fact if that will happen. But association health plans may not bring down the number of uninsured directly, but it certainly would help bend the growth curve that is going upward of the number of people not covered by insurance because it allows for small employers to get access to much more economic leverage in the market for buying insurance policies and allows them to be able to offer that insurance policy to their employees in the small group market.

It means that a group of perhaps Chambers of Commerce or a group of realtors could band together and offer health insurance to their employees where otherwise it might not have been available. All of these things are important.

Another factor to consider, and we have to be careful here, about a year and a half ago, Alan Greenspan was talking to us just before he left his position at the Federal Reserve. Someone brought up the topic of Medicare, and where is the funding going to come from? Mr. Greenspan said he was confident at some point in the future Congress will come to grips with this problem and will solve this problem.

But he went on to say what concerns me more is, will there be anyone there to provide the service when you require it? Those words really struck me. What he is talking about, are there going to be doctors there in the future? Are there going to be nurses in the future to provide for us when we are the ones who are relying on Medicare for our health services?

Back in my home State of Texas, the Texas Medical Association puts out a journal called Texas Medicine, and last March they had a special issue called, ''Running Out of Doctors.''

Our country faces a potential crisis with a health care provider shortage or a physician shortage in the future. So when we work on health care issues in this body and on both sides of the aisle, this is going to be important; when we work on health care issues in Congress, we have to be is certain that we retain the doctors of today, that we encourage the doctors who are in training today, and that we encourage those young people who might consider a career in health care, that we encourage them to pursue that dream and realize that dream.

Certainly the doctors of today, those at the peak of their clinical abilities, it is incumbent upon us to make certain that they remain in practice and they continue to provide services, services to our Medicare patients and services to patients who typically have one, two, three or more medical problems. Some of the most complex medical issues that can face a practitioner today will occur in the Medicare population.

Well, what steps do we need to take to make certain that we have doctors in practice, that we have people there able to deliver those services that Alan Greenspan was talking about a year and a half ago? Well, Mr. Speaker, you almost can't have this discussion without talking a little bit about medical liability. Now, in the 4 years prior to this Congress, every year, again, we passed some type of medical liability reform bill in the House of Representatives. It never got enough votes in the Senate to cut off debate and come to a vote. I feel certain it would have passed had it come to an up-or-down vote, but they were never to muster the 60 votes.

We need commonsense medical liability reform to protect patients, to protect patients' access to physicians, to stop the continuous escalation of costs associated with medical liability in this country. And in turn, this makes health care more affordable and more accessible for more Americans because we keep the services available in the communities as they are needed, when they are needed.

Mr. Speaker, I believe we need a national solution. Our State-to-State responses to this problem, some areas, like my State of Texas, have gone a long ways towards solving the problem, but there are many areas in the country where the problem persists, and it does remain a national problem.

We have an example, I think a good example, in my home State of Texas of exactly the type of legislation that we should be considering in the House of Representatives. Texas, in 2003, brought together the major stakeholders in the discussion, included the doctors, patients, hospitals, nursing homes, and crafted legislation that was modeled after the Medical Injury Compensation Reform Act of 1975 that was passed in California in 1975. There were

some differences with the California law, but basically it is a cap on noneconomic damages. In Texas, we had a significant problem as far as medical liability was concerned. We had medical liability insurers that were leaving the State. They were simply not going to write any more policies. They closed up shop and left town because they couldn't see a future in providing medical liability coverage in Texas. We went from 17 insurers down to two at the end of 2002, the year I first ran for Congress. The rates were increasing year over year. Running my own practice in 2002, my rates were increasing by 30 to 50 percent a year.

In 2003, the State legislature passed medical liability reform, again based on the California law of 1975. The California law in 1975 was also a cap on noneconomic damages. They had a single cap of $250,000 on all noneconomic damages.

In Texas, the cap was trifurcated. There was a $250,000 cap on noneconomic damages as it pertains to a physician, a $250,000 cap on noneconomic damages as it pertains to the hospital and a $250,000 cap on noneconomic damages as it pertains to a nursing home or a second hospital; so an aggregate cap of $750,000 on noneconomic damages.

How has the Texas plan fared? Remember, we had gone from 17 insurers down to two because of the medical liability crisis in the State. Now we are back up to 14 or 15 carriers. And most importantly, those carriers have returned to the State without a premium increase.

In 2006, 3 years after the passage of the medical liability reform, an insurance company called Medical Protective, I had a policy with them for years and years, Medical Protective company cut their rates 10 percent, which was the fourth reduction since April of 2005.

Texas Medical Liability Trust, my last insurer of record when I left practice in Texas, has had an aggregate cut of 22 percent since the law was passed.

Advocate MD, another insurance company, has filed a 19.9 percent rate decrease. Another company called Doctor's Company has announced a 13 percent rate cut. These are real numbers, and they affect real people in real practice situations in Texas. It is a significant reversal.

The year when I first came to Congress, we lost one-half of the neurosurgeons in the metroplex because of the medical liability expense problem. The doctor looked at the renewal bill and said, I cannot work enough to pay for this and pay for my practice and support my family, so I will go elsewhere. The net effect is it put the whole trauma system in north Texas at risk because one neurosurgeon was going to have to do the work of two, and you cannot physically work 24 hours a day, 7 days a week, delivering that type of care. So the whole trauma system was put at risk before this law went into effect in Texas.

A young perinatologist whom I met during my first year in office, had gone on and gotten specialized training to care for those high-risk pregnancies, well, you can imagine what his medical liability premiums were. Mine were high as an obstetrician. His were even higher as a perinatologist who specialized only in high-risk cases. And, in fact, at a lecture in Texas, he came to me and said, you know, I am going to have to leave the practice of medicine altogether because I simply cannot get insurance.

Well, how are we furthering the cause of patient care if we take a young person who is very dedicated to taking care of the highest-risk pregnancies in the metroplex and we say, sorry, you can't practice because we can't get you insurance anywhere. Happily, in Texas, that situation reversed, and that doctor, I know, is in practice.

The problem with the neurosurgeon, because of the straightening out of the insurance in Texas, has been reversed. Our trauma system is protected, as is the young man who is practicing high-risk obstetrics and saving babies even as we speak.

One of the unintended beneficiaries of the legislation was the benefit for community, small, mid-sized community not-for-profit hospitals who were self insured as far as medical liability was concerned. They had to put so much money in escrow to cover potential bad outcomes that that money was just tied up, and it was not available to them. Now they have been able to back some of that money out of escrow because of putting stability into the system with the cap on noneconomic damages, and now they are able to use that money for capital expansion, nurses' salaries, exactly what you want your small community not-for-profit hospitals to be engaged in. They can, once again, participate in those activities because of the benefits from the medical liability plan that was passed in Texas.

So, Mr. Speaker, I took the language of the Texas medical liability plan, worked with legislative counsel and made it so it would conform with all of our constructs here in the House of Representatives. And although I didn't introduce that legislation, I offered it to the ranking member on our Budget Committee last spring when we offered our Republican budget here on the floor of the House.

Mr. RYAN, the ranking member, had that scored by the Congressional Budget Office, and the Texas plan as applied by the House of Representatives legislative counsel and applied to the entire 50 States would yield a savings of $3.8 billion scored over a 5-year time span. That is not a mammoth amount of money when we talk about the types of dollars we talk about in our Federal budget, some $2.999 trillion, but $3.8 billion over 5 years is not insignificant. And it is basically money that we left on the table because we did not include the language of that medical liability reform in the budget that was passed this year.

Now, when I say the problem, although the problem in Texas is measurably better than it was when I took office here, consider a 1996 study done at Stanford University that revealed within the Medicare system alone the cost of defensive medicine, that is medicine that you practice so that you tone the chart and you look good if something goes wrong and the case is brought to trial; if you have practiced satisfactory defensive medicine, you will be able to defend yourself in the case of a medical liability suit. A couple of doctors and economists at Stanford got together and said, what does this cost Medicare? What does it cost for doctors to practice this type of defensive medicine? And it cost about $28 billion a year back in 1996. I would submit that the number is probably higher today if they were to revise and redo that study.

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So that is a significant amount of money, and the Medicare system is the one that pays for that. Remember, Medicare runs about $300 billion a year. That's almost 10 percent of its budget that is being spent on defensive medicine because of the broken medical liability system we have here in this country. We can scarcely afford to continue on that trajectory that we're on with the medical liability system in this country.

Another consideration, Mr. Speaker, I talked a little bit about young people who are perhaps considering a career in medicine or nursing, and the current medical liability system is a deterrent for going into the practice of health care because they look at the burden that's placed on young doctors and nurses for the payment for medical liability insurance, and we keep people out of the system and it's something we have to consider because, again, remember, we're talking about physician workforce issues and how we keep the doctors of today in practice, but how do we encourage that young person who's in middle school or high school today who's thinking about a career in one of the health professions, and we want them to be able to pursue that dream.

But currently, they get to the end of college and they look at the expense for getting medical training, they look at the money they will have to put up front to purchase their medical liability policy when they get out, and they say maybe it's not worth it.

And the problem, Mr. Speaker, with that is these are our children's doctors and our children's children's doctors who perhaps are not going to go into the healing professions because of problems within the medical liability system. I could talk about that a great deal longer, but let me get to three specific pieces of legislation that really get to the core of dealing with the physician workforce issues and I think the

problems that we're going to face in the future if we don't get our arms around this problem.

A recent piece of legislation that I introduced is H.R. 2584, the so-called Physician Workforce and Graduate Medical Education Enhancement Act of 2007. Part of this legislation is to ensure this workforce in the future by helping young doctors with the availability of residency programs.

One thing about physicians is we tend to have a lot of inertia. We tend to go into practice where we did our residency. We tend to not go too far from home when it comes to setting up a medical practice.

So with that in mind, and in fact, that was one of the main thrusts of the article that was included in Texas Medicine, is to develop more residency programs in the communities where the medical need is greatest and develop those residency programs with the type of physician that's needed in those medical communities: primary care to be certain; obstetrics to be certain; general surgery; again, the types of physicians that we want to be on the front lines practicing in our medium-sized communities. We need to get young doctors in training in locations where they're actually needed.

This bill, the physician workforce bill, would develop a program that would permit hospitals that do not traditionally operate a residency training program the opportunity to start a residency training program and build a physician workforce of the future and build it from the ground up, start at home, start right where it's going to be needed.

On average, it costs $100,000 a year to train a resident, and that cost for a smaller hospital obviously can be prohibitive. Because of the cost consideration, my bill would create a loan fund available to hospitals to create residency training programs where none has operated in the past. The program would require full accreditation and be generally focused in rural suburban inner community hospitals and focus on those specialties that are in the greatest need, and that will, of necessity, be some of the primary care specialties that I just mentioned.

Well, what about those people who may not yet be in medical school but may be contemplating a career in health care? Locating young doctors where they're needed is just part of solving the impending physician shortage crisis that I think will affect the entire health care system nationally. Another aspect that must be considered is training doctors for high-need specialties.

The second bill, H.R. 2583, the High Need Physician Specialty Workforce Incentive Act of 2007, will establish a mix of scholarship, loan repayment funds and tax incentives to entice more students to medical school and create incentives for those students and newly minted doctors to stay in those communities.

This program will have an established repayment program for students who agree to go into family practice, internal medicine, emergency medicine, general surgery or OB/GYN and practice in a designated underserved area. It will be a 5-year authorization at $5 million per year. It will provide additional educational scholarships in exchange for a commitment, a commitment to serve in a public or private non-profit health facility determined where there's a critical shortage of primary care physicians.

Well, in addressing the physician workforce crisis, looking a little bit at residency programs, looking a little bit at medical students and, of course, medical liability but the placement of doctors in locations of greatest need and the financial concerns of encouraging doctors to remain in high-need specialties, the next bill, H.R. 2585, will address perhaps what is the largest group of doctors in this country, what I like to call the mature physician, and certainly the largest and still growing group of patients, our baby boomers, those who are just on Medicare and those soon to be on Medicare.

Now, before I get too far into this, I'm joined by my friend from Pennsylvania. Did you wish to weigh in on this subject this evening?

Mr. DENT. I would very much like to.

Mr. BURGESS. I'm happy to yield to my friend from Pennsylvania for a few minutes and give him time to talk.

Mr. DENT. Mr. Speaker, I first want to applaud you for your leadership on this issue. As an OB/GYN physician, you know this issue probably better than anyone in this institution.

But I just wanted to share with you a perspective from the Commonwealth of Pennsylvania, where we were a crisis State. And you're right on on some of these issues you just discussed, but the bad policy on medical liability reform was far too common in the Commonwealth of Pennsylvania for a very long time.

Our crisis actually originated back in the 1970s when no one would write medical liability insurance. So we created a State fund, and it was supposed to be a stopgap measure. We addressed that stopgap measure almost 30 years later in 2002, 2003.

But the point of the whole issue is you had to buy insurance from the State fund, we call it the MCAT fund, and it's been renamed the MCARE fund, and then you would buy additional insurance from the private sector.

The problem with the program was, though, you would buy your insurance basically today, if you're a young doctor you buy into the MCARE fund, and you're really paying for past claims, unlike a traditional insurance product where you pay your premium today to pay against a future claim, and so this has created an enormous retention problem for us because over the years there are so many unsettled cases in this MCAT fund that what would happen is these claims all collected and we started settling these cases rather aggressively in the late 1990s and 2001 and 2002. And so today's physicians were being assessed with an emergency surcharge to pay for previous medical liability incidents. A major, major problem.

And also, in a city like Philadelphia, where the average jury verdict was more than double that of anywhere else in the Commonwealth of Pennsylvania, where jury verdicts were in excess of $1 million on average, as reported by a jury verdict research, and the rest of the Commonwealth, the verdicts were less than half that.

But my point again is this: we created this State fund, an unfunded liability accumulates, today's doctors are paying for the liability situation of their predecessors, creates an enormous physician recruitment problem. Of course, there's always a retention problem, but the recruitment problem was enormously pronounced because of that policy change.

And so what ultimately happened, because the premiums became so high through this State fund, the people who ultimately had to solve this problem for the physicians were the taxpayers. And so cigarette taxes were used to pay for physicians' premiums, particularly in the high-risk areas, the OBs, the neurosurgeons and many other trauma surgeons and orthopods.

That's what happened in Pennsylvania, and I think many of the remedies you've discussed here, such as caps on noneconomic damages or collateral sources, structured payments, some of the things that you've done in Texas, I'm not as familiar with all those changes, but it certainly had an impact.

I just wanted to applaud you for this. You know, of course, that there's legislation pending in this Congress from some of the legislation last session, and I just want to thank you for yielding, but I just again want to applaud you for your leadership on this issue. I'm glad you're bringing this issue, once again, to the attention of the American people.

Mr. BURGESS. I thank the gentleman for his input. Certainly, the ability to recruit doctors to Texas from Pennsylvania has been greatly enhanced by the passage of the Texas medical liability bill, but you point up a very real problem that the physicians in Pennsylvania face. And, again, it points up the need for a national solution to wait and have the process work its way through every State legislature, State by State. It costs an enormous amount of money, costs an enormous amount of time, and just the effort, the efficiency of those doctors affected is going to be diminished.

So I really appreciate the gentleman taking the time to come down here and add his thoughts about what is happening in his home State of Pennsylvania.

Mr. Speaker, let me go on and talk just a little bit about H.R. 2585. That will address some of the problems that are faced by the physicians who are in practice now, the physicians who are the primary source of care for our Medicare patients. As baby boomers retire, the demand for services is going to go nowhere but up, and if the physician workforce trends of today continue, we may not be talking about a Medicare funding problem. We may be talking about why there is no one there to take care of our seniors.

Year after year, there's a reduction in the reimbursement payments from the Center of Medicare and Medicaid Services to physicians for the services they provide for Medicare patients. It's not a question of doctors just simply wanting to make more money. It's about a stabilized repayment for services that have already been rendered, and it isn't just affecting doctors. The problem also affects patients. It becomes a real crisis of access.

Not a week goes by that I don't get a letter from a physician from somewhere in the country or a fax that says, you know what, I've just had it up to here, and I'm going to stop seeing Medicare patients. I'm going to retire early. I'm no longer going to accept new Medicare patients in my practice, or I'm going to restrict those procedures that I offer to Medicare patients.

And, unfortunately, I know this is happening because I saw it in the hospital environment before I left practice 5 years ago to come to Congress, and I hear it in virtually every town hall that I have in my district. Someone will raise their hand and say how come on Medicare, you turn 65 and you've got to change doctors. And the answer is, because their doctor found it no longer economically viability to continue to see Medicare patients because they weren't able to pay for the cost of delivering the care. They weren't able to cover the cost of delivering the care.

Now, Medicare payments to physicians are modified annually under a formula that is known as the ''sustainable growth rate.'' Because of flaws in the process and flaws built into the formula, the SGR-mandated physician fee cuts in recent years have only been moderately averted at the last minute; and if long-term congressional action is not implemented, the SGR will continue to mandate physician cuts.

Now, unlike hospital reimbursement rates which closely follow the consumer price index that measures the cost of providing care, physician reimbursements do not. I have a graph here, again from the Texas Medical Association, that shows based on various calendar years what the cuts in the SGR formula have amounted to as far as physician reimbursement versus what the cost-of-living adjustment has been for Medicare Advantage, the Medicare HMOs, for hospitals, for nursing homes, for pharmaceuticals now would be the same type of formula.

Only physicians are asked to live under this formula. In fact, ordinarily Medicare payments do not cover or only cover about 65 percent of the actual cost of providing the patient services. Can you imagine going to any industry or company and ask them to continue in business when you're only paying them 65 percent of what it costs them to stay in business?

The SGR links physician payments updates to the gross domestic product and the reality is that has no relationship to the cost of providing patient services. But simply the repeal of the SGR has been difficult because it costs a lot of money; but perhaps if we do it over time, perhaps we can bring that down to a level that's manageable.

Paying physicians fairly will extend the career of practicing physicians who would otherwise opt out of the Medicare program, seek early retirement or severely restrict those procedures that they offer to their Medicare patients. It also has the effect of ensuring an adequate network of doctors available to older Americans as this country makes a transition to the physician workforce of the future.

In the new physician payment stabilization bill, the SGR formula would be repealed in the year 2010, 2 years from now, but would also provide incentive payments based on quality reporting and technology improvements. These incentive payments would be installed to protect the practicing physician against that 5 percent cut that is estimated to occur in 2008 and 2009.

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Note that this would be voluntary. No one would be required to participate in either program that dealt with quality improvement or technology improvement, but it would be available to doctors or practices who wanted to offset the proposed cuts that would occur in physician reimbursement until the 2 years time the physician repayment formally can be repealed.

Now I know that a lot of the doctors don't like the concept of postponing the SGR by 2 years. In fact, in the bill 2585, by resetting the baseline of the SGR formula, a technique that we used in this Congress back in 2003, by resetting the baseline, the amount of cuts contemplated for 2008 and 2009 are actually modified significantly, and, in fact, there may not be a cut at all in 2008 or 2009. This could translate into an actual positive update for physicians in those 2 years.

But the critical thing, in my mind, is that we have to be, regardless of what we decide to do over the next 2 years, we have got to be working on a long-term solution to get out from under the tyranny of the SGR formula.

Now, why do it this way? Why not just bite the bullet and get the SGR out of the way and get it repealed once and for all? The problem is, it costs a tremendous amount of money to do that. The problem we have in Congress is, if we are required to submit all legislation that we propose to the Congressional Budget Office to find out how much something costs, we are going to be spending the taxpayers' money, we have got to know how much we are going to spend, over what time will we spend it.

Because of the constraints in the Congressional Budget Office, we are not allowed to do what's called dynamic scoring. We can't look ahead and say, you know, if we do this, we are going to save money. The Congressional Budget Office doesn't work that way.

That's why postponing the renewal of the SGR by 2 years, take that savings that is going to occur over those 2 years, sequester it and aggregate that savings and put it towards paying for the repeal of the SGR and replacing it with a cost of living index, the Medicare, economic index that would be fundamentally much fairer.

One of the main thrusts of the bill is to require the Centers for Medicaid and Medicare Services to do just exactly that and to look at the 10 diagnostic codes for which most of the monetary expenditures are rendered. You know the old bank robber, Willie Sutton, when he was asked why he would rob the bank, he said, that's where the money is. Let's go to where the money is. Let's go to those top 10 procedures and diagnoses that spend the greatest amount of Medicare and look for where the greatest amount of savings can be found within that.

The same considerations actually apply to the Medicaid program as well, so it will be useful to go through this process in identifying those top 10 conditions and trying to modify things so that the delivery of care for those top 10 conditions actually ends up costing us less.

With the time that remains, I know I have talked about a lot of stuff tonight, a lot of it is technically very complex. I will admit it, a lot of it is actually very boring to listen to. But it is an incredibly important subject, and it is an incredibly important story that we have to tell here in Congress. It's a story of how the most advanced, most innovative and most appreciated health care system in the world actually needs a little help itself.

The end of the story should read, ''happily ever after,'' but how are we going to get to that conclusion? In fact, the last chapter may well read, ''private industry leads to a healthy ending.''

At the beginning of this hour, we talked about the debate that will forever change the face of health care in this country. Again, I think it's important to understand, that we understand here in Congress, that we understand what's working in our system and what is not. We can't delay making the changes and bringing health care into the 21st century.

I believe the only way we can make this work is if we allow the private sector to be involved, to stay involved and, in fact, lay the foundation for the improvements that we all want.

The pillars of this system are that we are going to have, be rooted in, the bedrock of a thriving private sector, not the tenuous ground of a public system that has proven costly and inefficient in other countries.

I believe we need to devote our working Congress to building a stronger system and involving the private sector within that system. History has proven this to be a tried and true method. We can bring down the number of insured. We can increase patient access. We can stabilize the physician workforce, and we can modernize through technology, and we can bring transparency into the system. Each of these goals is within our grasp if we only have the foresight and the determination, the political courage to achieve each goal.

Again, I referenced when I was a medical student in Houston, people would come from around the world to come to the Texas Medical Center for their care. There is a reason that people come from around the world to the United States for their health care and for their treatment. We are the best, but we must make adjustments to remain at the top of the game.

POTENTIAL LOSS OF INTERNET RADIO

The SPEAKER pro tempore (Mr. WILSON of Ohio). Under the Speaker's announced policy of January 18, 2007, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the majority leader.

Mr. INSLEE. Mr. Speaker, I come to the floor of the House this evening to discuss the potential loss of Internet radio by Americans, a tremendous service that, because of Internet software and musical geniuses, 70 million Americans now enjoy the ability to listen to music by Web broadcasters over the Internet.

It is a tremendous service. It is as ingrained in a lot of Americans' daily lives as a cup of coffee and the morning newspaper.

Unfortunately, I have to inform the House that that service may be gone in a matter of a few weeks if we don't reach a resolution of a, frankly, wrong decision decided by the Copyright Royalty Board. What I am disturbed to report to my colleagues is that some time ago, March 2, 2007, we had a decision by a Federal agency, the ramifications of which would be to shut down the ability of Americans, on a realistic basis, to continue to enjoy Internet-based radio.

The reason this happened is that this board was given the authority to set the royalty that should be paid by Webcasters who stream out this great music, by the way, tremendously diverse music. One of the great things Americans love about Internet radio is you have such eclectic, different types of music, not just top 40. You know, I haven't progressed past the Beach Boys in the 1960s, but there are a lot of kinds of other music. Internet radio has been tremendous by allowing people to enjoy thousands of different genres and types of music.

But now this Copyright Royalty Board has issued a decision which will explode the royalty that these Webcasters are forced to pay to those who generated the music, to the extent that it will make it totally economically impossible for these businesses and these Webcasters to continue to stream music to the 70 million Americans who now enjoy it.

We need to fix this problem. We need to fix it urgently, because the decision will, this guillotine will come down on July 15 if either Congress doesn't act or an agreement is not reached between the parties to adjust this copyright fee that will have to be paid by the Webcasters.

So we need to fix this problem, and, in doing so, we need to do it in a way that is fair to the musicians and artists who create the music that 70 million Americans enjoy over the Internet. These artists work hard in producing this music. They share their genius. It's an artistic gift they have, and they share it with Americans. They need to be compensated fairly to allow them to maintain their business model as well.

Unfortunately, this was a wildly disproportionate decision by this board that is grossly unfair to the distributors of music and simply will allow them not to continue in business. And to give folks a feeling of how distorted this decision will be, I would like to refer to this graph which shows Internet radio per-song royalty rates under preexisting law starting in 2005, that started at $.00008 dollars in 2005, and by 2010, we will have foisted on us 149 percent increase in these royalty rates.

I am not sure any business model can tolerate a three-fold increase just in the per-song royalty rates that these folks are having to undergo. Unfortunately, this royalty rate means about a 300 percent increase for big Webcasters. But because of the particular rules here, it's a 1,200 percent increase for small Webcasters, so the small Webcasters, which are the vast majority of Webcasters will be hit potentially by 1,200 percent increases.

Now, this board, this Copyright Royalty Board has refused to reconsider their decision. What it means in the real world is the Internet going silent. Many of the stations a few days ago went silent to demonstrate and to protest its decision. I know Americans are disturbed by this, and they are now talking to my colleagues. I know thousands of them have communicated with my colleagues as a result of this, so we need to fix this problem.

I know in my district, I am from an area just north of Seattle, First District in the State of Washington, we have a Webcaster called Big R Radio. They stream to over 15,000 listeners who enjoy their product. But because of this decision, their rates are going to go up to a level, and you have got to understand how bad this is, the rates they would have to pay just for their royalties, not for their overhead, their rent, their salaries, the royalties they would have to pay for this exceed by 150 percent the revenues that this business is getting in.

Well, obviously, that's untenable, and this company will have to either go offshore or simply shut down if some change is not made. That is bad for Big R Radio, the company, and it's bad for the 15,000 people that enjoy their music right now. We need to fix this problem.

So the first damage that was done is this per-song radio royalty, but there was another, perhaps even more odious thing that this board did, the preexisting rule required a $500 charge, or, excuse me, a per-station minimum fee. This new ruling required a $500 charge for each streaming station that they offered. Webcasters, of course, stream under certain channels. But under this decision, there was no limit on the amount total in this per streaming channel that would be placed. Many, if not most Webcasters, have multiple channels.

So, if you look at what it will cost, just three of these Webcasters, Pandora, RealNetworks and Yahoo, because they are getting socked with this $500 per channel, and they broadcast literally thousands of channels with no limit, just those three Webcasters would have to pay $1.15 billion, with a B. These rates will dwarf the radio-related revenues by substantially more than $1 billion.

In other words, it will charge these businesses more than $1 billion more than the revenues they generate from this business. That's absurd. It's ridiculous. It has no relationship to economic reality, and it is a government glitch, a foul-up of the highest order that needs to get repaired.

This would result in 64 times more the total royalties collected by the group called SoundExchange that collects these royalties in 2006, an increase of more than, this is a pretty amazing number to me, 10 million percent over the minimum fee of $2,500 per licensee. Clearly, this is beyond the realm of economic reality.

Finally, this royalty board, the third thing that they did, they eliminated the percentage of revenue fees that many small Webcasters use to determine their performance royalty, which would be severely damaging to small Webcasters. So, to put this in perspective, in a global sense, I want to refer to what this will mean in total royalties.

If you look at this chart, you show total royalties in 2004 of $10 million. The estimated fee under the old royalty rule in 2006 would be $18 million. But under this decision, this flawed decision, it will actually be $1.150 million. So if you want to see the difference graphically of what the old royalty would be in 2006, this bubble would go to this supernova, I would call it, in 2006. This is untenable. It needs to be fixed.

Now, in order to fix this, Representative MANZULLO and myself have introduced the Internet Radio Equality Act, it's H.R. 2060, and this bill would fix this problem by doing something that appears eminently fair to me, which would simply have the same rate to be paid by Internet-based Webcasters as broadcasters now pay over satellite radio, over cable radio and over juke boxes.

□ 2000

What we are simply saying is that we ought to have equality, fairness, that is why we named it the Radio Equality Act, by having parity, the same level, which is 7.5 percent of revenue, a transition rate, in 2010. This is something that is fair, equal, and economically realistic to allow 70 million Americans to continue to enjoy their radio over the Internet. And now, 128 Members of the U.S. House of Representatives have cosponsored this bill just in a matter of a month or two; and the reason they have done so is I think they have heard from their constituents who want to keep their service going and realize how ridiculously out of whack this particular decision was.

Now, I know it may surprise some Americans to know that government agencies can make mistakes, but certainly one was made here and we need to fix it, and we need to fix it quickly. On July 15, this decision will go into effect. I encourage my colleagues to look at this bill, H.R. 2060, the Internet Radio Internet Equality Act, and cosponsor it to add their voices to the choir to demand action by the legislature to fix this bureaucratic foul-up.

Obviously, this is supported by a large number of people, not just broadcasters. National Public Radio certainly has an interest in this. I know that many of my constituents enjoy it, and it is in great jeopardy tonight if we don't act. I know one station has already gone off the air because of this bureaucratic snafu. The NPR affiliate Rock Island Illinois-based WVIK served hundreds of thousands of citizens. They have switched off their Web stream because this is an economically untenable situation for them if it is not fixed. So what their constituents and their customers are now hearing over the Internet is silence. Silence may be better than some of the music my kids have listened to over the years, but it is not better than the thousands of stations and access that people have over the Internet. We want to keep that available for Americans.

I also want to say that why I think this is so important is diversity. One of the best things about the Internet is it gives you what you want, not what the broadcaster wants you to listen to. And, frankly, because of the consolidation of the industry and the radio over-the-air industry, we are hearing a lot more of the same thing over and over and over again. And some of it is great music. We are still stuck in the 1960s, many of us, and we enjoy it, but diversity and having access to Appalachian bluegrass or music from the subcontinent of India; I heard of a genre, it was basically heavy metal, hip-hop, country at the same time, and that is quite a genre. But this provides diversity for people, and they ought to have their multiple tastes enjoyed and that is really in jeopardy tonight.

Now, the other thing I want to say is that this decision will go into effect July 15, and these stations will be in great economic jeopardy beginning just in a week or so; and, unfortunately, some of them as of July 15 might shut off their streaming. Others are going to start to consider what to do. Some may consider going offshore, which is not a healthy situation for us for a variety of reasons.

But I want to assure the parties who might be involved in discussions in this that after July 15 it will not be the end of this discussion. If Congress is unable to act before July 15 and if the parties don't reach some resolution of this, July 15 will not be the end of this effort. It will not be the beginning of the end of this effort; it might be the end of the beginning of this effort, because as these stations start to shut down, Congress will be deluged more than they have already been deluged with voices of protestation exercising their right to petition their government for redress of grievances, and one of the biggest grievances people are going to have is they can't hear their radios over the Internet anymore. The 128 cosponsors we have today even before the sword of Damocles has fallen on the music is going to grow, and we are going to be back here to continue to grow this until we get relief.

So I am hopeful that the parties are talking to one another to try to reach an economically viable and fair resolution of this so that artists, performers, songwriters can continue to have a meaningful economic model, so they can continue to do their work and they will be compensated for it; that Web casters can have an economic model to allow them to stream it over the Web, and 70 million Americans can continue to enjoy the pursuit of happiness over the Internet listening to this great music. If that does not happen by July 15, we are going to be back here until it gets resolved and this chorus, this drumbeat will continue. We do not intend to let, in the words of Don McLean's song, not allow the music to die. It is, too, a part of the American culture, and I will encourage my colleagues to help out by cosponsoring this bill.

Mr. Speaker, I yield back the balance of my time.

STEAL AMERICAN TECHNOLOGIES ACT, THE SEQUEL

The SPEAKER pro tempore (Mr. WILSON of Ohio). Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, today I would like to discuss with the Members here assembled and those listening on C–SPAN and those who will be reading the CONGRESSIONAL RECORD an issue that may well be determined here on the House floor in the next few weeks, at least perhaps in this session if not in the next few weeks. It is an issue that will fundamentally alter and I would say dramatically diminish a constitutionally protected right and will have tremendous long-term consequences for our country; yet, very few people in this country know that this issue is coming before us. Very few of our Members even understand that an issue of this significance will be discussed here. But there will be a fight, and there is an issue of great importance that will emerge here in the not-too-distant future.

The fight over this issue of course is not a new fight. In the late 1990s, similar attempts were made at what will be attempted in the next few weeks. Those attempts were made, but they were defeated. They were defeated after the public was mobilized, and powerful forces that were at play here in our Nation's Capital were defeated. Without the public mobilizing against this particular change that was being proposed by the corporate elite here in Washington, our system of technology in the United States would have been dramatically impacted and the well-being of our people in the long run would be condemned.

The battle, which took place in the 1990s, lasted for years. Corporate pressure was brought to bear, and every attempt was made to accomplish what I consider to be an insidious goal through stealth, and it was being done in a way that would keep as low a profile as possible. We see that happening today. Very few of our Members know that there is an issue of this magnitude coming before us, but special interests are already at play. We see people, we see organizations being well financed to come here and talk to us about technology issues, not realizing the real purpose of these organizations and the financing behind them is to push forward a change that will dramatically impact America's ability to be the technological leader of the world and dramatically implicate our innovators and our inventors.

The American people, however, back in the 1990s, once alerted and made aware of the significance to our country of the changes that were being proposed, stood up and fought the good fight and beat back this attempt for fundamental change in a stealth manner. They in fact beat back the onslaught, but just barely. However, once the American people were made aware of the significance of what was going on, they won the day.

Does it sound familiar? Yes, it sounds tremendously familiar if you look at what just happened with the immigration bill in which the elites of this country were trying to foist upon us a

bill which would legalize the status of tens of millions of illegals that are in this country, only bringing tens of millions of more illegals into this country, an attempt to foist this off on the American people, to cover it up with clouds of smoke talking about a comprehensive bill whose only purpose was really to legalize the status, to give amnesty to those who are already here. And once the American people understood that, that bill was defeated.

We need that same type of mobilization if America's future generations are to be protected from the greatest theft of American technology and innovation that could ever be imagined by our people today.

Today, we face this onslaught that is very similar to that of the 1990s because the same goals are in mind by the same interest groups who would have fundamentally changed the American patent system, but they were defeated. Luckily, they were defeated because the American people, as I say, were mobilized. What we have here, as we had in the case of the fight on immigration, was that the issue itself, whether it is immigration or the fundamental changes being proposed to our patent system, are part of a greater threat. That threat which would manifest itself every now and then, perhaps four or five times a year we see this emerging, is part of a strategic maneuver by those who we would call globalists.

The fundamental threat is the globalism, which is being advocated and sometimes touted on television, et cetera, is something that, if we don't watch out, will be experienced at the expense of the American people. Globalism as it is being foisted on us as the immigration bill was will come at the expense of the American people of their freedom and their prosperity and, yes, even the safety of our country.

The battle at hand is the globalist strategy to deprive us, the American people, of the greatest source of our Nation's progress and strength: the creative genius of our own people; the innovation and technological leadership that has provided us with a decent standard of living for ordinary people and more freedom than any other country on the planet.

The globalists are at it again, seeking to change our laws in a way which would facilitate their power, would facilitate in this case the theft and transfer of American technology, the theft of the genius of our inventors, which has been one of our country's greatest assets.

People say, how could this possibly be? Well, how could it be that this Congress almost passed, there was a steam engine and a steamroller coming down the path at us that almost passed an immigration bill that would have brought millions, tens of millions, perhaps as many as 50 million more illegals into our country because we would have been legalizing the status of 10 million to 20 million illegals who are here already. How did that almost happen? Well, it almost happened because there are forces at work in a democratic society.

In this case, the globalist forces, the same ones who were at play on immigration, the ones who thought it would be better for everybody if we just had an open border with Mexico, because that is what really was the goal by the immigration fight. The whole fight was all about big businessmen who thought it would be really good to have an open border so we could keep down wages, and of course the liberal left of the Democratic Party who felt that as many immigrants that we have swarming into our country gives them a political base. Well, those same people who are pushing that are now working to push through wholesale changes in our patent laws, changes that will undermine our independent inventors and allow our competitors to steal our technology, American technology, and seriously weaken our country and its competitiveness.

The legislative vehicle for this legalized larceny is H.R. 1908, which I call the Steal American Technologies Act. In this case, because it reflects a very similar bill that was attempted a few years ago, we will call it the Steal American Technologies Act, the Sequel.

□ 2015

It is a dramatic altering of our patent laws, and our patent laws that they're trying to change have been in place since our country's founding. Patent law, of course, is an issue that is somewhat obscure, and it is an issue that is very difficult to understand in that it is related directly to new and unknown technologies and science, and deals with complicated parts of American law.

The globalists have hoped that this issue will seem so perplexing that it will be ignored by much of the public and perhaps not even understood by most Members of Congress. Yet, how Congress resolves this issue, once it's brought before us in legislative form, will determine the future well-being of our people and the security of our country. It is just that important. Just as the immigration bill was important and important for the American people to get involved, this issue is of equal importance to that in terms of our future.

This Congress will determine the fundamental patent law, the legal protections, the organizational structure in which we deal with technology commercialization. All of this will determine what our country is going to be like in the next 50 years and who and what kind of power we will have as a people on this planet. We will be making a determination of what the patent law of the United States of America will be for this generation and future generations of Americans.

Of course, in the past, our Founding Fathers were in the same position; they made the right decision. They put in place patent law, which now we are seeing the elite of this society and the globalists throughout the world trying to bring down this fundamental law that was put into place by our Founding Fathers.

Patent law is part of the American legal system and, as I said, it is something that perhaps has been taken for granted by the American people. Who pays attention to patent law? As I say, it's complicated, hard to understand.

However, every time we turn around, we can see that it is America's technological edge that has permitted the American people to have the highest standard of living in the world and permitted our country to sail safely through the troubled waters of economic crisis, of world wars and of international threats. It is American technology and our genius that has made all the difference when it counted. And it is the American patent law that has determined what technology and at what level of technological development that America has had.

This is not an obscure issue. This is an issue that will change our way of life. This is an issue of vital importance to every American, and it will determine the future standard of living of our people and the safety of our country.

We Americans came to this continent, by and large, as poor immigrants, millions of us. We faced the most undeveloped land imaginable. There was no land anywhere in the world at that time that was more undeveloped than the United States of America. When our Founding Fathers and mothers came here, they suffered deprivation. They were not safe. They were not prosperous. They died of hunger, and they worked very hard. And yes, we had space. Yes, we had lots of space and resources. But it wasn't the space and the resources that changed this group of huddled masses that came here, these poor souls that came here over those hundreds of years. It wasn't the resources and the space that changed their way of life and made them a prosperous and free people.

The secret of America's success is found not in our wide expansions or the deposit of minerals. Instead, the secret to our success can be found in the fact that our people had the freedom that our Founding Fathers fought for, and they had guaranteed rights, and also, of course, we, as a people, had a dream. We had a dream of a country where average people, yes, even people who are below average, can come and can prosper and can live at peace, a country made up of people from every part of the world, every race, every religion, every creed, every ethnic background, who could come and could live together in dignity and with liberty, and, of course, they could live free from fear. They could live with the understanding that everyone's child would have an opportunity to improve him or herself, to enjoy a rising standard of living that

was based on their hard work and, yes, as Martin Luther King said, on the content of their character.

We believed, as a people, in rights and believed these rights to be given by God and that the purpose of government was protecting these rights.

Well, most people, when they think of that, think of religion and think of speech and the right of assembly. But patent rights are a right of property. It's a right that is written into our Constitution. The United States of America is one of the only countries of the world to have written into its founding document, the Constitution, a section dealing with patent rights.

Let us note that in the body of the Constitution, before the Bill of Rights, the word right is only used once, and that is the right of an author or an inventor to own and control the product of his labor, his or her labor, for a given period of time.

In fact, Benjamin Franklin was a great inventor as well as one of our Founding Fathers and one of the great champions of liberty in the history of humankind, as was Thomas Jefferson, as was Washington.

It was George Washington who requested of the First Continental Congress that they pass, as one of their first laws, a patent law, the Patent Act of 1790, which became the foundation of America's technological progress from that point till today.

Others of our Founding Fathers were people who believed in freedom, but they also believed in technology. Visit Monticello and see what Thomas Jefferson did with his time after he penned the words of the Declaration of Independence and had served as President of United States. He went back to Monticello and spent his time inventing things, things that would lift the burden from the shoulders of labor. Yes, he, in fact, signed his name as the first Patent Commissioner of the United States, which was invested in the Office of the Secretary of State at that time.

Benjamin Franklin, the inventor of the bifocal and the stove, the potbellied stove, which made a huge difference in the well-being of people for hundreds of years thereafter.

These Founding Fathers were our Founding Fathers, and they knew that with freedom and technology, we could increase the standard of living of our people, all our people, not just the elite, but the average person could come here and live with a modicum of dignity and decency and prosperity in their lives.

Our people were not just the Americans who were here, our Founding Fathers knew that, but were the tens of millions of Americans who would come here in the future on such a grand scale. And we would know, and they knew that if the people were going to come here and occupy this land from one part of the continent to the other, that wealth would have been to be produced on a grand scale as well. It couldn't be relied on just on brute muscle strength and the strength of animals.

Instead, our Founding Fathers knew that machines and technology would produce the wealth necessary to have a free and prosperous society. That's why they built into our Constitution the strongest patent protection of anywhere in the world, and that is why, in the history of mankind there has never been a more innovative nor creative people.

It's not just the diversity of our people that's given us this creativity. It's been the innovation and progress that was inherent in the way we structured our law, our patent law.

Recently I sat next to a Japanese minister over lunch, and he was telling me how Americans are always the ones who are coming up with the creative new ideas; what we do is just improve on those ideas, but we're trying to make our people more creative. And he was discussing different ways. And I said, it's real easy. All you have to do is make sure you change your patent system. You have a fundamentally different patent system than we do. He was shocked. He'd never thought of that.

And, in fact, the patent system in Japan was designed to help corporate interests utilize technology rather than protect the rights of the creators of new ideas. And of course, if the creators are being bullied and robbed, they're not going to come up with much. And guess what? In Japan, they don't, because your Shogun system of elitists in Japan steal the technology from their own creative people, and thus, their people don't create.

Americans have known that they have rights to own their own creations since the founding of our country. That has become part of our character, although most people don't relate it back to the law. Most people don't relate the character of our people back to the law when it comes to freedom of speech and those things in our Constitution as well, freedom of religion. But they are so important to the development of our national character. We would have had a different national character without those rights and without the rights that were granted to our inventors and our technologists in our Constitution by our Founding Fathers.

Everyone has heard about Thomas Fulton's steamboat. Well, let me note that Thomas Fulton didn't invent the steam engine. He invented the steamboat. Because in Europe and elsewhere, they didn't see technology necessarily as something that was very good. The average person thought technology was going to replace me as a job, and the steam engine was not permitted to be used there.

In the United States, the American people always understood machines will help produce more wealth. It will magnify the production and the byproduct of our labor, and it's good for people to have a society which has more wealth rather than less.

So Mr. Fulton put that steam engine on a boat and put it to work because we knew, and the American people as well as our leaders knew, that machines, good technology will help all the people of a country.

Cyrus McCormick invented a reaper that helped produce more food so people were well fed in this country, as compared to other societies which have had so many famines.

Samuel Morse invented the telegraph, which led to the telephone, et cetera. Thomas Edison, the light bulb, and so many other inventions.

Black Americans, here's something that is never recognized too much out of the Black community, but Black Americans have been prolific inventors. Even at times of mass discrimination against our Black fellow citizens, the patent office and rights, property rights for inventions were respected, and the Black community succeeded in, perhaps more than any other community compared to their numbers, in offering inventions and innovations.

Jan Metzlinger was a Black, former Black slave who invented a machine that was used in the manufacturing of shoes which dramatically changed the shoe industry. And before then, Americans had one pair of shoes. They could expect to have one pair of shoes in their life. And it was a Black man who invented the machine that made the production of shoes so effective and efficient that people could have different shoes. And when they wore out, they didn't have to wear shoes that had holes in the bottom of them.

George Washington Carver, one of the great renowned American inventors, respected by scientists, respected throughout the world; there are so many examples of Black inventors, because their rights in that area, that one little area of the Constitution, while they were being suppressed in other areas, their rights for ownership of patents was respected and thus, in that area, they prevailed and they flowered. And they invented things that did wonderful things for our country and the rest of our population. It's too bad it took so long for us to catch up in the other areas of protecting the rights of Black Americans. But they can be proud that, even during the time when they were under suppression, that they were able to succeed in developing new creative ideas that helped this entire country.

We are proud of our history of technologies, because we know, as Americans, as we have always known, that these inventions, no matter who invented them, would produce more wealth with less labor and thus increase the standard of living of all of our people and the opportunity of all of our people. And thus, it built a society which we have become very proud of and that we should be proud of.

But I suggest today that if we change those fundamental laws, which this bill is attempting to do, we will obliterate, in one or two generations, the great

progress that we've experienced in the standing of the American people among the nations.

Yes, we look back at the Wright brothers; we remember them. The Wright brothers, who were they? They were men with little education, probably like Mr. Metzlinger. I just mentioned he worked in a shoe factory. These men worked in a bicycle shop, and they ended up inventing something about 100 years ago that they were told was absolutely impossible by the experts.

□ 2030

Yet they went ahead and they received a patent. They received a patent on how to shape the wing of their airplane, and they changed the future of mankind forever as we uplifted humankind off the ground and put us on a road to the heavens. Two Americans, ordinary Americans, not rich people, not educated greatly. Two people who ran a bicycle shop. These are the people we are proud of because we understand that is what America is all about that these people have their rights and freedom.

Innovation, a great creative genius, is the miracle that produced our wealth. Not just the muscle. It was the genius of our people. It was the tenacity of the Wright brothers and Cyrus McCormick and others and their genius that produced the wealth and produced these technologies that have changed all humankind and all Americans. And this creativity that we are talking about was protected by law.

We have treated the intellectual property rights in this country and the creation of new technology just as we have treated other rights. They are property rights and they are respected. They have been part of our country, part of our law, that individuals have a right, as determined by our Constitution and as outlined in our first fundamental laws since 1790, that these property protections would be afforded to American inventors. And that is what America is all about. Every one of us has that kind of opportunity.

Does anyone think that in World War II and in the Cold War that it wasn't our technological genius as well as our commitment to freedom that carried the day? We didn't fight the Germans and the Japanese man to man, just as in the Cold War, we didn't fight the Russians and the Chinese man to man in great battles. No. What happened is, if we would have tried to match them in pure muscle power, we would have lost. Instead, our aerospace workers, our scientists, our inventors, our computer specialists, our missile technicians, our rocket builders, and, yes, those scientists who came up with and are currently about to deploy a strategic missile defense system for the United States, all of these technological workers helped make the difference in those challenges to our national security, whether against the Nazis and the Japanese militarists or the communists. And, yes, perhaps even against radical Islam, should some regime there or in North Korea send a missile in our direction, our technologists may well be providing us a defense. Yes, we won the Cold War without having to suffer a massive conflagration because we relied not only just on the courage and the faith and the freedom but also in the superior technology that was flowing from our people. And that was because our American inventors were matched by no one in the world.

Today it is my sad duty to inform my fellow colleagues and the American people that we face a great historic threat. This threat comes at exactly the time when our country faces economic challenges from abroad as never before. We must prevail over our economic competitors because they are at war with the well-being of the American people. We must win or our country's people will lose. If we lose this battle, our people will suffer, their standard of living will suffer, their freedom will suffer. Future generations will see their standard of living decline as well as the safety and strength of our country. If we do not remain the technologically superior power on this planet, we will face new challenges and we will be defeated and our people will no longer have the prosperity and the rights that were the dream of those founders who came here 300 years ago to inaugurate this wonderful country, the United States of America.

Our adversaries have identified technology as our strong point. They see it right away. Americans are innovative, just like that Japanese minister that I was talking about. Americans are innovative. We have the new ideas, the new concepts. We have the ways of coming up with a different twist. We have the can-do spirit. There is nothing that can't be done with freedom and technology.

Well, they have identified this as our strong point. But it is also a weak point in that many Americans have no idea what legal structure was established that has protected this part of the American character, this legal establishment, this legal foundation that has permitted us to have creative people and build this type of genius within our society.

What I have been talking about is the fundamental patent law of our country. Our economic adversaries and their allies are engaged in a systematic attack on the patent rights of the American people. These adversaries, of course, among them are the leaders of multinational corporations, some of whom are based right here in the United States. These multinational corporations are run by an elite whose allegiance is to no country. Most significantly, we do not know if their allegiance is to the United States of America.

These are the same people who will take the product of research and development grants provided by the taxpayers of the United States and build factories in China based on those technologies. These are the same people who would eliminate jobs in the United States and create factories in China in order to make a 15- to 20-percent profit as compared to a 5- or 10-percent profit here. But over here they would be dealing with American citizens; over there they are dealing with slaves. The corporate elite that does this is behind and is pushing for the changes in our patent law that I am talking about today. And these multinationals and the elite that run them are not watching out for us.

If the globalists are successful, 20 years from now our citizens will wonder what hit them. Pearl Harbor happened in one moment. Our people woke up to the threat and mobilized. Today it is happening slowly. The attack is less evident, but our rights are being robbed and eroded, and changes in our law are being made that will decrease our standard of living and damage our way of life and will be devastating to the American people, and they will not know what hit them. This attack is being conducted not by the bombers on Pearl Harbor, but the bombs that are being planted are being planted by lobbyists in our nation's capital who are working for multinational corporations, who believe, perhaps, that we can make everything better with a globalist strategy. But they are willing to pillage the wealth of our country and transfer that wealth and transfer power overseas in order to succeed in building a new global strategy, a new global concept.

One of the steps necessary for this great global vision to succeed is the destruction of the American patent system. As I say, lobbyists have been hired by well-heeled multinational corporations and by companies who no longer have any desire to pay for the use of technology that has been developed by American citizens. They, of course, are not saying, well, we are going to destroy the patent system. Nobody is just coming up and saying we want to destroy the patent system. We want to steal all of America's technology. They are not saying that because we might be a little upset because we would notice that they are the same people who are setting up factories in China using slave labor and putting our people out of work. They wouldn't be that upfront.

Instead, they are suggesting our patent system is broken and needs to be fixed. We have heard it before: The immigration system is broken. We need a comprehensive bill. And in the end, the comprehensive bill that was coming over here that was being voted on would have made the situation a lot worse. This is exactly what this elite is trying to do right now in terms of American technology and the patent system. They are using a system that needs to be fixed, the patent system, which has some flaws, organizational flaws, and they are saying we are going

to fix it; yet the fixes they are proposing would destroy the system as we know it.

No. Instead, we need to correct the flaws in the system. And, again, if it sounds like a replay of immigration, it is exactly right. It is the same strategy. But they failed then, and if the American people are mobilized, they will fail again.

We hear about widespread problems in terms of the Patent Office. This is what we are going to hear from the elite, from the people involved in this globalist attempt to destroy America's patent protections. We are going to hear about patent lawsuits, about horror stories concerning companies that are tied up for years in court and then eventually have to give up and relent to trial laws because there are so many delays inside the patent system. And we are going to hear about examiners who are overworked, underpaid, and without proper education and training.

Well, in reality the patent lawsuits are no more of a major problem than they ever were. Between 1993 and the year 2005, the number of patent lawsuits versus the number of patents granted has held steady at about 1.5 percent. In fact, in 2006 there were only 102 patent cases that actually went to trial.

But there are some very real changes that are needed and problems that need to be solved in the patent system. Unfortunately, the legislation making its way through the system does not correct these problems. The problems are being used as an excuse to act, but the proposed changes are aimed at other than the more significant goals.

So let's understand that we need patent legislation. We need patent legislation that speeds up the patent process and provides training and compensation for patent examiners and helps us protect our inventors against foreign theft. We need to make sure that the people who are the inventors of our country can use this system. But the bill that is being presented to us and these maladies that are being used to justify this new bill do not correlate.

The fact is the bill will not solve the problems but will obliterate the fundamental rights that have been granted since our country's founding. Just like the immigration bill, as I say. The problems created by our current policymakers, of course, they could have corrected any of these problems with the patent system over the past 10 years, but those problems that are still around are being used as an excuse to destroy the system within a cloud of smoke.

Well, the people have been trying to do this, as I said, for over a decade, the power elite in this country, and they were thwarted. Now they are back. We can all understand what this is all about when we just remember the word ''comprehensive.'' That was being used as a cover not to reform and strengthen our control and management of immigration but to destroy our ability to stop the massive flow of illegal immigration into our country. That is the same thing that is happening in terms of patent legislation.

There are some problems with the way our patent system is operating. It can be much more effective. But instead of correcting those problems, it is being used as a smokescreen. H.R. 1908 is designed not to correct the problems but to destroy the patent protections our people have enjoyed.

So, first, H.R. 1908 creates a post-grant review process. What does it do? The first thing is a post-grant review process, which means that after someone is granted their patent, people can still come back and challenge them after the patent has been granted. For the little guy, this is a disaster because the little guy doesn't have the money for all the lawyers. Once the patent is granted, that should be a situation when the patent is granted. Instead, H.R. 1908 attempts to create an endless process of challenges to a small inventor.

Second, H.R. 1908 changes our patent system to award patents based on first-to-file rather than first-to-invent. This is a little hard to understand, but since our country's founding, if an inventor could prove that he has invented something, he would then be protected. His rights to own that would be protected. In other countries, if big corporations immediately just file patent after patent after patent every time they come to a small step forward, they can protect themselves, but the small inventor will never be able to do so.

Third, the most egregious of all the items in H.R. 1908, and people should pay attention to what I am saying here because this is fundamentally different than every patent system in the world, up until now the American citizen, if he has filed for a patent, until that patent is granted, the patent is kept totally secret.

□ 2045

In fact, patent examiners can go to jail for felonies if they disclose that information. And then, when the patent is granted, no matter how long it takes, even if it takes 10 years to do so, the inventor gets to have 17 years of patent protection where he owns that technology. That has been our tradition. What do we want to do? This bill, H.R. 1908, the ''Steal American Technologies Act,'' the sequel, what does it do? It wants to make sure that anybody who files for a patent, any inventor, if he has not been granted his patent within 18 months, perhaps because of bureaucratic snafus or whatever, that patent is going to be put on the Internet, that patent is going to published for every thief in the world, every Chinese manufacturer, every Japanese manufacturer, every Korean manufacturer, anybody in the world who wants to steal it will be able to have it and be in production before our inventors get their patents even granted to them.

So, let's take a look at these three proposals of this H.R. 1908. The proposed grant review process is a gift to the large corporations and the powerful elites, which they wish to destroy the small inventor. As I say, they are going to be able to grind the small inventor down. For the invalidation of a patent, a company, if they can show they've been economically disadvantaged by the patent, they can force a review of the Patent Office of that patent. So if somebody invents something that's going to be wonderful for a lot of people in the country but will put another business out of work because they don't need buggy whips anymore, then the buggy whip manufacturer, who now has a lot of money because over the years, under the old system, everybody needed a buggy whip, they're going to use that wealth to tie up and destroy those innovators who would bring us forward. Because now, even once the patent is issued, they can keep filing complaint after complaint, challenge after challenge. The little guys will never be able to cope with that.

Second of all, this legislation doesn't stop just there. As I said, it lowers the bar for providing a patent's invalidity to current standards of clear and convincing evidence. It basically lowers, for some of the standards that we have operated on, from clear and convincing evidence to the preponderance of evidence, which of course erodes the confidence an inventor has that his patent won't later be just revoked by the Patent Office. So it's changing the standards and allowing them to have future challenges. The small inventor is going to be ground down.

But, of course, the worst part, what's this? H.R. 1908 also, of course, does not limit the number of times that a patent can be challenged, so time after time grounds these down. So it's not just one challenge after a patent has been granted, but a continual challenge to the small inventor.

This proposed change from first-to-invent to first-to-file is yet another attack on the small inventor. The United States is unique in using the first-to-invent system. All the rest of the countries have first-to-file. And this has ensured that the true inventors will receive the benefit of their invention instead of a thief who happens on some information.

Changing it to first-to-file will create a massive problem for the small inventor. Inventors will have to rush to the Patent Office, hurriedly scrambling to file the necessary documents every time they've made one small step forward. This will cause less thorough applications. So we're going to have people who are applying, because they have to apply for so many, the applications will not be as well thought out and not as thorough. And this will add to the burden of the Patent Office, which will mean there will be even more work for the Patent Office and even more delays.

So this will benefit, yes, large corporations who can afford patent after

patent after patent after patent application, but for the small inventor who only has a little bit of money, he will be totally rolled over.

Now, the thieves in China and elsewhere are waiting for the day when we change this patent law to what this last suggestion is under H.R. 1908. Because this is very similar to the immigration bill. The only purpose of the immigration bill was to give amnesty, was to grant legal status to those people who are here legally. The only reason for the patent bill is this particular provision, and that is, American inventors have had a protection that their applications will be secret, if they file in the United States, that their patent will be secret up until that patent is granted to them, but this bill changes it. After 18 months, all patent applications will be made public. Now get into that: Under this bill, after 18 months, even if a patent hasn't been granted, everybody in the world is going to be able to know all of the secrets in the patent application. Thieves around the world will be counting down the days until America's best ideas are put on display and in great detail for everyone to examine, even though the inventor has no protection at that point.

How do we know that this piracy will happen? We know because Japan, which I have mentioned has a different patent system, already publishes patent applications, and it is suffering from a withering attack from China and elsewhere. The Japanese actually take their patent applications and, after 18 months, put them on the Web. Well, what happens? The Japanese patent applications on the Web, that Web site receives 17,000 hits a day from China, and 55,000 hits a day from Korea. The people viewing the Web site are not simply curious about some gizmo or gadget; they're interested in one thing: They want to steal someone else's creative ideas.

H.R. 1908 would give every thief in the world an opportunity to take America's technology and use it even before our people are granted a patent. Why would anybody want to do this? Well, the same people who want to do this are the same people who are building factories in China and use slave labor. I can tell you that right now.

This is basically coming out of the high electronics industry. You know what some of those people are doing right now? Some of those people are over there helping the Chinese Government track down religious dissidents, people who want democracy or believe in God, but want to use the Internet, our technology companies are over there helping them track these people down and throwing them in jail. And you know what they want to do here? They want to steal all the technology from every American inventor and not pay them a royalty. That's what's going on here. And of course, they're in alliance with the other global elitists from other countries.

This is not the type of force in our society that we should permit to make the rules on how this country functions. We would be giving, if this bill passes, our economic competitors, even our enemies, access to our Nation's technological breakthroughs and scientific achievements. H.R. 1908 does that by demanding that all patent applications be put on the Internet to view and to steal even before the patent is issued.

If it's hard to believe, people need to hear it again: We have an elite in the electronics industry that is so intent on taking the technologies that are being developed by our inventors and not giving them royalties, that they want to change this fundamental part of our patent law that has protected our individual inventors, protected them by saying, what you invent is yours for 17 years and that no one will know about your patent application until your patent is issued; they want to change this fundamental nature of our system.

This provision is not only a bad idea and not only will it harm the American inventor, it will hurt the American people by putting us at risk to our enemies. Already we are seeing a flow of technology and of capital assets to China, which is a major adversary, maybe not an enemy now, but perhaps someday an enemy. Our schools are filled with graduate students from China and elsewhere, and they are learning the secrets that cost us billions of dollars of research to come up with. We are not watching out for the American people. And H.R. 1908 would, again, be a dagger in the heart of the American standard of living and our ability to secure our country.

What is really going on here is an effort. Of course, they will claim that we have to do this because Japan does it, and Europe does it. They want to harmonize America's laws, our patent laws, with the rest of the world. Well, why don't they try that with the rest of the Constitution? If we wanted to harmonize the freedom of speech and religion with everybody else in the world, would the American people stand for that? We have the strongest patent protection of any country in this planet, just like we have the protection for other rights. If people want to harmonize with American law, we want a globalist approach to patents or to technology and to freedoms and rights, people can harmonize with us. Let them come up to our standards.

If the American people were out to harmonize the law, that's one thing, but we wouldn't even dream of doing that. The American people would never go along with having our religious freedom or freedom of speech and other freedoms that we have that are guaranteed by our Constitution; we would never permit them to say, well, we have to have the same level of freedom as they have in Singapore or Vietnam or, let's say, Ukraine or Belarus. No. The fact is, the American people are proud that we have guaranteed rights and that our Constitution protects these rights.

And I know that many people do not understand the part that has been played by the rights that were granted in our Constitution to our inventors specifically, but they are vitally important to America's safety and well-being. If we move to harmonize patent law, no, things will not go more smoothly for our country and for the world, what will emerge is a global elite which wants to mandate upon the American people the same things they mandate on the surfs and the servants and the people of other countries who they feel that they are naturally endowed with the right to tell them what to do.

No, no. We believe that every individual has rights in this country, and we are not going to harmonize our laws, whether they're patent laws, and we are proud that we have a standard of living that has flowed from our patent laws and our technology laws. We are proud of that, and we are not going to bring down our standard of living in order to harmonize it with the rest of the world.

And yes, those businesses that are flowing over to China to use slave labor, yes, we do not want the elite of those companies making policy in the United States, especially if it's policy that would allow them to steal innovative and creative technology ideas from America's inventors, from the little guy. The fact is, we have had the strongest protection of patent rights of any place in the world, and thus we have had more innovation and a higher standard of living than the other people of the world. The common man here has the opportunity that common people in other parts of the world do not have because America has had technological superiority. And if our rights to our patent protection are diminished in order to harmonize those rights with the rest of the world, it should be no great surprise when we will end up with the same type of country that they have in those countries, that our people will have the same type of opportunity and standard of living and freedom that they have in third world countries. Is that what we want? Well, the corporate elite doesn't care what we want because they don't care about us. They were the ones that wanted to bring in tens of millions of more immigrants into our society illegally because they knew that if we legalized the status of those 15 to 20 illegals that are already here, that would bring in 50 million more. They don't care enough about us to want to stop that, and they don't care enough about us to want us to have a high standard of living.

This is another inherent conflict between the globalists and the patriots. If we do not win this battle, if we are not vigilant, America will lose and future Americans will not enjoy the freedom and prosperity and safety that we Americans enjoy today.

This destruction of our fundamental patent system is an abomination, a long-term threat to the well-being of

the American people, and it will benefit basically wealthy and powerful interests, an elite that has no loyalty to the United States or to our people. Our people have got to know that this is a threat to all of us. Our people need to unite, as we did on the fight against this immigration bill that would have been a disaster for our country and a disaster for ordinary Americans, we need to unite and we need to organize and we need to make sure that people in this body, in the House of Representatives, know that H.R. 1908 is something that is contrary to the interests of our country and is contrary to the interests of working people. And anyone voting for it, it won't be tolerated if that's the way people feel about it. Those advocating the ''sledge hammer'' approach to patent reform, allegedly addressing just small problems, but using a sledge hammer to fix those small problems, are, in reality, advocating a complete reconstruction, and I would suggest destruction, of our patent laws. If they really want to address specific problems, just like it was in the bill with the immigration, let them target those solutions instead of using a bulldozer in the name of knocking down a mole hill.

□ 2100

Yes, we can make our patent system more efficient. We can make sure that those patent examiners are trained and well educated and that they know the system and that the system works faster and more efficiently.

One thing we could do is make sure everyone who pays for a patent that that money stays in the patent system. Another thing is we can make sure that there are plenty of scholarships available for people who can get their PhDs in their scientific endeavors in these areas so they can come back and work in the patent office. We can correct our problem. But destroying and rearranging the rights of our inventors would be a catastrophe. Think about it. If you have a hangnail, and it is painful, and you go to a doctor, and the doctor goes to great lengths and says, oh, what a horrible hangnail you have there, you must be in pain, and, look, it has a little bit of infection, well, you might listen to your doctor. But what happens when the doctor says, well, I think we are going to get rid of that hangnail problem. We are going to amputate your leg.

This is what this is about. Those people are trying to amputate our legs in the name of getting rid of a hangnail because the Patent Office isn't working efficiently. Well, I would suggest that that doctor, if he suggests to you that he is going to amputate your leg, either he isn't incompetent or he doesn't like you. And you better check and find out. But either way, you don't want to follow his advice.

We are told by those people who want to totally change the patent system that these evil inventors, people like Thomas Edison and Cyrus McCormick, all of these inventors, the people who invented the drugs that have cured polio, these evil inventors, they actually abuse the system because they own it for 17 years. No. It has been that profitability, it has been that spur, that incentive to create that has come up with these miracle cures, that has come up with these machines that have made us more competitive. Our workers cannot be more competitive with the Chinese or the Indians unless we have the technology. If our technologists are going to have all of the product of their genius stolen by the Chinese and Indians even before the patent is issued, how are we going to compete in the future against China and India? No. These people who are inventors, they are not abusing our law. They are the heroes. They are American heroes, just like the Wright brothers were American heroes. They lead to a better way of life.

These large corporations who exploit people and have no loyalty to us, who have armies of lawyers who will steal anything and smash anyone who gets in their way, those are the people we have to watch out for. Those are the people who are behind this proposed change in our patent law. Property rights for the little guy is a good thing. And I don't care if the guys in the corporate board rooms don't agree with me on that. I know that as a Republican people think, oh, well, he must be for business. No, I am for Americans. And I know that today the American people are being abused. If it weren't for the American people, there wouldn't be any freedom anywhere in the world. Any hope for anyone, for mankind and humankind is tied to the willingness of the American people, because we care about them.

Why should we harmonize our laws with the rest of the world off of some global vision that some egghead in some university thought up and taught to his students 20 years ago who now are out trying to implement this global vision?

Our people are not fighting for a new world order. Our people, when they defend this country, are defending our rights and our liberties. If we ever lose that, if we ever lose the allegiance of the little guy to our country, we have lost everything. Because what it seems like here is what we have got going in this country, whether it is patent law or whether it is immigration law, is that the elite no longer have the allegiance to America's little guys.

You know, there is a story that goes with this whole issue. It deals with a little guy who invented the picture tube, Philo Farnsworth. There is a statue to him right down the hallway, a statue here in our Nation's Capital to a country hick named Philo Farnsworth. It shows him there holding a TV picture tube. You know what? Philo Farnsworth was a hick. He had a little training in engineering. He actually figured it out.

RCA, the most powerful company in the United States at that time, spent what is the equivalent of hundreds of millions of dollars to try to find the secret of a picture wave that you could have so you can have a television set and a tube that would capture that. Philo Farnsworth figured it out. He wrote RCA. He said, hey, I figured it out. Come on over and we will discuss it.

Sure enough, the head researcher from the labs at RCA showed up at Philo Farnsworth's home. Philo Farnsworth went out to the barn and showed him everything and how he had done it and how he figured it out. He had his notes. The guy took extensive notes and said, We will get back to you. Do you know what? RCA spent 20 years trying to steal Philo Farnsworth's invention. It went all the way to the Supreme Court. Thank God for the United States of America, the little guy, Farnsworth, beat RCA, the big corporation. That is why we have a statue to him here. That is what America is all about, protecting the rights of the little guy to make this a better world.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mr. BURGESS) to revise and extend their remarks and include extraneous material:)

Mr. MCCOTTER, for 5 minutes, today.

Mr. POE, for 5 minutes, today and July 11, 12, and 16.

Mr. JONES of North Carolina, for 5 minutes, today and July 11, 12, 13, and 16.

Mr. WOLF, for 5 minutes, July 12 and 13.

Mr. MORAN of Kansas, for 5 minutes, July 11.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 966. An act to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes; to the Committee on Foreign Affairs.

S. 1612. An act to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes; to the Committee on Foreign Affairs.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1830. An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced her signature to enrolled bills of the Senate of the following titles:

S. 277. An act to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.

S. 1704. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

A BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on June 29, 2007, she presented to the President of the United States, for his approval, the following bill.

H.R. 1830. To extend the authorities of the Andean Trade Preference Act until February 29, 2008.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 11, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2348. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Wage Determinations [DFARS Case 2006-D043] (RIN: 0750-AF59) received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2349. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Military Construction on Guam [DFARS Case 2006-D065] (RIN: 0750-AF65) received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2350. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Deletion of Obsolete Acquisition Procedures [DFARS Case 2006-D046] (RIN: 0750-AF62) received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2351. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Excessive Pass-Through Charges [DFARS Case 2006-D057] (RIN: 0750-AF67) received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2352. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Acquisition Integrity [DFARS Case 2006-D044] (RIN: 0750-AF60) received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2353. A letter from the Secretary, Securities and Exchange Commission, transmitting the Department's ''Major'' final rule — Amendments to Rules Regarding Management's Report on Internal Control Over Financial Reporting (RIN: 3235-AJ58) received June 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2354. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Obstetrical and Gynecological Devices; Classification of Computerized Labor Monitoring System [Docket No. 2007N-0120] received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2355. A letter from the Regulations Coordinator, FDA, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements [Docket No. 1996N-0417] (RIN: 0910-AB88) received June 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2356. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's ''Major'' final rule — Import and Production Quotas for Certain List I Chemicals [Docket No. DEA-239I] (RIN: 1117-AB08) received July 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2357. A letter from the Chief of Staff to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Milano, Texas) [MB Docket No. 05-97 RM-11186 RM-11251] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2358. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992 [MB Docket No. 05-311] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2359. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions and Clarification of Export and Reexport Controls for the People's Republic of China (PRC); New Authorization Validated End-User; Revision of Import Certificate and PRC End-User Statement Requirements [Docket No. 061205125-7125-01] (RIN: 0694-AD75) received June 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2360. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report entitled, ''Policy Objectives and U.S. Policy Regarding Iran,'' pursuant to Public Law 109-364, section 1213(b); to the Committee on Foreign Affairs.

2361. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Determination and Memorandum of Justification pursuant to Section 563 of the Foreign Operations, Export Financing and Related Program Appropriations Act of 2006, Pub. L. 109-102; to the Committee on Foreign Affairs.

2362. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-63, ''Fiscal Year 2008 Budget Support Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2363. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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2378. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2379. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2380. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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2388. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2389. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2390. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2391. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Tilefish Fishery; Quota Harvested for Full-time Tier 2 Category [Docket No. 010319075-1217-02] (RIN: 0648-XA54) received June 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2392. A letter from the Assistant Administrator, Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species (HMS); U.S. Atlantic Swordfish Fishery Management Measures [Docket No. 061121306-7105-02; I.D. 110206A] (RIN: 0648-AU86) received June 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2393. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Closure of the Eastern U.S./Canada Area [Docket No. 04011-2010-4114-02; I.D. 042407B] (RIN: 0648-AN17] received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2394. A letter from the Rules Administrator, Department of Justice, transmitting the Department's final rule — Searching and Detaining or Arresting Non-Inmates [BOP-1128] (RIN: 1120-AB28) received June 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2395. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Nucla, CO [Docket No. FAA-2006-24826; Airspace Docket No. 06-ANM-3] received May 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2396. A communication from the President of the United States, transmitting notification of his determination that a waiver for Turkmenistan will substantially promote the objectives of section 402, of the Trade Act of 1974, pursuant to 19 U.S.C. 2432(c)(2) and (d); (H. Doc. No. 110–44); to the Committee on Ways and Means and ordered to be printed.

2397. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — HAITIAN HEMISPHERIC OPPORTUNITY THROUGH PARTNERSHIP ENCOURAGEMENT ACT OF 2006 [USCBP-2007-0062 CBP Dec. 07-43] (RIN: 1505-AB82) received June 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2398. A letter from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting the Department's final rule — Regulations Governing Securities Held in TreasuryDirect — received May 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2399. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Application of Section 6404(g) of the Internal Revenue Code Suspension Provisions [TD 9333] (RIN: 1545-BG64) received June 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 660. A bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; with an amendment (Rept. 110–218, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 713. A bill to establish the Niagara Falls National Heritage Area in the State of New York, and for other purposes; with an amendment (Rept. 110–219). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 986. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes; with an amendment (Rept. 110–220). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1337. A bill to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District; with an amendment (Rept. 110–221). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1725. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Rancho California Water District Southern Riverside County Recycled/Non-Potable Distribution Facilities and Demineralization/Desalination Recycled Water Treatment and Reclamation Facility Project (Rept. 110–222). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 359. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estarada Chavez and the farm labor movement; with an amendment (Rept. 110–223). Referred to the Committee of the Whole House on the State of the Union.

Ms. SUTTON: Committee on Rules. House Resolution 531. Resolution providing for consideration of the bill (H.R. 2669) to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008 (Rept. 110–224). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committees on Ways and Means and Oversight and Government Reform discharged from further consideration. H.R. 660 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on June 29, 2007]

H.R. 957. Referral to the Committees on Financial Services and Ways and Means extended for a period ending not later than July 13, 2007.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KILDEE (for himself and Mr. CAMP of Michigan):

H.R. 2952. A bill to authorize the Saginaw Chippewa Tribe of Indians of the State of Michigan to convey land and interests in land owned by the Tribe; to the Committee on Natural Resources.

By Mr. SPACE:

H.R. 2953. A bill to amend the Rural Electrification Act of 1936 to improve the application process for the rural broadband program of the Department of Agriculture; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. SMITH of Texas, Mr. MCCAUL of Texas, Mr. DANIEL E. LUNGREN of California, Mr. DAVID DAVIS of Tennessee, Mr. BILBRAY, Mr. GALLEGLY, Mr. YOUNG of Florida, Mr. GINGREY, Mrs. MYRICK, Mr. POE, Mr. DEAL of Georgia, Mrs. CUBIN, Mrs. EMERSON, Mr. MARCHANT, Mr. NEUGEBAUER, Mr. BARTLETT of Maryland, Mr. MCCOTTER, Mr. CARTER, Mr. CANTOR, Mr. FORBES, Mr. MILLER of Florida, Mr. FRANKS of Arizona, Mr. KLINE of Minnesota, Mr. CAMPBELL of California, Mr. SHAYS, Mr. DREIER, Mr. WILSON of South Carolina, Mr. GARY G. MILLER of California, and Mr. BLUNT):

H.R. 2954. A bill to strengthen enforcement of immigration laws, and gain operational control over the borders of the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, Ways and Means, Education and Labor, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself, Mr. HINOJOSA, Mr. DAVIS of Illinois, Mr. THOMPSON of Mississippi, Ms. CORRINE BROWN of Florida, Mr. CUMMINGS, Mr. FATTAH, Mr. JEFFERSON, Mr. GRIJALVA, Ms. LINDA T. SÁNCHEZ of California, Ms. LEE, Ms. CARSON, Mr. AL GREEN of Texas, Ms. LORETTA SANCHEZ of California, Mr. TOWNS, Mr. ELLISON, Mr. HARE, and Ms. KILPATRICK):

H.R. 2955. A bill to improve calculation, reporting, and accountability for graduation rates; to the Committee on Education and Labor.

By Mr. SKELTON:

H.R. 2956. A bill to require the Secretary of Defense to commence the reduction of the number of United States Armed Forces in Iraq to a limited presence by April 1, 2008, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 2957. A bill to amend the Elementary and Secondary Education Act of 1965 to improve educational practices for limited English proficient students and immigrant students; to the Committee on Education and Labor.

By Mr. BACA (for himself, Mr. BURTON of Indiana, Mrs. BOYDA of Kansas, and Mr. CHANDLER):

H.R. 2958. A bill to direct the Federal Trade Commission to review the video game ratings of the Entertainment Software Ratings Board and to direct the Government Accountability Office to study the impact of video games on children and young adults; to the Committee on Energy and Commerce.

By Mr. BISHOP of Utah (for himself and Mr. YOUNG of Alaska) (both by request):

H.R. 2959. A bill to establish a fund for the National Park Centennial Challenge, and for other purposes; to the Committee on Natural Resources.

By Mr. CAPUANO (for himself, Ms. SLAUGHTER, Mr. HINOJOSA, Mr. POE, Mr. AL GREEN of Texas, Mr. THORNBERRY, Mr. GONZALEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BERKLEY, Mr. CUELLAR, Ms. SHEA-PORTER, Mr. MCNERNEY, and Mr. WELCH of Vermont):

H.R. 2960. A bill to amend the State Department Basic Authorities Act of 1956 and the Foreign Service Act of 1980 to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GARRETT of New Jersey:

H.R. 2961. A bill to expand the boundaries of the Wallkill National Wildlife Refuge located in Sussex county, New Jersey, and to authorize appropriations for the acquisition of lands and waters located within such expanded boundaries; to the Committee on Natural Resources.

By Mr. AL GREEN of Texas (for himself, Ms. SCHAKOWSKY, Ms. JACKSON-LEE of Texas, Mr. HONDA, Ms. KILPATRICK, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 2962. A bill to designate Pakistan under section 244 of the Immigration and Nationality Act to permit nationals of Pakistan to be eligible for temporary protected status under such sections; to the Committee on the Judiciary.

By Mr. ISSA:

H.R. 2963. A bill to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes; to the Committee on Natural Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. KIRK, Mr. GEORGE MILLER of California, Mr. GRIJALVA, Ms. SCHAKOWSKY, and Mr. BOSWELL):

H.R. 2964. A bill to amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes; to the Committee on Natural Resources.

By Mrs. LOWEY (for herself and Ms. ROS-LEHTINEN):

H.R. 2965. A bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries; to the Committee on Foreign Affairs.

By Mr. MARKEY (for himself, Mr. MORAN of Virginia, Mr. BLUMENAUER, and Mr. INSLEE):

H.R. 2966. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the conversion of hybrid motor vehicles to plug-in hybrid motor vehicles; to the Committee on Ways and Means.

By Mr. MARSHALL:

H.R. 2967. A bill to prohibit the use of Federal funds in support of any travel undertaken by the President, Vice President, or certain other executive branch officials which includes the attendance by the official at any political campaign or fundraising event unless the sponsor of the event reimburses the Federal government for the actual costs incurred in support of the travel, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS:

H.R. 2968. A bill to amend the Richard B. Russell National School Lunch Act to make permanent the summer food service pilot project for rural areas of Pennsylvania and apply it to rural areas of every State; to the Committee on Education and Labor.

By Mr. WEINER:

H.R. 2969. A bill to establish the GothamCorps program; to the Committee on Education and Labor.

By Mr. WEINER:

H.R. 2970. A bill to ensure integrity in the operation of pharmacy benefit managers; to the Committee on Energy and Commerce.

By Mr. WEINER:

H.R. 2971. A bill to amend title XIX of the Social Security Act to require States to report data on Medicaid beneficiaries who are employed; to the Committee on Energy and Commerce.

By Mr. WEINER:

H.R. 2972. A bill to require providers of wireless telephone services to provide access to the universal emergency telephone number in subterranean subway stations located within their area of coverage; to the Committee on Energy and Commerce.

By Mr. WEINER:

H.R. 2973. A bill to amend the Truth in Lending Act to require a store in which a consumer may apply to open a credit or charge card account to display a sign, at each location where the application may be made, containing the same information required by such Act to be prominently placed in a tabular format on the application; to the Committee on Financial Services.

By Mr. WEINER:

H.R. 2974. A bill to protect innocent parties from certain fees imposed by depository institutions for dishonored checks, and for other purposes; to the Committee on Financial Services.

By Mr. WEINER:

H.R. 2975. A bill to make unlawful the establishment or maintenance within the United States of an office of the Palestine Liberation Organization (PLO); to the Committee on Foreign Affairs.

By Mr. WEINER:

H.R. 2976. A bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WEINER:

H.R. 2977. A bill to prohibit United States military assistance for Egypt and to express the sense of Congress that the amount of military assistance that would have been provided for Egypt for a fiscal year should be provided in the form of economic support fund assistance; to the Committee on Foreign Affairs.

By Mr. WEINER:

H.R. 2978. A bill to prohibit United States assistance for the Palestinian Authority and for programs, projects, and activities in the West Bank and Gaza, unless certain conditions are met; to the Committee on Foreign Affairs.

By Mr. WEINER:

H.R. 2979. A bill to prohibit the Department of Homeland Security from limiting the amount of Urban Area Security Initiative or State Homeland Security Grant Program grant funds that may be used to pay

salaries or overtime pay of law enforcement officials engaged in antiterrorism activities, and for other purposes; to the Committee on Homeland Security.

By Mr. WEINER:

H.R. 2980. A bill to amend title 18, United States Code, to protect individuals performing certain Federal and federally assisted functions, and for other purposes; to the Committee on the Judiciary.

By Mr. WEINER:

H.R. 2981. A bill to halt the issuance of visas to citizens of Saudi Arabia until the President certifies that the Kingdom of Saudi Arabia does not discriminate in the issuance of visas on the basis of religious affiliation or heritage; to the Committee on the Judiciary.

By Mr. WEINER:

H.R. 2982. A bill to require the National Park Service to make necessary safety improvements to the Statue of Liberty and to fully reopen the Statue to the public; to the Committee on Natural Resources.

By Mr. WEINER:

H.R. 2983. A bill to amend the Internal Revenue Code of 1986 to provide middle class tax relief, impose a surtax for families with incomes over $1,000,000, and for other purposes; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 2984. A bill to amend the Low-Income Home Energy Assistance Act of 1981 to extend energy assistance to households headed by certain senior citizens; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 2985. A bill to require the Secretary of the Treasury to take certain actions with regard to the Arab Bank, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 2986. A bill to prohibit assistance to Saudi Arabia; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 2987. A bill to require the establishment of regional consumer price indices to compute cost-of-living increases under the programs for Social Security and Medicare and other medical benefits under titles II and XVIII of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WYNN:

H.R. 2988. A bill to amend title II of the Social Security Act to provide that the reductions in Social Security benefits which are required in the case of spouses and surviving spouses who are also receiving certain government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation; to the Committee on Ways and Means.

By Mr. WEXLER (for himself, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. CLAY, Mr. COHEN, Mr. DEFAZIO, Mr. FARR, Mr. HALL of New York, Ms. HOOLEY, Ms. JACKSON-LEE of Texas, Mrs. MALONEY of New York, Mr. MICHAUD, Mr. WELCH of Vermont, Ms. WOOLSEY, Mr. WU, and Mr. WYNN):

H. Res. 530. A resolution censuring George W. Bush; to the Committee on the Judiciary.

By Mr. GOHMERT:

H. Res. 532. A resolution recognizing the energy and economic partnership between the United States and Honduras; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. GRIJALVA.

H.R. 21: Mr. UDALL of New Mexico, Mr. DELAHUNT, Mr. SMITH of New Jersey, and Mr. SHULER.

H.R. 60: Mr. LAMPSON.

H.R. 73: Mr. WALBERG.

H.R. 224: Mr. MCCOTTER.

H.R. 303: Mr. SHAYS.

H.R. 406: Mr. HIGGINS.

H.R. 473: Mr. WAMP.

H.R. 500: Mr. BILBRAY and Mrs. EMERSON.

H.R. 538: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 661: Mr. CAPUANO and Mr. FERGUSON.

H.R. 693: Mr. DAVIS of Illinois, Mr. BISHOP of Georgia, Ms. CARSON, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. FATTAH, Mr. AL GREEN of Texas, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Ms. NORTON, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Ms. WATSON, Mr. WATT, Mr. WEINER, Mr. NADLER, Mr. GENE GREEN of Texas, Mrs. CUBIN, Ms. SCHAKOWSKY, Mrs. MALONEY of New York, Ms. WASSERMAN SCHULTZ, Mr. KUCINICH, Mr. BERMAN, Ms. HARMAN, Ms. ZOE LOFGREN of California, and Mr. RANGEL.

H.R. 695: Mr. RYAN of Ohio and Mr. WELCH of Vermont.

H.R. 711: Mr. SCOTT of Virginia.

H.R. 725: Mrs. MCMORRIS RODGERS and Mr. BROWN of South Carolina.

H.R. 728: Ms. WOOLSEY.

H.R. 743: Mr. ROYCE, Mr. CULBERSON, Mrs. BOYDA of Kansas, Mr. AL GREEN of Texas, Mr. SHULER, Mr. TIM MURPHY of Pennsylvania, Mr. MAHONEY of Florida, Mr. MURPHY of Connecticut, Mrs. CAPPS, Mr. NUNES, and Ms. CARSON.

H.R. 854: Ms. CARSON.

H.R. 861: Mr. GOODLATTE and Mr. WILSON of Ohio.

H.R. 864: Mr. WAXMAN.

H.R. 895: Mrs. MCCARTHY of New York.

H.R. 969: Mr. KILDEE, Mr. SARBANES, Mr. HARE, Ms. WATSON, and Ms. NORTON.

H.R. 971: Ms. MCCOLLUM of Minnesota and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 980: Mr. COLE of Oklahoma and Mr. LAMPSON.

H.R. 992: Mr. DEFAZIO.

H.R. 1029: Mr. MARSHALL, Mr. BISHOP of Utah, and Mr. WESTMORELAND.

H.R. 1070: Ms. CORRINE BROWN of Florida.

H.R. 1072: Mr. JINDAL.

H.R. 1076: Mrs. MILLER of Michigan, Mr. GILCHREST, Mr. HAYES, Mr. BARTLETT of Maryland, Mr. BAIRD, Mr. RYAN of Ohio, Mr. HOLDEN, and Mr. PUTNAM.

H.R. 1084: Ms. ZOE LOFGREN of California.

H.R. 1092: Mr. COHEN.

H.R. 1108: Ms. ROYBAL-ALLARD, Mr. LANGEVIN, and Mr. HASTINGS of Florida.

H.R. 1110: Mrs. DAVIS of California and Mr. HASTINGS of Washington.

H.R. 1152: Mr. GARRETT of New Jersey.

H.R. 1185: Mr. FARR.

H.R. 1188: Mr. HINOJOSA.

H.R. 1211: Mr. DAVIS of Illinois.

H.R. 1222: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1224: Mr. HARE.

H.R. 1225: Mr. MARKEY.

H.R. 1228: Mr. EHLERS.

H.R. 1245: Mr. ALTMIRE and Mr. HINOJOSA.

H.R. 1275: Ms. CORRINE BROWN of Florida.

H.R. 1280: Mr. NEAL of Massachusetts.

H.R. 1283: Ms. SOLIS.

H.R. 1306: Mr. ISSA and Mr. PALLONE.

H.R. 1308: Ms. ESHOO.

H.R. 1324: Mr. FRANKS of Arizona.

H.R. 1328: Mr. HINOJOSA and Mr. MICHAUD.

H.R. 1338: Mr. UDALL of Colorado and Mr. MARSHALL.

H.R. 1391: Mr. CAPUANO.

H.R. 1400: Mrs. MYRICK, Mr. GUTIERREZ, Mr. HOEKSTRA, and Mr. SMITH of Washington.

H.R. 1428: Mr. SPRATT and Mr. JINDAL.

H.R. 1440: Mr. GOODE.

H.R. 1448: Mr. YOUNG of Florida and Ms. SHEA-PORTER.

H.R. 1464: Mr. KUCINICH and Mr. BISHOP of New York.

H.R. 1514: Mrs. MYRICK.

H.R. 1518: Mr. THOMPSON of Mississippi.

H.R. 1542: Mr. ELLISON and Ms. SUTTON.

H.R. 1551: Mr. FATTAH.

H.R. 1621: Mrs. BOYDA of Kansas.

H.R. 1650: Mr. GARRETT of New Jersey.

H.R. 1671: Mr. HASTINGS of Florida, Mrs. NAPOLITANO, and Mr. STARK.

H.R. 1674: Mr. BARRETT of South Carolina.

H.R. 1687: Mrs. MCCARTHY of New York, Mr. GUTIERREZ, Mr. RUSH, and Mr. DAVIS of Alabama.

H.R. 1713: Ms. GIFFORDS and Mr. CLAY.

H.R. 1742: Mr. HOLT, Mr. SIRES, and Mr. HOLDEN.

H.R. 1748: Mr. BOREN and Mr. CUMMINGS.

H.R. 1778: Mr. DAVIS of Alabama.

H.R. 1801: Mr. UDALL of Colorado and Ms. BERKLEY.

H.R. 1819: Mrs. MALONEY of New York, Ms. ZOE LOFGREN of California, and Mr. HINOJOSA.

H.R. 1927: Mr. SMITH of Washington.

H.R. 1948: Mr. GRIJALVA.

H.R. 1971: Ms. SCHAKOWSKY and Mr. MICHAUD.

H.R. 1974: Mr. MCHUGH.

H.R. 1981: Ms. SUTTON.

H.R. 1992: Mr. OBEY, Mr. HOLDEN, and Mr. SHULER.

H.R. 2003: Ms. KILPATRICK, Ms. MATSUI, Mr. STARK, Mr. LEWIS of Georgia, Mr. FATTAH, Mr. RUSH, and Mr. RANGEL.

H.R. 2016: Mr. GORDON, Ms. MCCOLLUM of Minnesota, Mr. LIPINSKI, and Mr. CHANDLER.

H.R. 2033: Mr. ISSA.

H.R. 2035: Mr. KUHL of New York.

H.R. 2036: Ms. HIRONO.

H.R. 2046: Mr. WEINER and Mr. THOMPSON of Mississippi.

H.R. 2060: Ms. CLARKE, Mrs. NAPOLITANO, and Mr. REYES.

H.R. 2066: Mr. ABERCROMBIE.

H.R. 2108: Ms. MCCOLLUM of Minnesota.

H.R. 2111: Mr. ENGLISH of Pennsylvania.

H.R. 2126: Mrs. BOYDA of Kansas.

H.R. 2154: Mr. KUHL of New York.

H.R. 2164: Mr. HIGGINS and Mr. MITCHELL.

H.R. 2169: Mr. EMANUEL and Mr. WATT.

H.R. 2183: Mr. BOOZMAN and Mr. KLINE of Minnesota.

H.R. 2188: Mr. GRIJALVA.

H.R. 2189: Mr. GUTIERREZ.

H.R. 2204: Mr. WALZ of Minnesota, Mr. ALTMIRE, and Ms. CARSON.

H.R. 2212: Mrs. MALONEY of New York, Mr. OLVER, Mr. BOSWELL, and Mr. KUCINICH.

H.R. 2234: Mr. ROSS, Ms. MCCOLLUM of Minnesota, Mr. WOLF, Mr. PETERSON of Minnesota, Mr. HALL of New York, Mr. HONDA,

Mr. GUTIERREZ, Mr. BACA, Mr. ABERCROMBIE, Mr. BOSWELL, and Mr. HOLDEN.

H.R. 2247: Mr. GORDON.

H.R. 2266: Mr. COHEN, Mr. DOYLE, Mr. HINOJOSA, and Mrs. GILLIBRAND.

H.R. 2287: Mr. BARROW and Mrs. MYRICK.

H.R. 2303: Mr. HELLER, Mr. CARNEY, and Mr. FORTUÑO.

H.R. 2327: Mr. HOLT, Mr. KENNEDY, Mr. FRELINGHUYSEN, Mrs. DAVIS of California, Mr. ARCURI, and Mr. GRIJALVA.

H.R. 2343: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2373: Mr. NEAL of Massachusetts and Mr. GUTIERREZ.

H.R. 2380: Mr. HINOJOSA.

H.R. 2390: Mr. TORN DAVIS of Virginia, Mr. SHAYS, Mr. HINCHEY, and Mr. BURTON of Indiana.

H.R. 2405: Ms. MCCOLLUM of Minnesota, Mr. VAN HOLLEN, Ms. LEE, Mr. LEWIS of Georgia, and Mr. WEXLER.

H.R. 2416: Mr. GARRETT of New Jersey.

H.R. 2443: Mr. AL GREEN of Texas, Ms. SLAUGHTER, Mr. BARROW, Mr. FORTUÑO, Ms. HIRONO, Mr. ELLSWORTH, Ms. CARSON, and Mr. BRALEY of Iowa.

H.R. 2458: Mrs. MCCARTHY of New York and Mr. ELLISON.

H.R. 2464: Ms. HERSETH SANDLIN, Mr. TIM MURPHY of Pennsylvania, and Ms. CORRINE BROWN of Florida.

H.R. 2478: Mr. PRICE of North Carolina and Mr. ABERCROMBIE.

H.R. 2495: Mr. DOYLE and Mr. FRANK of Massachusetts.

H.R. 2512: Mr. HINOJOSA.

H.R. 2516: Ms. SLAUGHTER.

H.R. 2526: Mr. CAPUANO.

H.R. 2566: Mr. PETERSON of Minnesota and Mr. BLUMENAUER.

H.R. 2580: Mr. INGLIS of South Carolina, Mrs. MUSGRAVE, and Mr. GILCHREST.

H.R. 2583: Mr. GORDON.

H.R. 2596: Mr. KIRK, Mr. PRICE of North Carolina, Mr. EMANUEL, and Mrs. NAPOLITANO.

H.R. 2599: Mr. WU and Ms. SUTTON.

H.R. 2608: Mr. GRIJALVA, Ms. MCCOLLUM of Minnesota, and Mr. ELLISON.

H.R. 2610: Mr. HASTINGS of Florida and Ms. BERKLEY.

H.R. 2611: Mr. WELCH of Vermont.

H.R. 2627: Mr. SAXTON.

H.R. 2630: Mr. UDALL of Colorado.

H.R. 2668: Mr. THOMPSON of Mississippi, Mr. MARSHALL, Ms. MATSUI, and Mr. PAYNE.

H.R. 2691: Mr. RAMSTAD.

H.R. 2694: Mr. DAVIS of Illinois, Ms. CARSON, Ms. LEE, Mr. MCINTYRE, Mr. ETHERIDGE, and Mr. WHITFIELD.

H.R. 2701: Mr. LOEBSACK.

H.R. 2702: Ms. JACKSON-LEE of Texas, Mr. ELLISON, Mr. WU, Ms. KILPATRICK, and Mr. PAYNE.

H.R. 2713: Mr. ARCURI.

H.R. 2714: Mr. BERRY.

H.R. 2715: Ms. SCHAKOWSKY.

H.R. 2720: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE of Texas, and Mr. WEINER.

H.R. 2745: Mr. SPACE and Mr. HINOJOSA.

H.R. 2814: Ms. GINNY BROWN-WAITE of Florida and Mrs. MYRICK.

H.R. 2818: Mr. BRADY of Pennsylvania, Mr. ENGLISH of Pennsylvania, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Mr. ABERCROMBIE, and Mr. RUPPERSBERGER.

H.R. 2827: Mr. WELCH of Vermont.

H.R. 2831: Mr. KILDEE, Mr. PAYNE, Mr. BISHOP of New York, Mr. HARE, Ms. JACKSON-LEE of Texas, Mr. DEFAZIO, Ms. SUTTON, Mr. MARSHALL, Mr. OBERSTAR, Mr. GRIJALVA, Mr. AL GREEN of Texas, and Mr. ACKERMAN.

H.R. 2833: Mr. EMANUEL and Mr. CLAY.

H.R. 2843: Ms. ROS-LEHTINEN.

H.R. 2850: Mr. HASTINGS of Washington, Mr. REICHERT, Mr. BARTLETT of Maryland, and Mr. CAPUANO.

H.R. 2854: Mr. SMITH of New Jersey and Mr. PAYNE.

H.R. 2870: Mr. SERRANO, Mr. RANGEL, and Mr. PAYNE.

H.R. 2899: Mr. LINDER.

H.R. 2900: Mr. WYNN and Mr. HILL.

H.R. 2910: Ms. CARSON, Mr. FILNER, Ms. JACKSON-LEE of Texas, Mr. GUTIERREZ, Mr. CARTER, Mr. RUSH, Mr. RYAN of Ohio, Mr. RUPPERSBERGER, Mr. BOSWELL, and Mrs. NAPOLITANO.

H.R. 2911: Mr. GUTIERREZ.

H.R. 2915: Mr. WELCH of Vermont.

H.R. 2916: Mr. GOODE.

H.R. 2923: Mr. ALEXANDER.

H.R. 2926: Ms. WATSON, Ms. CLARKE, and Mrs. JONES of Ohio.

H.R. 2929: Mr. MORAN of Virginia, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Mr. ROTHMAN, Mr. FARR, Mrs. MALONEY of New York, Ms. MATSUI, Mr. GRIJALVA, Mr. DEFAZIO, Mr. KUCINICH, Mr. HONDA, Mr. FATTAH, and Mr. CLAY.

H.R. 2934: Mrs. BOYDA of Kansas, Mr. HALL of New York, Mr. SHULER, Mr. SPACE, Mrs. GILLIBRAND, Mr. PATRICK MURPHY of Pennsylvania, Mr. MARSHALL, and Mr. KIND.

H.R. 2941: Mr. LANGEVIN, Ms. SLAUGHTER, Mr. HODES, Mr. HIGGINS, Mr. ENGLISH of Pennsylvania, Mr. COHEN, Mrs. BOYDA of Kansas, and Ms. HIRONO.

H.R. 2942: Mr. BURTON of Indiana, Mrs. MCCARTHY of New York, Mr. MURPHY of Connecticut, Mr. SHULER, Mr. ALTMIRE, Mr. MICHAUD, Mr. WILSON of Ohio, Mr. MCGOVERN, Ms. DELAURO, Mr. KILDEE, and Ms. SUTTON.

H.J. Res. 6: Mr. GRAVES.

H.J. Res. 9: Mr. MCHUGH and Mr. PRICE of Georgia.

H.J. Res. 44: Mr. GUTIERREZ, Mr. CROWLEY, Mrs. MALONEY of New York, Mr. SNYDER, Mr. COHEN, Mr. PAYNE, Mr. BURTON of Indiana, and Mr. DEFAZIO.

H. Con. Res. 10: Mrs. CHRISTENSEN, Mr. FATTAH, Mr. JEFFERSON, and Mr. PAYNE.

H. Con. Res. 87: Mr. ANDREWS.

H. Con. Res. 120: Mr. BOOZMAN.

H. Con. Res. 122: Mrs. MALONEY of New York and Mr. CHANDLER.

H. Con. Res. 136: Mr. LEWIS of Georgia, Mr. FRANK of Massachusetts, Mr. JEFFERSON, Mr. ROYCE, and Mrs. NAPOLITANO.

H. Con. Res. 160: Mr. SHULER, Mr. ROHRABACHER, and Mr. WAMP.

H. Con. Res. 162: Mr. BRALEY of Iowa, and Mr. KANJORSKI.

H. Con. Res. 163: Mr. DAVIS of Illinois and Mr. ROGERS of Michigan.

H. Con. Res. 169: Mr. BERMAN.

H. Con. Res. 181: Ms. LINDA T. SÁNCHEZ of California, Mr. MCGOVERN, Mr. BOSWELL, Ms. JACKSON-LEE of Texas, and Mr. WALZ of Minnesota.

H. Res. 106: Mrs. CHRISTENSEN and Mr. YARMUTH.

H. Res. 111: Mr. FRANKS of Arizona, Mr. ALLEN, Ms. ESHOO, Mr. TIM MURPHY of Pennsylvania, Mr. DAVIS of Kentucky, Mr. WHITFIELD, Mr. ELLISON, Mr. GARRETT of New Jersey, Mr. ACKERMAN, and Mr. KLINE of Minnesota.

H. Res. 121: Mr. PERLMUTTER and Mr. SARBANES.

H. Res. 143: Mr. MCGOVERN and Mr. YARMUTH.

H. Res. 146, Mrs. MCCARTHY of New York, Mr. RUPPERSBERGER, and Mr. LEWIS of Georgia.

H. Res. 148: Mr. WEXLER.

H. Res. 169: Ms. BEAN.

H. Res. 208: Mrs. MYRICK.

H. Res. 231: Mr. DAVIS of Kentucky.

H. Res. 282: Mr. STUPAK.

H. Res. 333: Mr. MCDERMOTT and Mr. MORAN of Virginia.

H. Res. 345: Mr. MARKEY, Mr. WALSH of New York, and Ms. KAPTUR.

H. Res. 356: Mr. DAVIS of Illinois, Ms. SOLIS, Mr. SCHIFF, Mr. SHAYS, Mr. WEINER, Mr. SCOTT of Virginia, and Ms. BORDALLO.

H. Res. 373: Ms. LEE and Mr. HINOJOSA.

H. Res. 389: Mr. WAXMAN.

H. Res. 467: Ms. ROS-LEHTINEN, Mr. ENGLISH of Pennsylvania, Ms. FOXX, Mr. TIM MURPHY of Pennsylvania, and Mr. SOUDER.

H. Res. 482: Mr. COURTNEY, Mrs. MCCARTHY of New York, and Mr. TIM MURPHY of Pennsylvania.

H. Res. 489: Mr. STARK, Mr. VAN HOLLEN, and Ms. SCHAKOWSKY.

H. Res. 500: Mr. SOUDER, Mr. WEXLER, Ms. BERKLEY, and Mr. TIM MURPHY of Pennsylvania.

H. Res. 503: Mr. VAN HOLLEN.

H. Res. 504: Mr. CHABOT, Mr. WALDEN of Oregon, and Mr. FORTENBERRY.

H. Res. 509: Ms. MCCOLLUM of Minnesota, Mr. BOSWELL, and Mr. WALSH of New York.

H. Res. 511: Ms. LINDA T. SÁNCHEZ of California and Ms. HARMAN.

H. Res. 519: Mr. CARTER, Mrs. DAVIS of California, Mr. HARE, Mr. BARTON of Texas, Mr. SAXTON, Mr. EVERETT, Mrs. JO ANN DAVIS of Virginia, and Mr. CONAWAY.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative George Miller or a designee to H.R. 2669, the College Cost Reduction Act of 2007 (to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008), does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

The amendment to be offered by Representative McKeon of California or a designee to H.R. 2669, the College Cost Reduction Act of 2007, or a designee, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, TUESDAY, JULY 10, 2007 No. 109

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.

Our Father God, use our lawmakers today as Your instruments. Give them Your wisdom so that they can find solutions to the complex problems that beset our Nation. Strengthen them to serve and honor You by helping the oppressed. Keep them from fear and frustration as You equip and empower them to accomplish Your will on Earth.

May they find Your guidance throughout this day by seeking You in personal prayer. When they call, answer their petitions with Your mighty power and guard those who put their trust in You. Replenish their resources with Your peace that passes understanding.

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, July 10, 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, we are going to be in a period of morning business for an hour. The majority will control the second half of morning business, the Republicans will control the first half of morning business. We had a conversation last night, the distinguished Republican leader and I, and the decision was made at that time that we are going to do our very best on the Webb amendment to come up with a side by side so we can have, sometime today, votes on those two amendments. Following that, there will be another amendment offered, and we will move along on this most important piece of legislation.

WESTERN WILDFIRES

Mr. REID. Mr. President, I will be very brief. I know we have so many important things to do dealing with this legislation, but I do wish to say something about what is going on in Nevada. We have a serious problem in Nevada, and it is fires. This is about the fourth year we have had these raging wildfires.

It is so difficult. The smoke is so thick, helicopters cannot fly. Firefighters have been lost not knowing where they are fighting these fires. It is rough terrain. What people do not understand is, Nevada—other than Alaska—is the most mountainous State in the Union. It has 314 separate mountain ranges. We have 32 mountains over 11,000 feet high. Some of this terrain, where these fires are burning, is very difficult.

We share Lake Tahoe with California. There was a raging fire there that lasted 2 weeks. It has now been put out. But they think that at least 400 structures have burned, with 275 or 300 homes burned to the ground.

On a lot of the land in Nevada not many people live there. In spite of that, people do live there. It is rural, and fires have been raging. What has happened with the fires that have taken place in the past, we have these species that are foreign to the high deserts of Nevada. They start burning, they get into the low mountains, they get into the cedars and the pines and then start burning in the forests. That is what has happened in Nevada.

In one fire we have had three lives lost. This fire burned so quickly that three grown men could not escape the fire. They were doing work on their farm. There was an 11-year-old boy. They saw the fire coming. They said, ''Run for your life,'' literally, and the 11-year-old boy ran and did survive. His family did not. They all died—three of them.

I say this because we have shut down roads. In one part of Utah, 100 miles of interstate were closed because of fires. Think about that: 100 miles of interstate closed. People could not go. One reason was the smoke was so thick—not the fire, the smoke.

There has been remarkable heroism, as there always is with these men and women who fight these raging fires.

I quoted, a couple weeks ago, Edward Croker, a long past fire chief in the State of New York, who said:

I have no ambition in this world but one, and that is to be a fireman. Our proudest moment is to save lives. Under the impulse of such thoughts, the nobility of the occupation thrills us and stimulates us to deeds of daring, even of supreme sacrifice.

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

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The way fires are fought 100 years after this man said this is different than the way they used to be fought, but it still takes a great deal of courage and many times heroism to go forward in these areas where burning is taking place.

So far, 245 square miles in northern Nevada have burned. That is a lot of ground: 245 square miles. Some of the fires are not under control yet. So I want the RECORD to reflect we have problems in the West. Some say it is because of global warming. Whatever the reason, we have never had fires such as we have had in the last 4 years in Nevada and I think in the West, generally.

So I would finally say, long after the smoke has cleared, the accounts of bravery will still be told in Nevada.

RECOGNITION OF THE MINORITY LEADER

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

DEFENSE AUTHORIZATION AMENDMENTS

Mr. MCCONNELL. Mr. President, let me say briefly, the majority leader has it entirely right, we are in the process of discussing a consent agreement under which the Webb amendment would be voted upon and the alternative, which will be offered by Senator LINDSEY GRAHAM, who will be over to speak shortly.

Hopefully, we will be able to work that out and begin to make progress on the bill.

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 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 first half of the time under the control of the Republicans and the second half of the time under the control of the majority.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I believe I have been yielded 15 minutes of the next half hour.

The ACTING PRESIDENT pro tempore. The Senator may proceed.

Mr. LIEBERMAN. I thank the Chair.

IRAQ

Mr. LIEBERMAN. Mr. President, I rise to speak about the pending business before the Senate, which is the Department of Defense authorization bill for fiscal year 2008.

This is a bill the Senate Armed Services Committee has worked long and hard on over a period of several months. I am privileged to be a member of the committee and now doubly privileged to be chair of the Airland Subcommittee. I am proud of the work of the committee.

This is a bill that does the best we possibly can to support and expand our forces during a time of war. Unfortunately, most of the time that will be spent by this Chamber on this bill will not be about the solid substance of the Department of Defense authorization bill but will be on a series of amendments that will be offered to alter our course or force our withdrawal from Iraq.

In my considered opinion, respectfully, this is a mistake. These amendments regarding Iraq, I believe, are untimely, they are unwise, and they are unfair.

They are untimely in the sense that they are premature and should await September, when, as ordained by this Congress itself in the supplemental appropriations bill, General Petraeus and Ambassador Crocker will come back to report to us fully.

They are unwise, if ever adopted, because they would essentially represent a retreat from Iraq, a defeat for the United States and the forces of a new Iraq, a free Iraq, and a tremendous victory for Iran and al-Qaida, who are our two most significant enemies in the world today.

Offering these amendments at this time, in my opinion, is unfair: unfair, most of all, to the 160,000 Americans in uniform over there—men and women, brave, effective, in my opinion, the new greatest generation of American soldiers, committed to this fight, believing we can win it, putting their lives on the line every day. They have made tremendous progress already in the so-called surge, counteroffensive. To snipe at them from here is, in my opinion, unfair.

That is why I will oppose all the amendments I have heard about thus far and why I wish to discuss them today.

I suppose, in terms of timeliness, if one felt the surge, counteroffensive—which began in February, and has just been fully staffed a couple of weeks ago—had absolutely failed, then one might say: OK, we won't wait until September, as we promised we would do; we will try to force a change in policy or a retreat right now. But the facts, as I will discuss, will show the surge is showing some success—in some ways some remarkable success—and does not justify these amendments of retreat being offered at this time.

Six months ago, this Chamber voted unanimously to confirm GEN David Petraeus as commander of our forces in Iraq. The fact is—which we all acknowledge—before that, the administration had followed a strategy in Iraq that simply was not working. It was a strategy focused on keeping the U.S. force presence as small as possible, regardless of conditions on the ground, and of pushing Iraqi forces into the lead as quickly as possible, regardless of their capabilities to do so.

General Petraeus oversaw—let me step back. General Petraeus was part of a process, along with others, that presented a dramatically different strategy to the President of the United States, the Commander in Chief. He accepted that dramatically different strategy, which was to apply classic principles of counterinsurgency that have been successful elsewhere, so that instead of our main goal being to get out of Iraq, our main goal became to protect the civilian population that the terrorists were persistently attacking, bringing chaos throughout the country, including particularly in the capital city of Baghdad, and making it impossible for a new Iraqi Government to take shape.

As a result, over the past 5 months, many problems, many crises, many challenges in Iraq that had long been described as hopelessly beyond solution have begun to improve. In Baghdad, the sectarian violence that had paralyzed the city for more than a year began to drop dramatically. In Anbar Province, which the chief of Marine Corps intelligence in Iraq described 9 months ago as ''lost''—and he was right at that point—a city which I was not allowed to visit when I went to Iraq in December because it was too dangerous—our surge forces have moved in effectively.

Working together with Sunni tribal leaders and their Sunni followers, we have al-Qaida on the run. As a matter of fact, they have effectively run from Anbar Province, the province they said they intended to make the capital of the new Islamist extremist Republic of Iraq.

When I was in Iraq a month ago, I was not only allowed to visit Ramadi and walk its streets but was tremendously impressed by the peace and rebirth that is occurring there.

As John Burns of the New York Times recently put it, the capital city of Anbar, Ramadi, has since ''gone from being the most dangerous place in Iraq . . . to being one of the least dangerous places.'' Despite these gains in Baghdad and Anbar, critics of the new strategy nonetheless insisted that it was not working, pointing to the fact that, yes, al-Qaida is on the run, but it is running and causing devastation in other parts of Iraq—now in Diyala Province, for instance.

But what happened? General Petraeus, now with the other generals and additional personnel brought under his command by the surge counteroffensive strategy, was able to leave some troops in Anbar, fortified by Iraqi security forces and the Sunni tribal forces, and move the surge forces to Diyala, to Bakuba there, where they now have al-Qaida on the run.

Our forces in the field are, of course, still facing some daunting challenges and a brutal, inhumane foe prepared to blow themselves up to make a point, to kill others, hating us and others more than they love their own lives. But the plain truth is that Iraq in this month, July 2007, is a very different and better place than Iraq in January or February of 2000, and it is because of the so-called surge counteroffensive strategy. Those who refuse to recognize that change and nonetheless go forward with the same policies of defeat and withdrawal that they have been talking about for months have, I would say respectfully, closed their eyes, not to mention their heads, to the reality of what is actually happening on the ground in Iraq.

General Petraeus has persistently appealed to us to have some patience, to not rush to judgment about the success or failure of a new surge strategy. It is only right that we do so. But instead of respecting those pleas, withholding our judgment, and remaining true to what we ourselves put into the supplemental appropriations bill, which was a requirement for an interim report this week and a full report on paper about the benchmarks and in person by General Petraeus and Ambassador Crocker in September, instead of waiting for that to happen, I regret that some of my colleagues have decided to go ahead and submit these amendments which, to me, represent the continuation of a longtime legislative trench warfare against our presence in Iraq no matter what the facts on the ground there are. Rather than giving General Petraeus and his troops a fair chance to succeed—and it is not just for them, it is for us—I regret that efforts will be made here to undermine our strategy, which is now a successful strategy in Iraq, to dictate when, where, and against whom our soldiers can fight and when we should get out.

I suppose this would be justified if somebody concluded that the war was lost in Iraq. The war is not lost in Iraq. In fact, now American and Iraqi security forces are winning. The enemy is on the run in Iraq. But here in Congress, in Washington, we seem to be—or some Members seem to be on the run—chased, I fear, by public-opinion polls.

I know the American people are frustrated. I understand that. I know what they see every night on the TV, the suicide bombs. I know how much they want their loved ones to come home. No one wants that more than we do here. But the consequences of doing that would be a disaster for Iraq, the Middle East, and for us because the victors would be Iran and al-Qaida, our two most dangerous enemies in the world today, and trust me, they would follow us back here to this country.

I said one might pursue a policy of changing course, directing a retreat, a withdrawal, accepting defeat if one thought the war was lost. The war is not lost. In fact, I will say to my colleagues today that this war in Iraq will never be lost by our military on the ground in Iraq. The war in Iraq can only be lost with the loss of political will here at home and, perhaps, with the loss of political will in Iraq. But that story is not finished yet.

Perhaps there are some who would say the war is not lost but it is not worth winning. I think we have to think of the consequences of defeat. I know that in the midst of the consequences of defeat are a victory for Iran and al-Qaida, chaos in Iraq, slaughter that will probably begin to look like genocide, instability in the region, and the danger that we will be forced to send our troops back into the region in greater numbers to fight a more difficult war.

I think the amendments on Iraq to be offered on this Department of Defense bill are mistaken. What are the alternatives my colleagues are going to propose in these amendments? One of the amendments would demand a total withdrawal of American troops from Iraq as quickly as possible. Its sponsors argue that we can continue to fight al-Qaida in Iraq and defend our other key interests in the Middle East by operating from bases elsewhere there. With all due respect, this is fantasy.

As my friend, Senator LUGAR, pointed out a short while ago, a complete American withdrawal from Iraq is likely to have devastating consequences for American national security. Everyone knows Senator LUGAR is a skeptic about our strategy and events in Iraq. Yet, in his words, a complete withdrawal from Iraq would:

> Compound the risks of a wider regional conflict. It would be a severe blow to U.S. credibility that would make nations in the region far less likely to cooperate with us. It would expose Iraqis who have worked with us to retribution, and it would also be a signal that the United States was abandoning efforts to prevent Iraqi territory from being used as a terrorist base.

So spoke the distinguished Senator from Indiana, Mr. LUGAR.

Another amendment would keep some forces in Iraq, pull most forces out by next April 1. Their numbers would be dramatically reduced and the mission dramatically redefined.

Some argue that American soldiers should withdraw from Iraq's cities and instead focus on the training of Iraqi forces, targeting counterterrorism, and protecting the remaining American troops there. Let me say that is a vision I would embrace for the future but not as a substitute for the surge counteroffensive strategy we are following now but as a consequence of a successful implementation of that strategy, for if we in this Chamber and in Congress mandate the withdrawal of our troops down to a core group with a new mission before the Iraqi security forces are ready to provide security, we are going back to the exact strategy some describe as the Rumsfeld strategy which didn't work, which was roundly condemned by most people in both parties over a period of years.

I repeat my confidence that the number of American troops will be reduced, but it will be reduced best when it is reduced as a result of the successful implementation of the surge strategy as carried out heroically by American forces.

I conclude with these words: Our responsibilities in this Chamber ultimately do not allow us to be guided by our frustrations or even by public-opinion polls when we respectfully believe those public-opinion polls do not reflect what is best for our Nation. We were elected to lead. We were elected to see beyond the next election, to do what is best for the next generation of Americans. We were elected to defend our beloved country, its security, and its values. All of that is on the line in Iraq today.

So I appeal to my colleagues, let's not undercut our troops and legislate a defeat in Iraq where none is occurring now, where hope is strong, where the momentum is, in fact, on our side. If you question that, at least show the fairness and respect for General Petraeus, Ambassador Crocker, and all the people working for us there to wait until September, which is what we said we would do, until we take a serious look at these amendments. If we go down the path the amendments entice us toward, what awaits us is an emboldened Iran, a strengthened al-Qaida, a failed Iraq that will become not just a killing field but will destabilize the entire Middle East and also, I fear, imperil our security here at home.

I thank the Chair, and I yield the floor.

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

Mr. GRAHAM. Mr. President, I believe I have 15 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

IRAQ POLICY

Mr. GRAHAM. Mr. President, I appreciate being recognized. Before my good friend, Senator LIEBERMAN, departs the floor, I will make one observation about him that I think needs to be said. This winning/losing is a big part of wars; it is a big part of politics. Everybody wants to win, and people are afraid to lose. But I have found in life there are some things that are worth fighting for and willing to lose your job over, and to me the policies in Iraq fall into that category because it is much more important in my election that we get it right in Iraq, and from Senator LIEBERMAN's point of view—I don't think I have seen in modern politics anyone more committed to their beliefs than Senator LIEBERMAN when it comes to a foreign policy issue like Iraq. We all know the story of his last election, how he basically lost a primary because he refused to give in to the forces on the left when it came to the war on terror policies, particularly

Iraq. He literally risked losing his job, lost the primary, and in the end prevailed. I think he prevailed because the good people of Connecticut saw in Senator LIEBERMAN a man committed to his ideas, and his ideas he was committed to were bigger than himself. They may not have agreed with Senator LIEBERMAN about his policies on Iraq, but they sure admired what they saw in the man, and that is someone who was clearly putting the country's interests ahead of their own. There is not enough of that. The only group I can say with certainty that is doing the same thing is the men and women in Iraq.

On the Fourth of July this year, last week, I was in Iraq, in Baghdad for my sixth or seventh visit. This was a special visit. I got to be on the ground in Iraq on the Fourth of July, our Independence Day, and be part of a ceremony put on by General Petraeus's staff where he had 580-plus people reenlist. It was the largest reenlistment ceremony in a war zone in history, General Petraeus said. Right after the reenlistment ceremony, we had 160-plus American soldiers who became naturalized citizens. It was something to behold. To be in that former Saddam palace and be around those brave young men and women who are signing up to do it in Iraq yet again and who are becoming American citizens, literally risking their lives to do so, was inspiring.

This debate we are about to enter into is not about anyone's patriotism. My colleagues here, we are friends politically one day and we are on the other side the next. That is the nature of politics. It is never about respect for the person. I do have respect for my colleagues, and I hope the same is said of me. It is about our judgment. When I question your judgment and you question mine, that is part of the political process. Our judgments need to be tested. The decision we make now affects many people. It affects the long-term future of our country. It affects the soldiers in harm's way. Our judgment will be tested by the next election, and it will be tested by the eyes of history.

So here is what I believe we need to do in terms of Iraq policy for the immediate future. We need to listen very closely to what is being said in theater by our generals and by our enemy. Mr. Zawahiri, the second in command of al-Qaida, is not in Iraq, but he issued a statement—I think it was last Thursday—it was about an hour-long statement, and it was basically a call to not lose hope for al-Qaida in Iraq. He was acknowledging that you are under strain and stress, that you are really being pounded, but hang in there because your cause is great, and he encouraged everyone who is sympathetic to al-Qaida to run to Iraq now to beat us because our ideas are just abhorrent to their way of life.

The idea of being tolerant to different religions and views of religion is an absolute mortal sin in the eyes of al-Qaida. The idea of a woman having a say about her child is something they are just not going to have any part of. So I thought it was odd that he would make this hour-long call for reinforcements. Why was he doing that?

The reason he chose to make that statement is because the new strategy being employed now in Iraq is working against al-Qaida. I don't want to overstate it. The main reason al-Qaida is losing ground in Iraq has more to do about them than us. Al-Qaida dramatically overplayed their hand. Wherever they occupied a region in the Sunni part of Iraq, they tremendously overplayed their hand. During this debate, I will give some illustrations of some of the brutal, vicious things they did to folks living in Iraq once they were under al-Qaida control, and the Sunnis in Iraq basically are fed up with al-Qaida. They have had a taste of what al-Qaida offers them, and they have said no thanks. They have rejected al-Qaida's view of how to live one's life and how to raise one's children.

Lucky for us the President made a change in strategy—which should have happened years ago—where we are putting additional combat capability into the Iraqi theater. This rejection of al-Qaida by the Sunni leadership and the Sunni population came at a time where we have additional combat capability to reinforce that rejection. No matter what you think about the surge, it is undeniable that there have been new alliances formed between Sunni Iraqis and coalition forces in areas previously controlled by al-Qaida; and al-Qaida, as Senator LIEBERMAN said, is literally on the run, but they are still engaging in suicide bombing attacks and trying to create as much carnage as possible in Iraq. Where they used to exist in Anbar, they exist no longer in any force. They are isolated now. Anbar, the province dominated by the Sunni Iraqis, is a transformed region in terms of al-Qaida operations. The break of the sheik from the al-Qaida leadership and joining with the coalition forces has been a transforming event.

What can al-Qaida do? They moved to Diyala when the population sided with us, and their safe haven was denied. They went to the Diyala Province. We are doing the same thing there as we did in Anbar: making alliances with local Sunni leaders and some Shia. The big loser is al-Qaida. That is why last week Zawahiri made a call to his brothers in arms: Don't leave the fight; too much is at risk; hang in there, we will send reinforcements if we can.

He made this observation—I will get the quote later in the debate. He said the winds were blowing in our favor in Washington.

Now, one of the highest ranking al-Qaida leaders in the world was trying to inspire his troops by saying: No matter how much you are losing ground in Iraq, help may be coming from Washington. The question for this body is, do we want to be the cavalry for al-Qaida? If things are left the way they are now, and we gave General Petraeus the time and the resources and our total commitment, there is no doubt in my mind that, militarily, we can destroy al-Qaida in Iraq. Why? Because the Iraqi people, particularly the Sunnis, have had a taste of that lifestyle, and they have said no. All they need is additional capacity to defeat al-Qaida. That additional capacity has been provided by the surge. The additional military capability that exists now has made a world of difference. The strategy is fundamentally different.

Before, for almost 4 years, we had been behind walls trying to train the Iraqi Army and police, and getting in firefights and coming back when it was over. General Petraeus, with additional military personnel, has created joint security stations all over neighborhoods where we are living with the Iraqi Army and police, training them day in and day out. We are sleeping with them in terms of staying overnight, and we are stakeholders of that area. Not only are we helping clear the area, we are holding that area and we are having more combat capability. The surge provides that for every combat troop available to do operations before the surge, we have an additional soldier now. That has allowed us to go into areas that we previously could not go into to clear, hold, stay, and live with the Iraqi Army and police force and train them day in and day out. It is truly working.

It is my hope that as we get into this debate we will understand that if we go back to the old strategy of withdrawing behind walls, the alliances that have been formed between the Sunni leadership in Iraq and the coalition forces and the central government will be destroyed. We have put tanks around Sunni sheiks' homes. We have created joint security stations in neighborhoods that have previously been occupied by al-Qaida. It is working. If we withdraw, all of those people who formed these alliances will be at risk. I think al-Qaida will emerge again stronger.

One thing is clear to me. The old strategy of just training and staying behind walls failed. The new strategy of getting into the fight, getting out into the neighborhoods, holding territory with additional combat capability, and forming new transforming alliances is working.

Senator LEVIN, a dear friend, wants to say we are going to leave in March of 2008, or 120 days from now—I cannot remember the wording of the amendment. Basically, it is a statement by the Congress that we are going to undo the surge, the surge comes to an end, we begin to leave. We will leave a force behind that will do a couple things—train the Iraqi Army and police force. We tried that for 4 years. Training during a war is a little different than training when you are not at war. We train our soldiers at home, but they

are not in a wartime situation while they are being trained. The people in Iraq are being trained and fighting at the same time. They need more than training, they need combat capability that is nonexistent on their part.

That is a democracy that is less than 4 years old. Their constitution is less than 18 months old. The Iraqi Army and the police force, 4 years ago, was there to support the dictator, not democracy. So if you expect, from the ashes of the dictatorship, a functioning democracy in 4 years, I think you are sadly mistaken. It took us 11 years to write our own Constitution.

Why am I hopeful that we can still win in Iraq? No. 1, there is evidence with the new strategy that we can defeat and destroy al-Qaida in Iraq. No. 2, every time an Iraqi soldier is killed or a policeman is murdered, someone takes their place. Every time a judge is assassinated, somebody else comes along and says, ''I'll be a judge.'' What more can you ask? We are losing troops, and it is heartbreaking. The enemy that we are fighting understands that Americans don't like the taste of war—and that is an asset, not a liability. We are not a warring people. It is not our nature as a people to go to other places and take land from people and dominate their life. It is our nature to allow people to chart their own destiny and to be partners economically, while the enemy wants no part of that.

So what I hope we will do is take these amendments that will come to the floor and ask ourselves one simple question: If this amendment passes, what affect does it have on our military commanders to execute this new strategy that is clearly working? If this amendment passes, how does it affect al-Qaida in Iraq and throughout the world? What affect would it have on the voices of moderation that are giving their own lives to change their own country in Iraq? If this amendment passes, how does it affect Iran?

The one thing I learned from this last trip is that al-Qaida overplayed their hand, and we are taking advantage of it. Iran is trying to destabilize Iraq now more than ever. Don't mistake these new alliances between coalition forces and Sunni Iraqis to be a political reconciliation. The bad news from my trip is that the Iraqi Government is paralyzed, the political leadership in Iraq—Sunni, Shia, and Kurd—are unable to get their act together at this point. New elections would be good for the Sunnis.

Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. Twenty seconds.

Mr. GRAHAM. We will talk more about this. The good news is, the surge is al-Qaida's worst nightmare. They have been rejected by the Sunnis in Iraq, and if we stay on them, we can destroy al-Qaida in Iraq. The bad news is, the current political infrastructure in Iraq is incapable of making the hard decisions for the moment. We have to think of new ways to push them.

There is much more to follow.

I yield the floor.

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

TRIBUTE TO ALEX GEORGE, SR.

Mr. CASEY. Mr. President, I rise for a brief period of time to pay tribute to a Pennsylvanian who just passed away this past week, a constituent of mine whose family I have known for many years. I think he is like a lot of people in our communities and in our States who lead lives of service and struggle and achievement, and often their lives are not the subject of big stories and headlines.

When I think of Alex George, Sr.—who is the father of Bill George, or William George, who is the president of the AFL–CIO in Pennsylvania—I think of those people who grew up in parts of western Pennsylvania, where over many generations steel was the foundation of the economy, and in places like where Mr. George lived, Aliquippa, PA, which is a very strong community that had a thriving steel industry that is now largely gone from the city and that community. It is not nearly what it was when thousands of people were employed.

Alex George, like a lot of Pennsylvanians and, frankly, a lot of Americans, lived a life of triumph where he had to overcome difficulties in his own life, and then he became a union leader of the Amalgamated Association of Iron and Steelworkers, which was the forerunner, of course, of the modern day Steelworkers Union that his son, Bill George, joined many years later. We think of his life today and what he did for the labor movement of western Pennsylvania, and Pennsylvania generally, and also what he did as a law enforcement officer. He was a police officer as well in his later years.

I rise briefly to pay tribute to him and his life of work for the benefit of labor, doing everything possible to make sure they have lives that are rewarded, in the sense that they are allowed to organize and allowed to have the opportunity to have the dignity of their labor be part of the fabric of their lives. We pay tribute to Alex George today and the many others who built the middle class in America. He is the proud son of Aliquippa, PA.

In a special way, I express my condolences to the entire George family, and especially Bill George, president of the AFL–CIO of Pennsylvania. Alex George leaves behind three sons: Bill, who I have mentioned, Robert, and Alex, Jr., as well as nine grandchildren and many great-grandchildren. In the spirit of condolence, but also in the spirit of tribute, I pay tribute to Alex George and the legacy he leaves behind for the George family and for the labor family of Pennsylvania.

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

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

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. 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.

MILITARY READINESS CHALLENGES

Mrs. MURRAY. Mr. President, our country is home to some of the finest fighting forces in the world, and we can all be very proud of that fact. We need our military to be the best trained, the best equipped, and the most prepared force on the planet. Tragically, however, the President's war in Iraq and his use of extended deployments is undermining our military's readiness today.

The current deployment schedule hurts our ability to respond to threats around the world, it causes our servicemembers to leave the military service early, it weakens our ability to respond to disasters at home, it unfairly burdens family members, and it intensifies the combat stress our servicemembers experience.

We need to rebuild our military, and the first step is giving our fighting men and women the time they need at home to prepare and train for their next mission.

Today I rise to address the readiness challenges that threaten our military strength and ultimately our Nation's security.

More than 4 years into the war in Iraq, our troops are stretched thin, our equipment is deteriorating, and the patience of our Nation is wearing thin. We have seen 3,600 servicemembers die, thousands upon thousands more have been injured, and month after month our fighting men and women are pushing harder and harder. Troops leave loved ones for months and years and put their lives on the line without complaint. We owe them the best treatment and the best training possible.

Unfortunately, the Bush administration has fallen short in those areas. One of the major problems for our troops, for their families, and their communities is the growing gap between the time troops spend in battle versus the time they spend at home. This gap is alarming, it is disheartening, and it is a disservice to the brave men and women who put themselves in harm's way each and every day.

Sadly, our forces are being burned out. Many of our troops are on their third or even their fourth tour in Iraq and Afghanistan. Months ago, the Department of Defense announced that their tours would be extended from 12 months to 15 months. And on top of all that, they are not receiving the necessary time at home before they are sent back to battle.

Mr. President, that is not the normal schedule. It is not what our troops signed up for. And we here in Congress should not simply stand by and allow our troops to be pushed beyond their limits. That is why here on the Senate floor today we are debating the Webb amendment, and that is why we need to pass it this week.

Traditionally, Active-Duty troops are deployed for 1 year and then they rest at home for 2 years. National Guard and Reserve troops are deployed for 1 year and then they rest at home for 5 years. Tragically, that is not what is happening today. Today, Active-Duty troops are spending less time at home than they are in battle—less time at home than they are in battle—and our Guard and Reserve forces are receiving less than 3 years' rest for every year in combat.

With that increasing number and length of deployments, this rest time is even more critical for our troops, and they are not receiving the break they need, which is increasing the chances that they will burn out. This administration—the Bush administration—has decided to go the other direction, pushing our troops harder, extending their time abroad, and sending troops back time and again to the battlefield.

In March of this year, a few months ago, Salon.com reported what I hope is an extreme example of the length the military is going to get our soldiers back to the battlefield, and I want to read an excerpt from that story because I think it is really important we all understand what is happening to our troops.

This is from Salon.com:

Last November, Army Specialist Edgar Hernandez, a communications specialist with a unit of the Army's 3rd Infantry Division, had surgery on an ankle he had injured during physical training. After the surgery, doctors put his leg in a cast and he was supposed to start physical therapy when the cast came off six weeks later.

But two days after his cast was removed, Army commanders decided it was more important to send him to a training site in a remote desert rather than let him stay at Fort Benning, GA, to rehabilitate. In January, Hernandez was shipped to the National Training Center at Fort Irwin, CA, where his unit, the 3,900-strong 3rd Brigade of the 3rd Infantry Division, was conducting a month of training in anticipation of leaving for Iraq in March.

Hernandez says he was in no shape to train for a war so soon after his injury. ''I could not walk,'' he told Salon in an interview. He said he was amazed when he learned he was being sent to California. ''Did they not realize that I'm hurt and I needed this physical therapy?'' he remembered thinking. I was told by my doctor and my physical therapist that this was crazy.

Hernandez had served two tours in Iraq, where he had helped maintain communications gear in the unit's armored Bradley Fighting Vehicles. But he could not participate in war maneuvers conducted on a 1,000-square-mile mock battlefield located in the harsh Mojave Desert. Instead, when he got to California, he was led to a large tent where he would be housed. He was shocked by what he saw inside. There were dozens of other hurt soldiers. Some were on crutches, and others had their arms in slings. Some had debilitating back injuries. And nearby was another tent housing female soldiers with health issues ranging from injuries to pregnancy.

Hernandez is one of a dozen soldiers who stayed for weeks in those tents who were interviewed for this report, some of whose medical records were also reviewed by Salon. All of the soldiers said they had no business being sent to Fort Irwin given their physical condition. In some cases, soldiers were sent there even though their injuries were so severe the doctors had previously recommended they should be considered for medical retirement from the Army.

Military experts say they suspect that the deployment to Fort Irwin of injured soldiers was an effort to pump up manpower statistics used to show the readiness of Army units.

Clearly, if the military is going to those lengths to pump up readiness statistics, we have a huge problem. But these problems are only the tip of the iceberg when it comes to the effects of the administration's rotation policy. The current rotation policy not only burns out servicemembers, but it hurts the military's ability to respond to other potential threats.

For the first time in decades, the Army's ''ready brigade,'' which is intended to enter troubled spots within 72 hours, cannot do so. All of its troops are in Iraq and Afghanistan. The limited period between deployments lessens the time to train for other threats.

Numerous military leaders have spoken to us about this problem. GEN James Conway said:

I think my largest concern, probably, has to do with training. When we're home for that 7, 8, 9 months, our focus is going back to Iraq. And as I mentioned in the opening statement, therefore, we're not doing amphibious training, we're not doing mountain-warfare training, we're not doing combined-arm fire maneuver, such as would need to be the case potentially in another type of contingency.

That is not me, Mr. President; that is General Conway before the Senate Armed Services Committee in February of this year.

GEN Barry McCaffrey said that because all ''fully combat ready'' Active-Duty and Reserve combat units are now deployed in Iraq or Afghanistan, ''no fully-trained national strategic reserve brigades are now prepared to deploy to new combat operations.''

The current deployment situation is hurting our troops, and it is hurting our troops in another way. It is contributing to a drop in our retention rates. Keeping battle-experienced and capable troops in the military is essential to our ability to respond to future threats. West Point classes of 2000 and 2001 have an attrition rate five times higher than pre-Iraq war levels, with 54 percent of the West Point class of 2000 leaving the Army by the end of last year and 46 percent of the West Point class of 2001 leaving the Army by the end of last year. Marine Corps Active Forces are losing troops, especially critical midgrade noncommissioned officers, and that is despite a bonus for those who reenlist.

Clearly, this policy is not sustainable.

This deployment schedule we have been talking about is also making us less secure here at home. The rotation policy has left our Guard units short of manpower and supplies and severely hindered their ability to respond to disasters that can occur at any time here at home.

The recent tornado that destroyed much of Greensburg, KS, is a terrible example. After their town was destroyed, Greensburg residents needed shelter, they needed food and water, and they needed it fast. But because the Kansas National Guard was stretched so thin, it was hard for them to respond as fast as was necessary for an emergency right here at home. Governor Sebelius and MG Tod Bunting, who is the head of the Kansas National Guard, said not only is Guard equipment being worn out, but so are its troops, some of whom were in their fourth tour in Iraq.

For years, these problems were the exception, not the rule. But I fear that balance is shifting. Last month, USA Today reported that National Guard units in 31 States say 4 years of war in Iraq and Afghanistan have left them with 60 percent or less of their authorized equipment. And last month, LTG Steven Blum said the National Guard units have 53 percent of the equipment they need to handle State emergencies, and that number falls to 49 percent once Guard equipment needed for war, such as weapons, is factored in.

In fact, Blum said:

Our problem right now is that our equipment is at an all-time low.

This is deeply concerning to all of us who worry about a national disaster in our States, especially out in the West as we now face fires in our forests that are threatening homes and families and lives, and we fear extreme devastation.

This problem is more than about equipment, it is more than about retention rates, it is about real people and about real families. We all know military life can be tough on troops and their families. They go for months—sometimes years—without seeing each other. While troops are away fighting for all of us, sons and daughters are born, sons and daughters grow up without their moms and dads present, husbands and wives don't see each other for years, fathers die, mothers die, and family members become sick. Our troops need adequate time at home to see their newborns, to be a part of their children's lives, to spend time with their spouses, and to see their parents. The current rotation policy decreases dramatically the time families are together, and that places a tremendous strain on everyone.

Our troops facing these early deployments and extended tours have spoken out. When the tour extensions and early deployments were announced, our troops themselves expressed their displeasure.

In Georgia, according to the Atlanta Journal Constitution:

Soldiers of a Georgia Army National Guard unit were hoping to return home in April. Instead, they may be spending another grueling summer in the Iraqi desert. At least 4,000 National Guard soldiers may spend up to four extra months in Iraq as part of President Bush's troop increase announced last month. SGT Gary Heffner, spokesman for the 214th, said news of the extension came as a ''little bit of a shock'' to the Georgians.

The 1st Cavalry Division, according to the Dallas Morning News:

Eighteen months after their first Iraqi rotation, the 2nd Battalion, 5th Cavalry Regiment and the last of the Fort Hood, Texas-based 1st Cavalry Division returned to Iraq in mid-November.

Those troops, according to this article, were deeply concerned about that. And here in my home State, in Tacoma, WA, just this past weekend, there was an article from the Tacoma News Tribune of soldiers going once again.

These soldiers are talking about the tremendously difficult time they are having being redeployed.

So, Mr. President, I rise today to speak out for the Webb amendment. It is an amendment that supports our troops. It supports our troops by requiring that regular forces be at home for as long as they are deployed. It requires that our National Guard and Reserve forces be home for at least 3 years for every year deployed. Those seem to me to be basic commonsense requirements.

I applaud our colleague from Virginia for being a champion for our troops and for crafting the bipartisan measure of which he and I think the entire Senate can be proud.

Our troops have sacrificed so much for us. We have to institute a fair policy for the health of our troops, for the health and well-being of their families, and for our Nation's security and the ability to respond to disasters here at home. The Webb amendment does all of that, and I urge the Senate to adopt it.

Mr. President, I ask unanimous consent to have printed in the RECORD the full Salon.com article and the article from the Tacoma News Tribune.

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

[From salon.com, Mar. 26, 2007]

ARMY DEPLOYED SERIOUSLY INJURED TROOPS

(By Mark Benjamin)

WASHINGTON.—Last November, Army Spc. Edgar Hernandez, a communications specialist with a unit of the Army's 3rd Infantry Division, had surgery on an ankle he had injured during physical training. After the surgery, doctors put his leg in a cast, and he was supposed to start physical therapy when that cast came off six weeks later.

But two days after his cast was removed, Army commanders decided it was more important to send him to a training site in a remote desert rather than let him stay at Fort Benning, Ga., to rehabilitate. In January, Hernandez was shipped to the National Training Center at Fort Irwin, Calif., where his unit, the 3,900-strong 3rd Brigade of the 3rd Infantry Division, was conducting a month of training in anticipation of leaving for Iraq in March.

Hernandez says he was in no shape to train for war so soon after his injury. ''I could not walk,'' he told Salon in an interview. He said he was amazed when he learned he was being sent to California. ''Did they not realize that I'm hurt and I needed this physical therapy?'' he remembered thinking. ''I was told by my doctor and my physical therapist that this was crazy.''

Hernandez had served two tours in Iraq, where he helped maintain communications gear in the unit's armored Bradley Fighting Vehicles. But he could not participate in war maneuvers conducted on a 1,000-square-mile mock battlefield located in the harsh Mojave Desert. Instead, when he got to California, he was led to a large tent where he would be housed. He was shocked by what he saw inside: There were dozens of other hurt soldiers. Some were on crutches, and others had arms in slings. Some had debilitating back injuries. And nearby was another tent, housing female soldiers with health issues ranging from injuries to pregnancy.

Hernandez is one of a dozen soldiers who stayed for weeks in those tents who were interviewed for this report, some of whose medical records were also reviewed by Salon. All of the soldiers said they had no business being sent to Fort Irwin given their physical condition. In some cases, soldiers were sent there even though their injuries were so severe that doctors had previously recommended they should be considered for medical retirement from the Army.

Military experts say they suspect that the deployment to Fort Irwin of injured soldiers was an effort to pump up manpower statistics used to show the readiness of Army units. With the military increasingly strained after four years of war, Army readiness has become a critical part of the debate over Iraq. Some congressional Democrats have considered plans to limit the White House's ability to deploy more troops unless the Pentagon can certify that units headed into the fray are fully equipped and fully manned.

Salon recently uncovered another troubling development in the Army's efforts to shore up troop levels, reporting earlier this month that soldiers from the 3rd Brigade had serious health problems that the soldiers claimed were summarily downgraded by military doctors at Fort Benning in February, apparently so that the Army could send them to Iraq. Some of those soldiers were among the group sent to Fort Irwin to train in January.

After arriving at Fort Irwin, many of the injured soldiers did not train. ''They had all of us living in a big tent,'' confirmed Spc. Lincoln Smith, who spent the month there along with Hernandez and others. Smith is an Army truck driver, but because of his health issues, which include sleep apnea (a breathing ailment) and narcolepsy, Smith is currently barred from driving military vehicles. ''I couldn't go out and do the training,'' Smith said about his time in California. His records list his problems as ''permanent'' and recommend that he be considered for retirement from the Army because of his health.

Another soldier with nearly 20 years in the Army was sent to Fort Irwin, ostensibly to prepare for deployment to Iraq, even though she suffers from back problems and has psychiatric issues. Doctors wrote ''unable to deploy overseas'' on her medical records.

It is unclear exactly how many soldiers with health issues were sent to the California desert. None of the soldiers interviewed by Salon had done a head count, but all agreed that ''dozens'' would be a conservative estimate. An Army spokesman and public affairs officials for the 3rd Infantry Division did not return repeated calls and e-mails seeking further detail and an explanation of why injured troops were sent to Fort Irwin and housed in tents there during January.

The soldiers who were at Fort Irwin described a pitiful scene. ''You had people out there with crutches and canes,'' said an Army captain who was being considered for medical retirement himself because of serious back injuries sustained in a Humvee accident during a previous combat tour in Iraq. ''Soldiers that apparently had no business being there were there,'' another soldier wrote to Salon in an e-mail. ''Pregnant females were sent to the National Training Center rotation'' with the knowledge of Army leaders, she said.

One infantry sergeant with nearly 20 years in the Army who had already fought in Iraq broke his foot badly in a noncombat incident just before being sent to Fort Irwin. ''I didn't even get to put the cast on,'' before going, he said with exasperation. He said doctors put something like an ''open-toed soft shoe'' on his foot and put him on a plane to California. ''I've got the cast on now. I never even got a chance to see the [medical] specialist,'' he claimed. The infantry sergeant said life in the desert was tough in his condition. ''I was on Percocet. I couldn't even concentrate. I hopped on a plane and hobbled around NTC on crutches,'' he said. He added, ''I saw people who were worse off than I am. I saw people with hurt backs and so on. I started to think, 'Hey, I'm not so bad.' ''

[From the (Tacoma, WA) News Tribune, July 10, 2007]

''IT'S TOUGH'' TO LEAVE FAMILIES AGAIN MEDICAL TROOPS OFF TO IRAQ—MANY FOR THEIR THIRD TOUR

(By Steve Maynard)

Buoyed by praise and cheers, about 400 soldiers from the 62nd Medical Brigade at Fort Lewis got ready Monday to deploy to Iraq.

The Army brigade of medics, nurses, doctors, ambulance drivers and other medical personnel will make its third tour of duty in the Middle East, where they will be spread across several locations in Iraq.

The first wave of soldiers leaves Saturday for 15 months—longer than their previous tours. This spring, the Pentagon extended most combat deployments from 12 to 15 months. While some are going to the war zone for the first time, this will be the third trip for Staff Sgt. Benjamin Hernandez.

''It's tough, especially leaving my family again,'' said Hernandez, 33. He and his wife, Julieanna, have a daughter, 5, and a son, 7.

His children are older now and realize the dangers of combat. ''They're more cognizant of what's going on,'' Hernandez said.

During Monday's ceremony at the Soldier's Field House, the maroon colors of the brigade were cased, or covered. They'll be uncased when the first soldiers arrive in Iraq.

Members of the brigade will be leaving through the end of November. The headquarters will be at Camp Victory near Baghdad.

During the 35-minute ceremony, an audience of several hundred family members and other soldiers broke into applause repeatedly.

The crowd was quick to cheer when Brig. Gen. Sheila Baxter asked for a round of applause for ''these great soldiers.''

''The mission going forward is still complex and the enemy is still dangerous,'' said Baxter, commander of Madigan Army Medical Center. ''We are certain of your success and we are grateful for your brave service.''

''We pray for your safety,'' Baxter said.

Sgt. Kelly Perryman, 26, and her husband, Sgt. 1st Class Tremayne Perryman, 30, will both be going to Iraq, but the two medics don't know if they'll be based near each other.

Kelly Perryman summed up her feelings for her second trip to Iraq in one word: nervous.

Their 4-month-old baby boy, Jeffrey, will stay with her mother in Detroit.

''This will be our first time being apart,'' Kelly Perryman said about her baby. ''That's kind of scary.''

Sgt. Derek Trubia, 32, said he was ready for his first tour in Iraq.

''I have no problem,'' Trubia said. ''I expected it.''

The brigade, which served in Iraq in 2003 and Kuwait in 2004–05, plays a life-saving role for U.S. and Iraqi soldiers through trauma care and surgery.

Among its other specialties are dental health, preventive medicine and stress control.

In his invocation, Chaplain Maj. Mark Mitera prayed for ''healing and hope for those they treat.''

He offered thanks ''for supplying these soldiers with strength for war and skill for battle.''

Col. Patrick Sargent, brigade commander, noted in an interview that U.S. soldiers are more spread out in Iraq, and the numbers of casualties and injuries are rising. Besides treating physical wounds, the brigade will care for the mental health of injured soldiers and its own members who witness trauma, he said.

''We will face adversity, danger,'' Sargent told the crowd.

But he said the brigade is fully trained and will prevail.

''The soldiers standing before you today embody the essence of patriotism,'' Sargent said.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent that immediately following my remarks, the Senator from Hawaii, Mr. AKAKA, might be recognized for such time as he may consume.

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

Mr. MCCAIN. And I would like to thank the Senator from Hawaii for his patience and his courtesy.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1585, which the clerk will report.

The legislative clerk read as follows:

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

Pending:

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

Webb amendment No. 2012 (to amendment No. 2011), to specify minimum periods between deployment of units and members of the Armed Forces for Operation Iraqi Freedom and Operation Enduring Freedom.

Nelson of Florida amendment No. 2013 (to amendment No. 2012), to change the enactment date.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, again, I would like to thank my old friend from Hawaii for his patience so that, as the Republican ranking member of the committee, I may make a statement about the bill itself and about the situation in Iraq. I thank him for his courtesy, and I will try not to take too long a period of time. So I thank my old friend from Hawaii.

Mr. President, we have reached another moment of importance this week in debating the fiscal year 2008 Defense authorization bill. We will help set the course of the Nation's security policy and influence our participation in the wars in Iraq and Afghanistan. Much of the debate, as we all know, will be about Iraq, and before I discuss that and my recent visit, I would note that many provisions in this bill constitute a good defense policy and will strengthen the ability of our country to defend itself.

Under the leadership of my good friend from Michigan, the chairman of the committee, Senator LEVIN, I think we have crafted an excellent piece of legislation. I think a testament to his leadership is that the committee voted unanimously to report the bill, and it fully funds the President's $648 billion defense budget request. It provides necessary measures to try to bring under control waste, fraud, and abuse in defense procurement, and, frankly, it makes Members more accountable for their spending in the earmark process.

Again, I thank Senator LEVIN, the subcommittee chairs, and all the committee members for their work in bringing this issue to the floor.

Very briefly, we have authorized a 3.5-percent, across-the-board pay raise for all military personnel. We have increased Army and Marine end strength to 525,400 and 189,000, respectively. The committee also approved $2.7 billion for items on the Army Chief of Staff's unfunded requirement list, including $775 million for reactive armor and other Stryker requirements, $207 million for aviation survivability equipment, $102 million for combat training centers and funding for explosive ordnance disposal equipment, night vision devices, and machine guns.

The bill also authorizes $4.1 billion for Mine Resistant Ambush Protected vehicles, known as MRAP vehicles, for all of the Services' known requirements.

The committee has come up with the money to support our troops, and I have no doubt the full Senate will follow step.

Money and policy statements are not all that is required at this moment in our national history. Courage is required—courage, not the great courage exhibited by the brave men and women fighting today in Iraq and Afghanistan, but a smaller measure: the courage necessary to put our country's interests before every personal or political consideration.

In this light, I would like to discuss America's involvement in Iraq, and finally I would like to make several points.

Final reinforcements needed to implement General Petraeus's counterinsurgency tactics arrived just several weeks ago. Last week I had the opportunity to visit with troops in theater. From what I saw and heard while there, I believe our military, in cooperation with the Iraqi security forces, is making progress in a number of areas. There are other areas where they are not. I would like to outline some of their efforts, not to argue that these areas have suddenly become safe—they have not; I want to emphasize the areas have not become safe—but to illustrate the progress our military has achieved under General Petraeus's new strategy.

Last year Anbar Province was believed to be lost to al-Qaida. On the map we see that U.S. and Iraqi troops cleaned out al-Qaida fighters from Ramadi and other areas of western Anbar. Tribal sheiks broke with the terrorists and joined the coalition side. It is a fact that some 16 out of the 24 sheiks in the Sunni area of Anbar Province have now joined with U.S. forces in their commitment to destroy al-Qaida in Anbar Province.

Ramadi, months ago, was Iraq's most dangerous city. It is now one of its safest. At considerable political risk, I point out that I visited, with Senator GRAHAM, downtown Ramadi where the shopping areas were open. I did not visit without protection or without security forces with me. But the fact is, a short time ago it was one of the most dangerous cities in all of Iraq. Attacks are down from 30 to 35 a day in February to zero on most days now.

In Fallujah, Iraqi police have established numerous stations and have divided the city into gated districts. The violence has declined and local intelligence tips have proliferated. Throughout Anbar Province, thousands of young men are signing up for the police and Army, and the locals are taking the fight to al-Qaida. All 18 major tribes in the province are now onboard with the security plan. A year from now, the Iraqi Army and police could have total control of security in Ramadi, allowing American forces to safely draw down.

South of Baghdad, operation Phantom Thunder is intended to stop insurgents present in the Baghdad belts from originating attacks in the capital itself. A brigade of the 10th Mountain Division, which I visited, is operating in Baghdad belts that have been havens for al-Qaida. All soldiers in the brigade are living forward. That means they are in outposts away from the headquarters 24–7, living, working, and fighting alongside Iraqi military. Commanders report that the local sheiks

are increasingly siding with the coalition against al-Qaida.

Southeast of Baghdad, the military is targeting al-Qaida in safe havens they maintain along the Tigris River. In Baghdad itself, the military, in cooperation with Iraqi security forces, continues to establish joint security stations and deploy throughout the city. These efforts have produced some positive results. Sectarian violence has fallen. Since January, the total number of car bombings and suicide attacks declined. In May and June, the number of locals coming forward with intelligence tips has risen.

Make no mistake, violence in Baghdad remains at unacceptably high levels, suicide bombers and other threats pose formidable challenges, and other difficulties abound. Nevertheless, there appears to be overall movement in the right direction.

I have no doubt how difficult suicide bombers are to counter. Ask the Israelis. They literally had to seal their borders with Gaza and the West Bank because of the way people who are willing to sacrifice their own lives in order to take the lives of others are able to get through and do these horrendous acts that we are exposed to quite often on our television screens and in our newspapers in America.

In Diyala Province, Iraqi and American troops have surged and are fighting to deny al-Qaida sanctuary in the city of Baqubah. For the first time since the war began, Americans showed up in force and did not quickly withdraw from the area. In response, locals have formed a new alliance with the coalition to counter al-Qaida.

Why are some of these people now turning against al-Qaida? One reason is the extreme cruelty that is practiced by al-Qaida on a routine basis, which has caused many people to reject that kind of extreme violence and cruelty inflicted on the local people. Diyala, which was the center of Abu Mus' Ab al-Zarqawi's caliphate, finally has the chance to turn aside the forces of extremism.

I offer these observations not to present a rosy scenario of the challenges we continue to face in Iraq. As last weekend's horrific bombing indicates so graphically, the threats to Iraqi stability have not gone away, nor are they likely to go away in the near future when our brave men and women in Iraq will continue to face great challenges.

What I do believe is, while the mission to bring a degree of security to Iraq and to Baghdad and its environs in particular in order to establish the necessary preconditions for political and economic progress—while that mission is still in its early stages, the progress our military has made should encourage us. It is also clear the overall strategy that General Petraeus has put into place, a traditional counterinsurgency tactic that emphasizes protecting a population and which gets our troops off of the bases and into the areas they are trying to protect—that this strategy is the correct one.

Some of my colleagues argue that we should return troops to the forward operating bases and confine their activities to training and targeted counterterrorism operations. That is precisely what we did for 3½ years, and the situation in Iraq got worse. Over 3½ years we had our troops from operating bases going out—search and destroy as we used to call it during the Vietnam war—and going back to their bases. That was a failed strategy from the beginning. I am surprised that any of my colleagues would advocate a return to the failed Rumsfeld-Casey strategy.

No one can be certain whether this new strategy, which remains in the early stages, can bring about greater stability. We can be sure, should the Senate seek to legislate an end to this strategy as it is just beginning, then we will fail for certain.

Now that the military effort in Iraq is showing some signs of progress, the space is opening for political progress. Yet rather than seizing the opportunity, the government of Prime Minister Maliki is not functioning as it must. I repeat, the government of Prime Minister Maliki is not functioning as it must. We see little evidence of reconciliation and little progress toward meeting the benchmarks laid out by the President. The Iraqi Government can function. The question is whether it will.

To encourage political progress, I believe we can find wisdom in several suggestions put forward recently by Henry Kissinger. Intensified negotiations by the Iraqi parties could limit violence, promote reconciliation, and put the political system on a more stable footing. We should promote dialog between the Iraqi Government and its Sunni Arab neighbors, specifically Egypt, Jordan, and Saudi Arabia, in order to build broader international acceptance for the Iraqi central government in exchange for that government meeting specific obligations with respect to the protection and political participation of the Sunni minority. We should begin a broader effort to establish a basis for aid and even peacekeeping efforts by the international community, keyed to political progress in Iraq.

Taking such steps, we must recognize that no lasting political settlement can grow out of the U.S. withdrawal. On the contrary, a withdrawal must grow out of a political solution, a solution made possible by the imposition of security by coalition and Iraqi forces.

Secretary Kissinger is correct when he says ''precipitate withdrawal would produce a disaster,'' one that ''would not end the war but shift it to other areas, like Lebanon or Jordan or Saudi Arabia,'' produce greater violence among Iraqi factions, and embolden radical Islamists around the world.

> The war between Iraqi factions would intensify. The demonstration of American impotence would embolden radical Islamism and further radicalize its disciples from Indonesia and India to the suburbs of European capitals . . .
>
> What America and the world need is not unilateral withdrawal but a vision by the Bush administration of a sustainable political end to the conflict.

As I said before, withdrawals must grow out of a political solution, not the other way around.

The Shias and the Sunnis and the Kurds:

> They need the buttress of a diplomatic process that could provide international support for carrying out any internal agreements reached or to contain conflict if the internal parties cannot agree and Iraq breaks up . . .
>
> The American goal should be an international agreement regarding the international status of Iraq. It would test whether Iraq's neighbors as well as some more distant countries are prepared to translate general concepts into converging policies. It would provide a legal and political framework to resist violations. These are the meaningful benchmarks against which to test American withdrawals.

He goes on to point out:

> Turkey has repeatedly emphasized it would resist a breakup by force because of the radicalizing impact a Kurdish State could have on Turkey's large Kurdish population. But this would bring Turkey into unwanted conflict with the United States and open a Pandora's box of other interventions.
>
> Saudi Arabia and Jordan dread Shiite domination of Iraq, especially if the Baghdad regime threatens to become a satellite of Iran. The various Gulf Sheikdoms, the largest of which is Kuwait, find themselves in an even more threatened position.
>
> Syria's attitudes are likely to be more ambivalent. Its ties to Iran represent both a claim to status and a looming vulnerability . . .
>
> Given a wise and determined American diplomacy, even Iran may be brought to conclude that the risks of continued turmoil outweigh the temptations before it.

He goes on to talk about a multilateral framework.

> A forum for diplomacy already exists in the foreign ministers' conference that met recently at Sharm el-Sheikh, Egypt. . . . It is in the United States' interests to turn the conference into a working enterprise under strong, if discrete, American leadership.

He goes on to say:

> Neither the international system nor American public opinion will accept as a permanent arrangement, an American enclave maintained exclusively by American military power in so volatile a region.

I believe Secretary Kissinger is correct. I believe he is correct when he bases the premise that precipitate withdrawal would produce a disaster.

Many of my colleagues would like to believe that should any of the various amendments forcing withdrawal become law, it would mark the end of this long effort. They are wrong.

Should the Congress force a precipitous withdrawal from Iraq, it would mark a new beginning, the start of a new, more dangerous, more arduous effort to contain the forces unleashed by our disengagement. Our efforts in Iraq today are critical to the wider struggle against violent Islamic extremism. Already the terrorists are emboldened,

excited that America is talking not about winning in Iraq but is rather debating when we should lose.

Last week, Ayman al-Zawahiri, al-Qaida's deputy chief, said the United States is merely delaying our ''inevitable'' defeat in Iraq and that: ''The Mujahideen of Islam in Iraq of the caliphate and jihad are advancing with steady steps toward victory.''

If we leave Iraq prematurely, jihadists around the world will interpret the withdrawal as their great victory against our great power. The movement thrives in an atmosphere of perceived victory. We saw this in the surge of men and money flowing to al-Qaida following the Soviet withdrawal from Afghanistan.

If they defeat the United States in Iraq, they will believe anything is possible, history is on their side, and they can bring their terrible rule to lands the world over.

Recall the plan laid out in a letter from Zawahiri to Abu Mus'ab al-Zarqawi before his death. That plan is to take shape in four stages: Establish a caliphate in Iraq, extend the jihad wave to the secular countries neighboring Iraq, clash with Israel; none of which shall commence until the completion of stage one: Expel the Americans from Iraq. The terrorists are in this war to win it. The question is, Are we?

Withdrawing before there is a stable and legitimate Iraqi authority would turn Iraq into a failed state and a terrorist sanctuary in the heart of the Middle East. We have seen a failed state emerge after U.S. disengagement once before. It cost us terribly. In pre-9/11 Afghanistan, terrorists found sanctuary to train and plan attacks with impunity. We know that today there are terrorists in Iraq who are planning attacks against Americans. I do not think we should make this mistake twice.

Brent Scowcroft, whom we also know was opposed to the invasion of Iraq in the first place, has said:

> The costs of staying are visible. The costs of getting out are almost never discussed . . . If we get out before Iraq is stable, the entire Middle East region might start to resemble Iraq today. Getting out is not a solution.

One of my great heroes and role models and a person whom I have had the great honor of getting to know recently is Natan Sharansky, a man of inestimable courage and knowledge. He recently had a piece that ran Sunday in the Washington Post. The title of his piece is: ''Leave Iraq, Embrace for a Bigger Bloodbath.''

In his statement, he talks about:

> The truth is that in totalitarian regimes, there are no human rights. Period. The media do not criticize the government. Parliaments do not check executive power. Courts do not uphold due process. And human rights groups do not file reports.

He talks about the moral divide that separates societies in which people are slaves, from societies in which people are free.

> ''Some human rights groups undermine the very cause they claim to champion,'' he says.

Consider one 2005 Amnesty International report on Iraq. It notes that in the lawless climate of the first months after Hussein's overthrow, reports of kidnappings, rapes and killings of women and girls by criminal gangs rose. Iraqi officers at a police station in Baghdad said in June 2003 that the number of reported rapes was ''substantially higher than before the war.''

The implication was that human rights may not really be improving in post-Hussein Iraq. But the organization ignored the possibility that reports of rape at police stations may have increased for the simple reason that under Hussein it was the regime—which includes the police—that was doing the raping.

He goes on to say:

> A precipitous withdrawal of U.S. forces could lead to a bloodbath that would make the current carnage pale by comparison.

I am quoting from Natan Sharansky.

> Without U.S. troops in place to quell some of the violence, Iranian-backed Shiite militias would dramatically increase their attacks on Sunnis; Sunni militias, backed by the Saudis or others, would retaliate in kind, drawing more and more of Iraq into a vicious cycle of violence. If Iraq descended into full-blown civil war, the chaos could trigger similar clashes throughout the region as Sunni-Shiite tensions spill across Iraq's borders. The death toll and the displacement civilians would climb exponentially.

He says:

> Perhaps the greatest irony of the political debate over Iraq is that many of Bush's critics, who accused his administration of going blindly to war without considering what would happen once Hussein's regime was toppled, now blindly support a policy of withdrawing from Iraq without considering what might follow.

In this respect, the debate over Iraq is beginning to look a lot like the debate about the Vietnam War in the 1960s and 1970s. Then, too, the argument in the United States focused primarily on whether U.S. forces should pull out. But many who supported that withdrawal in the name of human rights did not foresee the calamity that followed, which included genocide in Cambodia, tens of thousands slaughtered in Vietnam by the North Vietnamese and the tragedy of hundreds of thousands of ''boat people.''

Mr. Sharansky lives in the neighborhood. Mr. Sharansky understands the meaning of the word ''freedom.'' Mr. Sharansky understands the meaning of the word ''sacrifice.''

Madam President, I ask unanimous consent to have printed in the RECORD the Kissinger and Sharansky articles.

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

[From the International Herald Tribune Media Services, July 2, 2007]

A POLITICAL PROGRAM TO EXIT IRAQ

(By Henry A. Kissinger)

The war in Iraq is approaching a kind of self-imposed climax. Public disenchantment is palpable. Congress will surely press for an accelerated, if not total, withdrawal of American forces. Demands for a political solution are likely to mount.

But precipitate withdrawal would produce a disaster. It would not end the war but shift it to other areas, like Lebanon or Jordan or Saudi Arabia. The war between the Iraqi factions would intensify. The demonstration of American impotence would embolden radical Islamism and further radicalize its disciples from Indonesia and India to the suburbs of European capitals.

We face a number of paradoxes. Military victory, in the sense of establishing a government capable of enforcing its writ throughout Iraq, is not possible in a time frame tolerated by the American political process. Yet no political solution is conceivable in isolation from the situation on the ground.

What America and the world need is not unilateral withdrawal but a vision by the administration of a sustainable political end to the conflict. Withdrawals must grow out of a political solution, not the other way around.

None of Iraq's neighbors, not even Iran, is in a position to dominate the situation against the opposition of all the other interested parties. Is it possible to build a sustainable outcome on such considerations?

The answer must be sought on three levels: the internal, the regional and the international.

The internal parties—the Shiites, the Sunnis and the Kurds—have been subjected to insistent American appeals to achieve national reconciliation. But groups that have been conducting blood feuds with one another for centuries are, not surprisingly, struggling in their efforts to compose their differences by constitutional means. They need the buttress of a diplomatic process that could provide international support for carrying out any internal agreements reached or to contain their conflict if the internal parties cannot agree and Iraq breaks up.

The American goal should be an international agreement regarding the international status of Iraq. It would test whether the neighbors of Iraq as well as some more distant countries are prepared to translate general concepts into converging policies. It would provide a legal and political framework to resist violations. These are the meaningful benchmarks against which to test American withdrawals.

The reason why such a diplomacy may prove feasible is that the continuation of Iraq's current crisis presents all of Iraq's neighbors with mounting problems. The longer the war in Iraq rages, the more likely will be the breakup of the country into sectarian units.

Turkey has repeatedly emphasized that it would resist such a breakup by force because of the radicalizing impact that a Kurdish state could have on Turkey's large Kurdish population. But this would bring Turkey into unwanted conflict with the United States and open a Pandora's box of other interventions.

Saudi Arabia and Jordan dread Shiite domination of Iraq, especially if the Baghdad regime threatens to become a satellite of Iran. The various Gulf sheikhdoms, the largest of which is Kuwait, find themselves in an even more threatened position. Syria's attitudes are likely to be more ambivalent. Its ties to Iran represent both a claim to status and a looming vulnerability.

Given a wise and determined American diplomacy, even Iran may be brought to conclude that the risks of continued turmoil outweigh the temptations before it.

To be sure, Iranian leaders may believe that the wind is at their backs, that the moment is uniquely favorable to realize millennial visions of a reincarnated Persian empire or a reversal of the Shiite-Sunni split under Shiite domination. On the other hand, if prudent leaders exist—which remains to be determined—they might come to the conclusion that they had better treat these advantages as a bargaining chip in a negotiation

rather than risk them in a contest over domination of the region.

No American president will, in the end, acquiesce once the full consequences of Iranian domination of the region become apparent. Russia will have its own reasons, principally the fear of the radicalization of its own Islamic minority, to begin resisting Iranian and radical Islamist domination of the Gulf. Combined with the international controversy over its nuclear weapons program, Iran's challenge could come to be perceived by its leaders to pose excessive risks.

Whether or whenever Iran reaches these conclusions, two conditions will have to be met: First, no serious diplomacy can be based on the premise that the United States is the supplicant. America and its allies must demonstrate a determination to vindicate their vital interests that Iran will find credible. Second, the United States will need to put forward a diplomatic position that acknowledges the legitimate security interests of Iran.

Such a negotiation must be initiated within a genuinely multilateral forum. A dramatic bilateral Iranian-U.S. negotiation would magnify all the region's insecurities. For if Lebanon, Jordan, Saudi Arabia and Kuwait—which have entrusted their security primarily to the United States—become convinced that an Iranian-U.S. condominium is looming, a race for Tehran's favor may bring about the disintegration of all resolve.

Within a multilateral framework, the United States will be able to conduct individual conversations with the key participants, as has happened in the six-party forum on North Korea.

A forum for such an effort already exists in the foreign ministers' conference that met recently at Sharm el-Sheikh. It is in the United States' interest to turn the conference into a working enterprise under strong, if discreet, American leadership.

The purpose of such a forum should be to define the international status of the emerging Iraqi political structure into a series of reciprocal obligations. Iraq would continue to evolve as a sovereign state but agree to place itself under some international restraint in return for specific guarantees.

In such a scheme, the United States-led multinational force would be gradually transformed into an agent of that arrangement, along the lines of the Bosnian settlement in the Balkans.

All this suggests a three-tiered international effort: an intensified negotiation among the Iraqi parties; a regional forum like the Sharm el-Sheikh conference to elaborate an international transition status for Iraq; and a broader conference to establish the peacekeeping and verification dimensions. The rest of the world cannot indefinitely pretend to be bystanders to a process that could engulf them through their default.

Neither the international system nor American public opinion will accept as a permanent arrangement an American enclave maintained exclusively by American military power in so volatile a region. The concept outlined here seeks to establish a new international framework for Iraq. It is an outcome emerging from a political and military situation on the ground and not from artificial deadlines.

[From the Washington Post, July 8, 2007]

LEAVE IRAQ AND BRACE FOR A BIGGER BLOODBATH

(By Natan Sharansky)

Iraqis call Ali Hassan al-Majeed ''Chemical Ali,'' and few wept when the notorious former general received five death sentences last month for ordering the use of nerve agents against his government's Kurdish citizens in the late 1980s. His trial came as a reckoning and a reminder—summoning up the horrors of Saddam Hussein's rule even as it underscored the way today's heated Iraq debates in Washington have left the key issue of human rights on the sidelines. People of goodwill can certainly disagree over how to handle Iraq, but human rights should be part of any responsible calculus. Unfortunately, some leaders continue to play down the gross violations in Iraq under Hussein's republic of fear and ignore the potential for a human rights catastrophe should the United States withdraw.

As the hideous violence in Iraq continues, it has become increasingly common to hear people argue that the world was better off with Hussein in power and (even more remarkably) that Iraqis were better off under his fist. In his final interview as U.N. secretary general, Kofi Annan acknowledged that Iraq ''had a dictator who was brutal'' but said that Iraqis under the Baathist dictatorship ''had their streets, they could go out, their kids could go to school.''

This line of argument began soon after the U.S.-led invasion in 2003. By early 2004, some prominent political and intellectual leaders were arguing that women's rights, gay rights, health care and much else had suffered in post-Hussein Iraq.

Following in the footsteps of George Bernard Shaw, Walter Duranty and other Western liberals who served as willing dupes for Joseph Stalin, some members of the human rights community are whitewashing totalitarianism. A textbook example came last year from John Pace, who recently left his post as U.N. human rights chief in Iraq. ''Under Saddam,'' he said, according to the Associated Press, ''if you agreed to forgo your basic freedom of expression and thought, you were physically more or less OK.''

The truth is that in totalitarian regimes, there are no human rights. Period. The media do not criticize the government. Parliaments do not check executive power. Courts do not uphold due process. And human rights groups don't file reports.

For most people, life under totalitarianism is slavery with no possibility of escape. That is why despite the carnage in Iraq, Iraqis are consistently less pessimistic about the present and more optimistic about the future of their country than Americans are. In a face-to-face national poll of 5,019 people conducted this spring by Opinion Research Business, a British market-research firm, only 27 percent of Iraqis said they believed ''that their country is actually in a state of civil war,'' and by nearly 2 to 1 (49 percent to 26 percent), the Iraqis surveyed said they preferred life under their new government to life under the old tyranny. That is why, at a time when many Americans are abandoning the vision of a democratic Iraq, most Iraqis still cling to the hope of a better future. They know that under Hussein, there was no hope.

By consistently ignoring the fundamental moral divide that separates societies in which people are slaves from societies in which people are free, some human rights groups undermine the very cause they claim to champion. Consider one 2005 Amnesty International report on Iraq. It notes that in the lawless climate of the first months after Hussein's overthrow, reports of kidnappings, rapes and killings of women and girls by criminal gangs rose. Iraqi officers at a police station in Baghdad said in June 2003 that the number of reported rapes ''was substantially higher than before the war.''

The implication was that human rights may not really be improving in post-Hussein Iraq. But the organization ignored the possibility that reports of rape at police stations may have increased for the simple reason that under Hussein it was the regime—which includes the police—that was doing the raping. When Hussein's son Uday went on his legendary raping sprees, victims were not about to report the crime.

Of course, Hussein's removal has created a host of difficult strategic challenges, and numerous human rights atrocities have been committed since his ouster. But let us be under no illusion of what life under Hussein was like. He was a mass murderer who tortured children in front of their parents, gassed Kurds, slaughtered Shiites, started two wars with his neighbors and launched Scud missiles into downtown Riyadh and Tel Aviv. The price for the stability that Hussein supposedly brought to the region was mass graves, hundreds of thousands of dead in Iraq, and terrorism and war outside it. Difficult as the challenges are today—with Iran and Syria trying to stymie democracy in Iraq, with al-Qaeda turning Iraq into the central battleground in its holy war of terrorism against the free world, and with sectarian militias bent on murder and mayhem—there is still hope that tomorrow may be better.

No one can know for sure whether President Bush's ''surge'' of U.S. troops in Iraq will succeed. But those who believe that human rights should play a central role in international affairs should be doing everything in their power to maximize the chances that it will. For one of the consequences of failure could well be catastrophe.

A precipitous withdrawal of U.S. forces could lead to a bloodbath that would make the current carnage pale by comparison. Without U.S. troops in place to quell some of the violence, Iranian-backed Shiite militias would dramatically increase their attacks on Sunnis; Sunni militias, backed by the Saudis or others, would retaliate in kind, drawing more and more of Iraq into a vicious cycle of violence. If Iraq descended into full-blown civil war, the chaos could trigger similar clashes throughout the region as Sunni-Shiite tensions spill across Iraq's borders. The death toll and the displacement of civilians could climb exponentially.

Perhaps the greatest irony of the political debate over Iraq is that many of Bush's critics, who accused his administration of going blindly to war without considering what would happen once Hussein's regime was toppled, now blindly support a policy of withdrawing from Iraq without considering what might follow.

In this respect, the debate over Iraq is beginning to look a lot like the debate about the Vietnam War in the 1960s and '70s. Then, too, the argument in the United States focused primarily on whether U.S. forces should pull out. But many who supported that withdrawal in the name of human rights did not foresee the calamity that followed, which included genocide in Cambodia, tens of thousands slaughtered in Vietnam by the North Vietnamese and the tragedy of hundreds of thousands of ''boat people.''

In the final analysis, U.S. leaders will pursue a course in Iraq that they believe best serves U.S. interests. My hope is that as they do, they will make the human rights dimension a central part of any decision. The consequences of not doing so might prove catastrophic to Iraqis, to regional peace and, ultimately, to U.S. security.

Mr. MCCAIN. Should we leave Iraq before there is a basic level of stability, we will invite further Iranian influence at a time when Iranian operatives are already moving weapons, training fighters, providing resources and helping plan operations to

kill American soldiers and damage our efforts to bring stability to Iraq.

Iran will comfortably step into the power vacuum left by a U.S. withdrawal, and such an aggrandizement of fundamentalist power has great potential to spark greater Sunni-Shia conflict across the region.

Leaving prematurely would induce Iraq's neighbors, including Saudi Arabia and Jordan, Egypt and Israel, Turkey and others, to feel their own security eroding and may well induce them to act in ways that prompt wider instability. The potential for genocide, wider war, spiralling oil prices, and the perception of strategic American defeat is real.

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

General Petraeus and his commanders believe they have a strategy that can, over time, lead to success in Iraq. General Petraeus and Ambassador Ryan Crocker will come to Washington in September to report on the status of their efforts and those of the Iraqis. They ask two things of us: the time necessary to see whether their efforts can succeed and the political courage to support them in their work. I believe we should give them both.

I know that Senators are tired of this war, tired of the mounting death toll, tired of the many mistakes we have made in this war and the great effort it requires to reverse them, tired of the war's politicization and the degree to which it has become embroiled in partisan struggles and election strategies. I understand this fatigue. Yet I maintain that we, as elected leaders with a duty to our people and the security of their Nation, cannot let fatigue dictate our policies.

The soldiers I met last week have no illusions about the sacrifices necessary to achieve their mission. On July 4, I had the great privilege to be present as 588 troops reenlisted in the military and another 161 were naturalized as U.S. citizens. Tragically, two of those who were scheduled to be naturalized as U.S. citizens were killed very shortly before the ceremony.

Those men and women taking the oaths of enlistment and citizenship in the center of Saddam's al Faw Palace, they understand the many hardships made in our name. They have completed tour after tour away from their families, risking everything, everything for the security of this country. They do so because they understand the circumstances that, however great the costs of this war, the costs are immeasurably greater still if we abandon it prematurely. All they ask is that we support them in their noble mission.

I wish we had planned to fight this war correctly the first time. But we can no more turn back the clock to 2003 than we can wish away the consequences of defeat by imposing some artificial deadline for withdrawal. Last week in Iraq, I met the bravest men and women our country has to offer, and not one of them told me it was time to go or that the cause is lost.

They are frustrated with the Iraqi Government's lack of progress. They are buffeted by the winds of partisanship in Washington, talking today of surges and tomorrow of withdrawal, voting to confirm General Petraeus and then voting for a course that guarantees defeat. But in the end, they know the war in Iraq is part of a larger struggle, a war of moderation and stability against the forces of violence and extremism.

They recognize that if we simply pack up and leave, the war does not end—it merely gets harder.

Finally, I would like to give a couple of quotes. General Lynch, who is the third ID commander of the U.S. forces, says:

> Pulling out before the mission was accomplished would be a mess. We find the enemy regaining ground, reestablishing sanctuaries, building more IEDs and the violence would escalate.

GEN Anthony Zinni, one of my particular heroes, who opposed the war in Iraq, said:

> . . . that we cannot simply pull out of Iraq, as much as we may want to. The consequences of a destabilized and chaotic Iraq, sitting in the center of a critical region of the world, could have catastrophic implications. . . .There is no short-term solution. It will take years to stabilize Iraq. How many? I believe at least five to seven.

In the Baker Hamilton report, there is a lot of selective quoting. But I would like to point out that they said:

> Because of the importance of Iraq, the potential for catastrophe in the role and the commitments of the United States in initiating events that have led to the current situation, we believe it would be wrong for the United States to abandon the country through a precipitous withdrawal of troops and support. A premature American departure from Iraq would almost certainly produce greater sectarian violence and further deterioration of conditions, leading to a number of adverse consequences outlined above. The near-term results would be a significant power vacuum, greater human suffering, regional destabilization, and a threat to the global economy. Al-Qaeda would depict our withdrawal as a historic victory. If we leave and Iraq descends into chaos, the long-range consequences could eventually require the United States to return.

That is page 30 of the Iraq Study Group report.

Finally, I understand, I believe very well, how difficult this issue is for many of our Members. I know the sorrow and the frustration that they and their constituents feel. If I knew a great option as to how we could preserve our Nation's security and withdraw and stop the unfortunate casualties that are incurred by these brave young people, I would embrace it tomorrow.

Part of this debate is going to be proposals that people have made about how we can best leave. I intend to engage in vigorous discussion and debate. I would like to again begin this debate by pointing out I respect the views of my colleagues on this issue.

I understand their frustration. I intend to be respectful of their views, and I hope we can have a debate and discussion on this issue, as we consider various amendments, that will better inform the American people of both points of view. I hope over time somehow we can find a way to come together in this body and in this Nation because this war has divided this Nation in the most terrible way.

I saw it once before. I saw it once before, a long time ago, and I saw a defeated military, and I saw how long it took a military that was defeated to recover. I saw a divided nation beset by assassinations and riots and a breakdown in a civil society. That is why we need, in my view, to try to come together—and I do not know how we do that—beginning with respecting each other's views so we can come together and hopefully end the tragedy of Iraq and at the same time ensure America's security.

I will be saying a lot more on this issue as we continue the debate. I say again, I respect the views of my colleagues. Then, finally, I again pay my compliments to the distinguished chairman of the committee, who put together, as is his wont, a bipartisan package that will ensure our Nation's security in the future, as exemplified again by a unanimous vote of the committee in reporting out the Defense authorization bill.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, let me first thank Senator MCCAIN for his great generosity in terms of his comments about the committee and the operations of our committee. As he well knows, our committee has had a great tradition of bipartisanship. He has made a major contribution, always, to that tradition. As ranking member, he has more than continued that tradition. He has made a major contribution to it and to the bill that is before us and to the bipartisan flavor of that bill.

While there obviously are and will be differences—which are understandable and appropriate—as he well points out, this is a bill that had unanimous support in the committee. We, in the next week or so, will be hearing differences on issues, including Iraq, and that is totally what we are all about: to express our feelings in a civil way and in a strong way.

But I add my thanks to him for his contribution for so many decades going back. When he speaks about the situation we are in in Iraq, he speaks with not only great feeling but also with great experience, and I think every Member of this body treasures our relationship with Senator MCCAIN and the

experience he brings to this debate. He has the commitment, I hope, of everybody in this body that the debate, as we proceed relative to Iraq or any other issues in this week and next, will proceed in a very civil way.

This issue requires all of the wisdom we can muster, all of the experiences of the various Members, and he has my assurance, and I think he would have the assurance of every Member of this body, that the tone he sets and wants us to maintain will indeed be maintained by this Senate. I am confident of that, and thank him again for his remarks and for his great contribution to this bill.

Madam President, I ask unanimous consent that the Congressional Budget Office cost estimate of the Senate version of the National Defense Authorization Act for Fiscal Year 2008, which was not available when the report on that bill, S. 1547, was filed, be printed in the RECORD.

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

S. 1547—NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Summary: S. 1547 would authorize appropriations totaling $629 billion for fiscal year 2008 for the military functions of the Department of Defense (DoD), for activities of the Department of Energy (DOE), and for other purposes. That total includes $128 billion for military operations in Iraq and Afghanistan. In addition, S. 1547 would prescribe personnel strengths for each active-duty and selected reserve component of the U.S. armed forces. CBO estimates that appropriation of the authorized amounts would result in additional outlays of $621 billion over the 2008–2012 period.

Including outlays from funds previously appropriated, spending for defense programs authorized by the bill would total about $599 billion in 2008, CBO estimates. The bill also contains provisions that would both increase and decrease costs of discretionary defense programs in future years. Most of those provisions would affect force structure, compensation, and benefits. In total, such provisions would raise costs by $9 billion in 2008 (this amount is included in the above total of $629 billion specifically authorized for that year) and by $4 billion to $6 billion annually over the 2009–2012 period.

The bill contains provisions that would both increase and decrease direct spending from changes to TRICARE For Life, the foreign currency fluctuation account, combat-related special compensation, and other programs. We estimate that those provisions combined would decrease direct spending by $309 million in 2008, $714 million over the 2008–2012 period, and $2.1 billion over the 2008–2017 period. Those totals include estimated net receipts from asset sales of a little under $0.6 billion over the 2008–2017 period. (Under current scorekeeping rules and conventions, asset sale receipts are recorded as a credit against direct spending as long as such sales would not result in a net financial cost to the government—as determined on a present value basis.) In addition, enacting the bill would have a negligible effect on revenues.

Section 4 of the Unfunded Mandates Reform Act (UMRA) excludes from the application of that act any legislative provisions that enforce the constitutional rights of individuals. CBO has determined that section 1022 would fall within that exclusion because it would amend the authority of the President to employ the armed services to protect individuals' civil rights. Therefore, CBO has not reviewed that section of the bill for mandates.

Other provisions of S. 1547 contain both intergovernmental and private-sector mandates as defined in UMRA but CBO estimates that the annual cost of those mandates would not exceed the thresholds established in UMRA ($66 million for intergovernmental mandates in 2007 and $131 million for private-sector mandates in 2007, adjusted annually for inflation).

The bill also contains several provisions that would benefit state and local governments. Some of those provisions would authorize aid for certain local schools with dependents of defense personnel and convey certain parcels of land to state and local governments. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.

Estimated cost to the federal government: The estimated budgetary impact of S. 1547 is summarized in Table 1. Most of the costs of this legislation fall within budget function 050 (national defense).

Basis of estimate: For this estimate, CBO assumes that S. 1547 will be enacted near the start of fiscal year 2008 and that the authorized amount will be appropriated for that year. The estimated outlays from authorizations of regular appropriations are based on historical spending patterns.

TABLE 1.—BUDGETARY IMPACT OF S. 1547, THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008 [a]

	By fiscal year, in millions of dollars					
	2007	2008	2009	2010	2011	2012
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for Programs Authorized by S. 1547:						
Budget Authority [b]	617,085	0	0	0	0	0
Estimated Outlays	551,703	219,217	79,329	27,802	10,589	4,277
Proposed Changes:						
Authorization of Regular Appropriations for 2008:						
Authorization Level	0	501,033	0	0	0	0
Estimated Outlays	0	320,660	116,444	39,156	12,588	4,993
Authorization of Appropriations for 2008 for Military Operations in Iraq and Afghanistan:						
Authorization Level	0	128,226	0	0	0	0
Estimated Outlays	0	59,054	45,470	15,961	4,751	1,648
Spending Under S. 1547:						
Authorization Level [b]	617,085	629,259	0	0	0	0
Estimated Outlays	551,703	598,931	241,243	82,919	27,928	10,918
CHANGES IN DIRECT SPENDING (INCLUDING ASSET SALES) [c]						
Estimated Budget Authority	0	−112	−138	84	26	54
Estimated Outlays	0	−309	−287	−72	−62	14

[a] Enactment of S. 1547 would have an insignificant effect on federal revenues.

[b] The 2007 level is the amount appropriated for programs authorized by the bill. That figure includes $99.3 billion that was recently provided in Public Law 110–28, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007. The 2007 level shown here is slightly lower than the comparable figure presented in CBO's cost estimate for H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, as passed by the House, because H.R. 1585 would authorize appropriations for some existing programs that would not be authorized by S. 1547.

[c] In addition to the direct spending effects shown here, enacting S. 1547 would have additional effects on direct spending after 2012 (see Table 4). The estimated changes in direct spending (including asset sales) would reduce outlays by $2.1 billion over the 2008–2017 period.

Note—For 2008, the authorization levels under "Proposed Changes" include amounts specifically authorized by the bill. As discussed in footnote 1 of the "Summary" to this estimate, the $629 billion that would be authorized by the bill does not include $11 billion in TRICARE For Life accrual payments that will be made under current law. (For additional information on those payments, see the discussion under "Previous CBO Estimates.") The bill also implicitly authorizes some activities in 2009 through 2012; those authorizations are not included above (but are shown in Table 3) because funding for those activities would be covered by specific authorizations in future years.

Spending subject to appropriation: The bill would specifically authorize appropriations totaling $629 billion in 2008 (see Table 2). Nearly all of that amount falls within budget function 050 (national defense), while a small portion—$62 million for the Armed Forces Retirement Home—falls within budget function 600 (income security).

Of the $629 billion in funding for 2008 authorized by the bill for the costs of defense programs, $128 billion of that amount would be for DoD costs associated with continuing operations in Iraq and Afghanistan.

The bill also contains provisions that would both increase and decrease various costs, mostly for changes in end strength, military compensation, and health benefits, that would be covered by the fiscal year 2008 authorization and by authorizations in future years. Table 3 contains estimates of those amounts.

Multiyear procurement. Multiyear procurement is a special contracting method authorized in title 10, United States Code, section 2306b that permits the government to enter into contracts covering acquisitions for more than one year but not more than five years, even though the total funds required for every year are not appropriated at the time the contracts are awarded. As part of such a contract, the government commits to purchase all items specified at the time the contract is signed, including those to be produced and paid for in subsequent years. Because multiyear procurement allows a contractor to plan for more efficient production, such a contract can reduce the cost of an acquisition compared with the cost of buying the items through a series of annual procurement contracts.

Such contracts frequently include provisions that require DoD to pay for unrecovered fixed costs in the event that the contract is canceled before completion. DoD does not budget for, obtain, or obligate funds sufficient to pay for those contractual commitments at the time they are incurred. Authorizing DoD to initiate a multiyear procurement program with such unfunded cancellation liabilities provides contract authority—a form of budget authority—because it allows the department to incur that liability in advance of appropriations. CBO believes that the full cost of such liabilities

should be recorded in the budget at the time they are incurred. The failure to request funding for cancellation liabilities may distort the resource allocation process by understating the cost of decisions made for the budget year and may require future Congresses to find the resources to pay for decisions made today.

TABLE 2.—SPECIFIED AUTHORIZATIONS IN S. 1547

Category	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
Authorization of Regular Appropriations:					
Department of Defense:					
Military Personnel:					
Authorization Level [a]	109,352	0	0	0	0
Estimated Outlays	103,409	5,411	175	25	0
Operation and Maintenance:					
Authorization Level	166,618	0	0	0	0
Estimated Outlays	127,463	31,030	4,824	1,723	727
Procurement:					
Authorization Level	110,731	0	0	0	0
Estimated Outlays	32,226	41,476	22,272	7,451	3,126
Research and Development:					
Authorization Level	74,208	0	0	0	0
Estimated Outlays	41,037	26,828	4,553	1,051	297
Military Construction and Family Housing:					
Authorization Level	21,784	0	0	0	0
Estimated Outlays	3,037	7,332	6,759	2,488	919
Revolving Funds:					
Authorization Level	2,395	0	0	0	0
Estimated Outlays	1,760	476	86	50	24
General Transfer Authority:					
Authorization Level	0	0	0	0	0
Estimated Outlays	1,000	−200	−400	−200	−100
Subtotal, Department of Defense:					
Authorization Level [a]	485,088	0	0	0	0
Estimated Outlays	309,932	112,353	38,269	12,588	4,993
Atomic Energy Defense Activities [b]:					
Authorization Level	15,883	0	0	0	0
Estimated Outlays	10,676	4,082	887	0	0
Armed Forces Retirement Home:					
Authorization Level	62	0	0	0	0
Estimated Outlays	52	9	0	0	0
Subtotal, Authorization of Regular Appropriations:					
Authorization Level	501,033	0	0	0	0
Estimated Outlays	320,660	116,444	39,156	12,588	4,993
Authorization of Appropriations for Military Operations in Iraq and Afghanistan:					
Military Personnel:					
Authorization Level	12,922	0	0	0	0
Estimated Outlays	12,190	689	17	2	0
Operation and Maintenance:					
Authorization Level	78,117	0	0	0	0
Estimated Outlays	36,478	30,588	7,581	1,940	904
Procurement:					
Authorization Level	32,803	0	0	0	0
Estimated Outlays	8,069	12,685	7,908	2,714	725
Research and Development:					
Authorization Level	1,950	0	0	0	0
Estimated Outlays	1,117	683	111	23	6
Military Construction:					
Authorization Level	753	0	0	0	0
Estimated Outlays	8	309	286	98	38
Revolving Funds:					
Authorization Level	1,681	0	0	0	0
Estimated Outlays	947	569	128	27	10
Special Transfer Authority:					
Authorization Level	0	0	0	0	0
Estimated Outlays	245	−53	−70	−53	−35
Subtotal, Iraq and Afghanistan:					
Authorization Level	128,226	0	0	0	0
Estimated Outlays	59,054	45,470	15,961	4,751	1,648
Total Specified Authorizations:					
Authorization Level [a]	629,259	0	0	0	0
Estimated Outlays	379,714	161,914	55,117	17,339	6,641

[a] As discussed in footnote 1 of the ''Summary'' to this estimate, this figure does not include the effect of an estimated $11 billion in TRICARE For Life accrual payments that will be made under current law. For additional information, see the discussion under ''Previous CBO Estimates.''

[b] These authorizations are primarily for atomic energy activities within the Department of Energy.

TABLE 3.—ESTIMATED AUTHORIZATIONS OF APPROPRIATIONS FOR SELECTED PROVISIONS IN S. 1547

Category	By fiscal year, in millions of dollars				
	2008	2009	2010	2011	2012
FORCE STRUCTURE					
Army and Marine Corps Active-Duty End Strengths	6,683	4,821	4,257	3,292	2,930
Navy and Air Force Active-Duty End Strengths	−583	−935	−966	−1,000	−1,033
Reserve Component End Strengths	306	71	50	52	53
Reserve Technicians	−7	−15	−15	−16	−16
Grade Structure	97	182	248	257	265
COMPENSATION AND BENEFITS (DOD)					
Pay Raise	311	425	439	454	469
Expiring Bonuses and Allowances	2,127	916	370	185	180
Hardship Duty Pay	79	56	33	23	23
Leave Carryover	4	21	22	23	23
Accession Bonus for Health Professional Scholarship	15	15	15	15	15
Special Pays for Medical Officers	8	9	10	10	10
Dental Officer Special Pay	8	8	8	8	8
Loan Repayment for Reserves	1	2	3	4	5
DEFENSE HEALTH PROGRAM					
Discount Drug Pricing	−300	−330	−360	−390	−430
OTHER					
Defense Acquisition Workforce Development Fund	300	725	1,150	1,600	1,625

Notes.—For every item in this table, the 2008 levels are included in Table 2 as amounts specifically authorized to be appropriated by the bill. Amounts shown in this table for 2009 through 2012 are not included in Table 1, because authorizations for those amounts would be covered by specific authorizations in future years.

Figures shown here may not add to numbers in the text because of rounding.

This bill would authorize the Department of Defense to enter into multiyear procurement contracts for three programs: enhancements to the Abrams tank, upgrades to the Bradley Fighting Vehicle, and new Virginia class submarines.

Section 111 would authorize the Army to enter a multiyear contract for up to five years to acquire a number of improvements to M1A1 Abrams tanks over a five-year period. If granted this authority, the Army plans to enter a contract for the 2008–2012 period to modify 577 tanks at a total cost of $1,595 million; it has requested $639 million in 2008 to upgrade 241 tanks. The Army estimates that a multiyear procurement contract for those tank modifications would cost $178 million less than a series of annual procurement contracts for those systems.

Section 112 would authorize the Army to enter a multiyear contract to acquire a number of improvements to the Bradley Fighting Vehicle. According to budget documents provided by the Army, the service would use this authority to enter a contract for the 2008–2011 period to modify 965 vehicles at a total cost of $2,310 million; it has requested $1,151 million in 2008 to upgrade 525 vehicles. The Army estimates that a multiyear procurement contract for those modifications would cost $131 million less than a series of annual procurement contracts for those systems.

Section 131 would authorize the Navy to enter a multiyear contract for Virginia-class submarines beginning in fiscal year 2009. The Navy plans to enter a contract for the 2009–2013 period to purchase seven submarines at a total cost of $19.1 billion; it has requested $703 million in 2008 to buy certain components in economic quantities and to order items that have lengthy production times. The Navy estimates that a multiyear procurement contract would cost $2.9 billion less than a series of annual procurement contracts for those vessels.

Force structure. The bill would affect force structure by setting end-strength levels for the various military services and by increasing the number of personnel in higher pay grades.

Military end strength. Title IV would authorize end-strength levels in 2008 for active-duty personnel and personnel in the selected reserves of about 1,370,000 and 850,000, respectively. Of those selected reservists, about 76,000 would serve on active duty in support of the reserves. In total, active-duty end strength would increase by about 4,000 and selected-reserve end strength would decrease by about 5,000 when compared to levels authorized for 2007.

Section 401 would authorize increases to the active-duty end strengths of the Army and Marine Corps relative to the personnel levels authorized for 2007. CBO estimates that those increases—13,000 additional personnel for the Army and 9,000 for the Marine Corps—would increase costs to DoD by about $7 billion in 2008 and about $22 billion over the 2008–2012 period. Those costs include the pay and benefits of the additional personnel, as well as costs for operation and maintenance, procurement, and construction.

Section 401 also would decrease the Navy's active-duty end strength by 12,300 and the Air Force's active-duty end strength by 5,600. CBO estimates that, combined, those decreases in end strength would cut costs for salaries and other expenses by about $580 million in the first year and about $1 billion annually in subsequent years.

Sections 411 and 412 would authorize the end strengths for the reserve components, including those full-time reservists who serve on active duty in support of the reserves. Under this bill, the selected reserve would experience a net decrease in end strength of 4,900, with the Navy Reserve and Air Force Reserve losing personnel while the Army Reserve and National Guard would see an increase. However, the cost savings from that net decrease would be more than offset by the cost of an increase of 1,900 in the number of reservists who serve on active duty in support of the reserves. CBO estimates that the net result of implementing those provisions would be an increase in costs for salaries and other expenses for selected reservists of $306 million in 2008 and about $50 million a year thereafter as compared to the authorized end-strength levels for 2007. Costs would be higher in 2008 and 2009 than in later years as a result of the need to procure new equipment for the additional Army National Guard personnel.

In addition, sections 413 and 414 would authorize the minimum end-strength level for military technicians, who are federal civilian personnel required to maintain membership in a selected reserve component as a condition of their employment. Under this bill, the required number of technicians would decrease by 128 relative to the levels currently authorized. CBO estimates the savings in civilian salaries and expenses that would result from fewer military technicians would be about $7 million in 2008 and about $15 million annually thereafter, as compared to the minimum end-strength levels for technicians in 2007.

The bill also would authorize an end strength of 10,000 servicemembers in 2008 for the Coast Guard Reserve. Because this authorization is the same as that under current law, CBO does not estimate any additional costs for this provision.

Grade structure. Sections 501, 502, and 521 would increase the number of servicemembers in certain grades. Sections 501 and 502 would increase the number of officers authorized to serve as majors in the Army and as lieutenant commanders, commanders, and captains in the Navy. Section 521 would allow the services to increase the percentage of personnel serving in the pay-grade of E–9 from 1 percent of the enlisted force to 1.25 percent. Those changes would not increase the overall end strength, but would result in more promotions to those ranks. CBO estimates that the additional pay and benefits associated with promoting personnel to those higher grades would be about $100 million in 2008 and $1 billion over the 2008–2012 period.

Compensation and benefits. S. 1547 contains several provisions that would affect military compensation and benefits for uniformed personnel. The bill would specifically authorize regular appropriations of $109 billion and additional appropriations for operations in Iraq and Afghanistan of $13 billion for costs of military pay and allowances in 2008.

Pay raise. Section 601 would raise basic pay for all individuals in the uniformed services by 3.5 percent, effective January 1, 2008. CBO estimates the total cost of a 3.5 percent raise in 2008 would be about $2.2 billion. Because the pay raise would be above that projected under current law (under current law a 3 percent across-the-board increase would go into effect on January 1, 2008), CBO estimates that the incremental cost associated with the larger pay raise would be about $311 million in 2008 and $2.1 billion over the 2008–2012 period.

Bonuses and allowances. Sections 611 through 614 would extend DoD's authority to pay certain bonuses and allowances to military personnel. Under current law, most of these authorities are scheduled to expire in December 2007. The bill would extend these authorities for another year. Based on data provided by DoD, CBO estimates that: Authorities to make special payments and give bonuses to certain health care professionals would cost $26 million in 2008 and $15 million in 2009; special payments for aviators and personnel qualified to operate and maintain naval nuclear propulsion plants would cost $104 million in 2008 and $72 million in 2009; retention and accession bonuses for officers and enlisted members with critical skills would cost $95 million in 2008 and $42 million in 2009; payment of reenlistment bonuses for active-duty and reserve personnel would cost $1.2 billion in 2008 and $451 million in 2009; and enlistment bonuses for active-duty and reserve personnel would cost $638 million in 2008 and $330 million in 2009.

Most of these changes would result in additional, smaller costs in subsequent years because many payments are made in installments. In total, extending authority for the expiring bonus and allowances would cost about $2.1 billion in 2008 and $3.8 billion over five years.

Hardship duty pay. Section 617 would increase the maximum allowable amount of hardship duty pay from $750 per month to $1,500 per month. The Army reports that it would use this additional authority as part of its ''Warrior Pay'' program, which would provide extra incentives to military personnel who make frequent deployments to combat zones. Based on information from the Army, CBO estimates the total cost of implementing this section would be $79 million in 2008 and $214 million over the 2008–2012 period. Costs would be lower in later years because CBO expects overseas deployments will decrease.

Leave carryover. Section 591 would allow servicemembers to carry up to 90 days of leave from one year to the next and also would allow members to sell accumulated leave in excess of 120 days back to the government. Under current law, members may carryover a maximum of 60 days of leave at the end of each fiscal year, unless they have recently participated in a contingency operation, in which case they can carry over up to 120 days of leave. Section 591 would increase the maximum carryover allowed to 90 days for members who have not participated in a contingency operation.

When members reenlist or separate, they are currently allowed to sell up to 60 days of leave back to the government. However, increasing the amount of leave carried over from year to year would increase the average amount of leave sold back to the government, even within the 60-day buyback limit. According to data from DoD, in 2006, almost 150,000 personnel were each paid for an average of 19 days of leave at a total cost of about $250 million. Based on an analysis of current leave balances provided by the Defense Finance and Accounting Service, CBO estimates that increasing leave carryover to 90 days would increase the average amount of leave sold back to the government by about 7 percent. This would increase the annual cost of payments for unused leave by about $17 million beginning in fiscal year 2009.

In addition, section 591 would allow members to sell accumulated leave in excess of 120 days back to the government. Based on data from DoD, CBO estimates that, each year, about 2,000 servicemembers will have leave in excess of 120 days—about 131 days of leave, on average, for that group. The cost to DoD to buy back those extra days would be about $155 per person per day, so that the cost would be about $4 million in 2008 and $21 million over the 2008–2012 period. When combined with the increase in leave carryover, CBO estimates the total cost of implementing section 591 would be $4 million in 2008 and $93 million over the 2008–2012 period.

Accession bonus for health professions scholarship. Section 624 would allow DoD to

award accession bonuses of up to $20,000 to students who enroll in the Health Professions Scholarship and Financial Assistance Programs. Those programs pay the tuition and stipends of medical students who agree to serve in the armed forces upon completion of their studies. Because the armed forces are having difficulty recruiting medical professionals, CBO believes that DoD would use the maximum amount of this authority if funding were made available. Based on data from DoD, CBO estimates about 750 students would enroll in the program and receive this bonus each year, and that the total cost of implementing section 624 would be $15 million in 2008 and $74 million over the 2008–2012 period.

Special pay for medical officers. Section 615 would increase the maximum allowable amounts for both incentive special pay and the multiyear retention bonus for medical officers from $50,000 to $75,000 for each year the officer agrees to remain in the armed forces. There are currently only three medical specialties that are paid at, or near, the current maximum amounts: neurologists, radiologists, and anesthesiologists. The total number of personnel in those specialties is currently about 630, although to qualify for incentive special pay medical officers must first complete their initial service agreements with DoD, and to qualify for the retention bonus an officer must have at least eight years of service. Based on DoD data, CBO estimates that about 50 percent of those 630 people would be eligible for the increased incentive special pay and about 15 percent would receive the higher retention bonus. CBO estimates the total cost of implementing this section would be $8 million in 2008 and $48 million over the 2008–2012 period.

Dental officer special pay. Section 616 would increase additional special pay for dental officers with less than 10 years of service by $6,000 per year. Currently, those personnel receive either $4,000 or $6,000 per year depending on their seniority. This section would increase those amounts to $10,000 and $12,000. Based on data from DoD, CBO estimates about 1,350 dentists would receive the increase in additional special pay if this section were enacted, for a cost of $8 million in 2008 and $41 million over the 2008–2012 period.

Loan repayment for reserves. Section 672 would expand DoD's education loan repayment program to include officers in the selected reserve. Enlisted reservists are currently eligible to receive benefits under this program. Assuming that officer enrollment in this program would be proportionate to that of enlisted members with college degrees, CBO estimates that DoD would initiate loan repayment for about 620 reserve officers each year if this authority were enacted. CBO estimates the average amount of the loan repayments would total about $7,000 per person and would be paid over six years in annual increments of about $1,200, so that the total cost of this section would be $1 million in 2008 and $14 million over the 2008–2012 period.

Discount drug pricing. Under current law, DoD is one of several federal agencies that receives from pharmaceutical makers a significantly reduced price for drugs on the Federal Supply Schedule (FSS). Through this program, DoD is able to procure at a discount the drugs that it provides to beneficiaries through its hospital pharmacies and mail-order program. However, under DoD's TRICARE programs, beneficiaries can also fill prescriptions at retail pharmacies. Many drug manufacturers have refused to provide discounted prices to DoD for medications provided to beneficiaries in that manner.

Section 701 would require drug manufacturers to provide FSS pricing on purchases covered by TRICARE at retail pharmacies. Based on information from DoD about prescriptions filled at retail pharmacies by active-duty dependents and retirees and their dependents under age 65, CBO estimates that implementing this section could result in savings of about $300 million in 2008 and about $1.8 billion over the 2008–2012 period. This estimate is based on the difference between what DoD currently pays drug manufacturers for prescriptions filled at retail pharmacies and the FSS prices for those drugs. The estimate takes into account price inflation, projected increases in drug usage, and a growing active-duty population, resulting in increased savings in future years. (See the discussion in the ''Direct Spending'' section for CBO's evaluation of this provision on the mandatory TRICARE For Life program.)

Defense acquisition workforce development fund. Section 844 would establish the Defense Acquisition Workforce Development Fund to dedicate funding for recruiting, training, and retaining acquisition personnel in excess of the levels DoD is currently using for those purposes. Military services and defense agencies would be required to deposit into the fund in each fiscal year a percentage of the funds expended in that year on contracts for services, other than services related to research and development or construction. That percentage would increase in even steps from 0.5 percent of such expenditures in 2008 to 2 percent in 2011 and thereafter.

Based on information from the Federal Procurement Data System, CBO estimates that DoD will expend approximately $75 billion to $80 billion each year on contracts for services covered under this provision. The required deposit would be in addition to the amounts necessary to pay for the performance of the services contracts. CBO estimates that implementing section 844 would increase personnel and training costs by about $5.5 billion over the 2008–2012 period. Most of the deposits to the fund would be related to expenditures of future appropriations. Those discretionary costs would total $300 million in 2008 and $5.4 billion over the 2008–2012 period. The remainder of the deposits, which would be related to the expenditure of funds that were appropriated in fiscal year 2007 and in prior years, would constitute direct spending. Those costs are described later in this estimate.

Direct spending: The bill contains provisions that would increase and decrease direct spending from changes to TRICARE For Life, the foreign currency fluctuation account, combat-related special compensation, and other programs. S. 1547 also would increase receipts from asset sales, as discussed in the following section. We estimate that those provisions combined would decrease direct spending by $309 million in 2008, $714 million over the 2008–2012 period, and $2,088 million over the 2008–2017 period (see Table 4).

TABLE 4.—DIRECT SPENDING, ASSET SALES, REVENUES

[By fiscal year, in millions of dollars]

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Total 2008–2012	Total 2008–2017
CHANGES IN DIRECT SPENDING (EXCLUDING ASSET SALES)												
Discount Drug Pricing:												
Estimated Budget Authority	−360	−390	−420	−460	−500	−540	−580	−630	−680	−740	−2,130	−5,300
Estimated Outlays	−360	−390	−420	−460	−500	−540	−580	−630	−680	−740	−2,130	−5,300
Transfers to Foreign Currency Account:												
Estimated Budget Authority	200	300	500	500	500	0	0	0	0	0	2,000	2,000
Estimated Outlays	100	200	400	450	500	250	100	0	0	0	1,650	2,000
Combat-Related Special Compensation:												
Estimated Budget Authority	7	70	98	65	67	69	72	74	76	79	308	678
Estimated Outlays	7	70	98	65	67	69	72	74	76	79	308	678
Aviation War Risk Insurance:												
Estimated Budget Authority	−80	−160	−120	−60	−10	30	200	240	210	150	−430	400
Estimated Outlays	−80	−160	−120	−60	−10	30	200	240	210	150	−430	400
Multiyear Contracts for Renewable Electricity:												
Estimated Budget Authority	80	80	80	80	80	80	0	0	0	0	400	480
Estimated Outlays	8	16	24	32	40	48	48	48	48	48	120	360
Early Reserve Retirement:												
Estimated Budget Authority	*	2	6	11	16	20	28	35	43	52	35	213
Estimated Outlays	*	2	6	11	16	20	28	35	43	52	35	213
Defense Acquisition Workforce Development Fund:												
Estimated Budget Authority	90	30	20	0	0	0	0	0	0	0	140	140
Estimated Outlays	65	45	20	10	0	0	0	0	0	0	140	140
Spending of Reimbursements from Palau:												
Estimated Budget Authority	*	*	*	*	*	*	*	*	*	*	1	3
Estimated Outlays	*	*	*	*	*	*	*	*	*	*	1	2
Extension of FEGLI for Reservists:												
Estimated Budget Authority	1	*	*	*	*	*	*	*	*	*	1	1
Estimated Outlays	1	*	*	*	*	*	*	*	*	*	1	1
Subtotal:												
Estimated Budget Authority	−62	−68	164	136	153	−341	−280	−281	−351	−459	325	−1,385
Estimated Outlays	−259	−217	8	48	113	−123	−132	−233	−303	−411	−305	−1,506
ASSET SALES												
National Defense Stockpile:												
Estimated Budget Authority	−50	−70	−80	−110	−99	−70	−60	−43	−0	−0	−409	−582
Estimated Outlays	−50	−70	−80	−110	−99	−70	−60	−43	−0	−0	−409	−582
Total Changes:												
Estimated Budget Authority	−112	−138	84	26	54	−411	−340	−324	−351	−459	−84	−1,967

TABLE 4.—DIRECT SPENDING, ASSET SALES, REVENUES—Continued

[By fiscal year, in millions of dollars]

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Total 2008–2012	Total 2008–2017
Estimated Outlays	−309	−287	−72	−62	14	−193	−192	−276	−303	−411	−714	−2,088

Notes.—FEGLI = Federal Employees' Group Life Insurance.
* = less than $500,000.
Components may not sum to totals because of rounding.

Discount drug pricing. Under current law, DoD is one of several federal agencies that receives from pharmaceutical makers a significantly reduced price for drugs on the Federal Supply Schedule (FSS). Through this program, DoD is able to procure at a discount the drugs that it provides to beneficiaries through its hospital pharmacies and mail-order program. However, under DoD's TRICARE programs, including the TRICARE For Life program for retirees and their dependents age 65 and over, beneficiaries can also fill prescriptions at retail pharmacies. Many drug manufacturers have refused to provide discounted prices to DoD for medications provided to beneficiaries in that manner.

Section 701 would require drug manufacturers to provide FSS pricing on purchases covered by TRICARE at retail pharmacies. Based on information from DoD about prescriptions filled at retail pharmacies by retirees and their dependents age 65 and over, CBO estimates that implementing this section could reduce direct spending by about $360 million in 2008, $2.1 billion over the 2008–2012 period, and $5.3 billion over the 2008–2017 period. This estimate is based on the difference between what DoD currently pays drug manufacturers for prescriptions filled at retail pharmacies and the FSS prices for those drugs. The estimate takes into account price inflation and projected increases in drug usage, resulting in increased savings in future years. (See the above discussion under ''Spending Subject to Appropriation'' for CBO's evaluation of this provision on the discretionary TRICARE program for active-duty dependents and those retirees and their dependents under age 65.)

Transfers to the foreign currency account. Section 1007 would enhance DoD's ability to use expired appropriations to cover the costs of certain contracts and projects which are financed using foreign currencies. CBO estimates that section 1007 would increase direct spending outlays by $100 million in 2008, $1.7 billion over the 2008–2012 period, and $2 billion over the 2008–2017 period.

Under current law, most appropriations are available for obligation for a specified number of years and, after that time, they expire and cease to be available for new obligations. Once expired, however, those balances can be used during the following five years to record, adjust, or liquidate existing obligations. At the end of that five-year period, any remaining balances are cancelled. Appropriations for military personnel and for operation and maintenance generally are available for obligation for one year, except as discussed below.

Current law also contains another use for certain DoD funds that have expired. Title 10 of the U.S. Code, section 2779, allows DoD to transfer expired appropriations from its military personnel and operation and maintenance accounts into its Foreign Currency Fluctuations, Defense (FCF,D) account, provided that the transfer occurs within two years of when the applicable appropriation expired, and that the account balance does not exceed $970 million at the time the transfer is made. Funds in the account can then be transferred back to the military personnel and operation and maintenance accounts and be obligated to cover ''losses'' that occur when actual exchange rates are less favorable than the exchange rates that DoD used in formulating its budget. If those transfers—to cover such losses—prove to exceed DoD's requirements, the department can once again transfer funds back to the FCF,D account within a corresponding two-year period. In addition, if actual exchange rates prove more favorable than DoD's forecast, the department can transfer those ''gains'' into the FCF,D account.

Section 1007 would extend—from two years to five years—the time period that DoD could transfer expired balances from the military personnel and operation and maintenance accounts to the FCF,D account. This would result in a reappropriation of funds by allowing existing appropriations that are currently expired—or that will otherwise expire under current law—to become newly available for obligation.

Under section 1007, DoD would have access to a larger pool of balances that could be transferred into the FCF,D account because under the existing two-year limit, DoD's program managers are reluctant to allow such transfers when those balances may ultimately be needed to adjust or liquidate obligations in later years. Under section 1007, once the life of the balances approach the end of the applicable five-year period, managers would likely allow almost all such balances to be transferred because those funds would otherwise be cancelled.

During the 2002–2006 period, transfers of expired balances ranged from $0.6 billion to $1.9 billion annually. Based on DoD's past use of expired balances to cover currency losses, on the expanded pool of balances that would be available to cover currency losses, and considering the inherent uncertainty in forecasting exchange rates, CBO estimates that enacting this section would result in reappropriations of about $200 million in 2008 and about $2 billion over the 2008–2012 period. Outlays would total about $100 million in 2008, $1.7 billion over the 2008–2012 period, and roughly $2 billion over the 2008–2017 period.

Under current law almost all applicable balances from appropriations provided in 2007 and prior years will be cancelled after 2012. Therefore, CBO estimates that no balances would be reappropriated in 2013 or in later years. However, when the Congress provides DoD with appropriations for 2008 and future years, DoD would ultimately spend a higher percentage of those funds if section 1007 is enacted into law. That added spending is not reflected in Table 4 because those outlays would be subject to future appropriation actions.

Combat-Related Special Compensation (CRSC). Currently, disabled servicemembers who are allowed to retire with less than 20 years of service see their retirement annuity offset or reduced by any amount of disability compensation that they receive from VA. Retirees who have served 20 or more years in the service and whose VA-rated disability is related to combat, hazardous duty, or military training are eligible to receive CRSC. This compensation replaces part or all of the portion of their retirement annuity that is offset by VA disability compensation. Section 653 would allow disability retirees with less than 20 years of service to receive CRSC. Based on information from DoD, CBO estimates that enacting this provision would increase direct spending by $7 million in 2008, $308 million over the 2008–2012 period, and $678 million over the 2008–2017 period.

Aviation war-risk insurance. Under current law, the Federal Aviation Administration (FAA) offers a commercial aviation insurance program that, for a premium, insures air carriers and certain manufacturers against liabilities arising from losses caused by terrorist events. The FAA also offers a non-premium insurance program to air carriers that participate in the Civil Reserve Air Fleet (CRAF). The FAA's authority to operate both of those programs is scheduled to expire on March 30, 2008. Section 353 would extend those programs through December 31, 2013. CBO estimates that extending the CRAF program through 2013 would have no significant budgetary impact; however, extending the FAA's authority to offer commercial aviation insurance through 2013 would reduce net direct spending by $80 million in 2008 and $430 million over the 2008–2012 period, but would increase net direct spending by $400 million over the 2008–2017 period.

Those long-term net costs result because CBO assumes that the FAA would continue to offer commercial aviation insurance at rates that would not fully offset the government's cost of providing that coverage. Based on information from the FAA about current rates, CBO estimates that increased offsetting receipts from premiums (which are credited against direct spending) would total $1.1 billion over the 2008–2014 period. CBO also estimates, however, that payments for expected losses under section 353 would cost $1.5 billion over the next 10 years, with residual spending after 2017.

CBO cannot predict how much insured damage terrorists might cause to air carriers and manufacturers in any specific year. Instead, our estimate of the cost of commercial aviation insurance under section 353 represents an expected value of payments from the program—a weighted average that reflects the probabilities of various outcomes, from zero damages up to very large damages caused by possible future terrorist attacks. The expected value can be thought of as the amount of an insurance premium that would be necessary to just offset the risk of providing this insurance; indeed, our estimate of the expected cost of implementing section 353 is based on actual premiums for terrorism insurance that have been paid by non-U.S. air carriers that must purchase such insurance from the private sector. Our estimate also recognizes that some costs faced by private insurance firms are not borne by the federal government. While this cost estimate reflects CBO's best judgment on the basis of available information, such future costs are a function of inherently unpredictable future terrorist attacks. Actual costs could fall anywhere within an extremely broad range.

Multiyear contracts for renewable energy. Section 826 would allow DoD to enter contracts for a term of up to 10 years to purchase electricity from renewable sources such as wind or solar power generators. Based on information from DoD, CBO expects that the department would commit to

purchasing a guaranteed amount of electricity as part of those contracts, to encourage producers to invest in renewable energy generation equipment and to enable them to acquire financing at favorable interest rates.

When the government enters a contract with a guaranteed purchase amount, it incurs a legal obligation for the full cost of those purchases. However, when DoD has used other multiyear contracting authorities in the past, it has typically obtained budget authority and recorded obligations only for the payments that were due in the first year of the contract, even though its actual contractual obligation exceeded that amount. That method of implementing multiyear procurement authority provides DoD with contract authority—a form of budget authority—because it allows the department to incur an obligation in excess of available appropriations. Budget authority for the full cost of such contracts should be recorded at the time it is signed and outlays should be recorded over the term of the contracts as payments are made for the electricity consumed.

Under current law, DoD is required to obtain 7.5 percent of its electricity from renewable energy sources by 2013. It currently gets about 4 percent of its electricity from such sources. If section 826 were enacted, CBO estimates that DoD would use multiyear contracts to purchase half the additional renewable electricity it needs—nearly 500,000 megawatt hours per year—to meet that requirement. The cost of renewable energy would vary based on the mix of wind, solar, and biomass power generators that were used; CBO estimates that DoD would pay roughly $100 per megawatt hour of renewable electricity. CBO assumes that over a six-year period, DoD would initiate a series of 10–year contracts for even increments of additional electricity at a cost of $80 million per year until it was acquiring 500,000 megawatt hours of electricity from renewable sources by 2013. Under such contracts, direct spending would increase by $8 million in 2008, $120 million over the 2008–2012 period, and $360 million over the 2008–2017 period. The first group of multiyear contracts that would be initiated in 2008 would expire after 2017. At that time, the department would need to enter new contracts for renewable electricity to continue to satisfy the requirement in current law. CBO estimates that in total, such contracts would increase direct spending by about $50 million each year after 2017.

Early reserve retirement. Under current law, members of the reserve components may not receive retirement annuities for their service until they reach 60 years of age. Section 655 would allow retired reservists to receive such annuities earlier if they were called to active duty as a reservist and served for at least 90 days. Under this proposal, for every 90 days a reservist is activated after passage of S. 1547, they would be eligible to begin receiving their retirement annuities 90 days earlier than they otherwise would. Relatively few reservists would be able to take advantage of this provision in the near future. As most reservists stop active participation in the reserves well before their 60th birthday, few reservists nearing retirement over the next decade will have served on active duty during that decade. Therefore, the full annual costs of this provision would occur more than 10 years after enactment and are not reflected in this estimate. Based upon information from DoD, CBO estimates that enacting this provision would have an insignificant effect on direct spending in 2008, and would increase direct spending by about $35 million over the 2008–2012 period and $213 million over the 2008–2017 period.

Defense Acquisition Workforce Development Fund. Section 844 would establish the Defense Acquisition Workforce Development Fund to dedicate funding for recruiting, training, and retaining acquisition personnel in excess of the levels DoD is currently using for those purposes. Deposits to the fund would be based on a percentage of expenditures on contracts for services in a given year. CBO estimates that over the 2008–2010 period more than $23 billion will be expended on such contracts from funds that have already been appropriated.

Most contracts for services are paid from appropriations for operation and maintenance, which generally are available for obligation for only one year. For the following five years, those funds—now expired—are available only to record, adjust, or liquidate existing obligations to the account. At the end of that five-year period, any remaining balances are cancelled. (Over $1 billion in unexpended balances of operation and maintenance funds are cancelled each year.) Expired, unobligated balances are available to pay for an increase in the cost of contracts for which funds were obligated during the period of availability. CBO expects that the department would treat the requirement to make deposits into the Fund as an increase in the cost of the contracts on which such deposits are based, thus allowing it to use expired, unobligated balances to make the required deposits for expenditures of funds that were appropriated prior to enactment of this bill. Thus, this section would make those expired balances available for expenditure, resulting in a reappropriation of those funds. CBO estimates that those reappropriations would increase direct spending by $65 million in 2008 and $140 million over the 2008–2011 period. (This section would also require DoD to make deposits based on the expenditure of funds that have yet to be appropriated. Those deposits are discretionary costs and are discussed above in the section on ''Spending Subject to Appropriation.'')

Spending of reimbursements from Palau. Section 1213 would allow DoD to spend reimbursements from the government of Palau. Under current law, Palau reimburses the United States for the cost of providing military civic action teams and those receipts—about $250,000 annually—are deposited into the U.S. Treasury. CBO estimates that enacting section 1213 would cost less than $500,000 in every year, and would cost a total of $1 million over the 2008–2012 period and $2 million over the 2008–2017 period.

Extension of Federal Employees Group Life Insurance (FEGLI) for reservists. Civilian employees of the federal government are entitled to purchase life insurance under the FEGLI program. Under current law, that insurance coverage may be continued for up to 12 months for reservists who are called to active military service. Section 1103 would extend FEGLI coverage for up to 24 months of active military service. This extension of coverage would initially increase net outlays from the Employees Life Insurance Fund because private insurers would most likely increase the premiums they charge the federal government. However, in later years, the Employees Life Insurance Fund would offset those additional costs by increasing the amount participating employees are required to contribute to the fund. CBO estimates that the net cost of implementing this section would be $1 million in 2008 and $1 million over the 2008–2017 period.

Housing leases in Korea. DoD has authority under title 10 of the U.S. Code, section 2828, to lease 2,800 family housing units in Korea, at a maximum cost of $35,000 per unit per year. Under current law, that cost limit is adjusted for the change in the consumer price index since 2003, and for the change in the foreign currency exchange rate since 1988. Section 2812 would increase the unadjusted cost limit to $35,050 per unit.

The department has requested that the cost limit on the authority in current law be increased so that it can acquire family housing through build-to-lease contracts. In a build-to-lease agreement, the government contracts with a developer to build a specified number of housing units in a specified location for use by military personnel. According to DoD, the military services often agree to a fixed lease term—currently limited to a maximum of 15 years in Korea—with renewal options for additional periods of time. Those renewal options can extend the duration of the lease term to 30 years or more. Based on the government's commitment to lease the housing, the developer borrows money to pay for construction of the units, using the promised payments from the government to demonstrate to lenders a reliable source of income for debt service.

CBO believes that acquiring military housing through a build-to-lease contract is a governmental activity that uses a private-sector intermediary to serve as an instrument of the federal government by borrowing funds to finance the construction of housing on the government's behalf. Those build-to-lease agreements should be considered acquisitions rather than leases for several reasons. First, the housing would be constructed at the request of the government to fill an enduring need for housing for DoD personnel. Second, because the government would agree to lease the housing for up to 15 years, and may extend the lease term for additional years under renewal options, the government would likely consume most of the useful economic life of the housing. Third, the need for at least 15 years of government commitment to obtain financing indicates that there may not be a private-sector market for the new housing. Finally, the government would be the dominant or only source of income for such projects. Lease payments are made directly by the government to the housing developer. If the lease is terminated before the end of the fixed term, or before the end of any exercised lease options, the government is liable for early termination costs, which, under DoD's current practice, are not funded in the budget when the lease is signed. The federal government also agrees to pay rent on all the units it leases, regardless of whether they are occupied by DoD personnel or are vacant.

The acquisition cost of the housing that would be acquired using the authority is determined by calculating the present value of 15 years of lease payments less the portion of those payments needed for operating and maintenance costs. That amount should be recorded as budget authority in the year the lease is signed, and outlays should be recorded over the construction period. Instead, DoD treats such arrangements as operating leases, by recording each year's lease payments on an annual basis. (The department may not record any obligations in the year it enters a contract for the housing because such housing takes more than one year to build and the first payment would not be due until construction was completed.) By using the authority to incur an obligation in advance of appropriations, current law provides contract authority, which is a form of direct spending.

According to DoD, the lease payment under the current cost limit calculation do not provide enough income for housing developers in Korea to recover their construction costs during the initial 15-year term of the lease. Because it increases the cost limit by only $50 per unit, CBO believes that section 2812 is unlikely to facilitate additional build-to-lease contracts in Korea, and thus would have no effect. If such contracts were feasible under the increased limit, DoD could acquire housing worth $575 million, CBO estimates.

Other provisions. The following provisions would have an insignificant budgetary impact on direct spending:

Section 504 would clarify the maximum age of service for certain general and flag officers.

Section 534 would set to 38 the maximum years of service for reserve officers in the grade of lieutenant general or vice admiral, aligning such limit with that for the active duty force.

Section 652 would allow guardians or caretakers of dependent children to be designated beneficiaries under the Survivor Benefit Plan.

Section 682 would change the treatment of overseas residence relating to certain immigration benefits for military spouses and children.

Section 825 would extend by five years the authority for the Defense Advanced Research Projects Agency (DARPA) to provide services to nongovernmental organizations and enter into unconventional cooperative agreements with private contractors for research relating to the development of advanced weapons systems. This provision also would extend the authority for DARPA to collect and spend reimbursements for any services rendered.

Section 934 would authorize DoD to operate a Western Hemisphere Center for Excellence in Human Rights. This provision would allow the center to accept and spend donations to help defray operating costs.

Section 1024 would make permanent the authority of the Secretaries of the Army, Navy, and Air Force to accept gifts on behalf of members of the Armed Forces and of civilian employees of DoD who are injured in the line of duty.

Section 1030 would prohibit DoD from selling parts for the F–14 fighter aircraft, except to museums or to other organizations in the United States that work to preserve F–14 fighter aircraft for historical purposes. (DoD can spend the proceeds from any such sales without future appropriation action.)

Asset sales—National Defense Stockpile: Enacting the bill would lead to increased receipts from the sale of material in the National Defense Stockpile. Those additional sales would reduce direct spending by $409 million over the 2008–2012 period and by $582 million over the 2008–2015 period.

Section 1413 would increase by $129 million the target contained in the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; later revised by Public Laws 108–136 and 109–163) for continual sales of chromium and beryllium from the National Defense Stockpile. CBO estimates that the additional sales would begin in 2010 and that there would be sufficient quantities of those materials in the stockpile to complete those additional sales by 2012. Thus, CBO estimates that this section would increase receipts from stockpile sales by $129 million over the 2010–2012 period.

Section 1413 also would increase by $453 million the target contained in the National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; later revised by Public Laws 106–398, 107–107, 108–375, 109–163, and 109–364) for continual sales of tungsten from the National Defense Stockpile, and it would extend sales through fiscal year 2015. CBO estimates that there would be sufficient quantities of tungsten in the stockpile to achieve additional receipts of $50 million in 2008, $280 million over the 2008–2012 period, and $453 million over the 2008–2015 period.

In addition to the increased targets, section 1413 initially would limit the sales of ferromanganese from the National Defense Stockpile to no more than 50,000 tons in 2008. Additional sales of up to 50,000 tons of ferromangenese would be allowed if the market demand was sufficient. Based on recent sales, CBO estimates that the provision would not reduce sales because market demand would be sufficient to allow for the continued sales of ferromangenese at planned levels.

Section 1413 also would allow for additional sales of 500 tons of chrome metal (up from planned levels of 500 tons) if the market demand was sufficient. CBO estimates that this provision would have no significant budgetary effect because recent sales suggest that those additional sales would not occur.

Revenues: Sections 934 and 1024 would allow DoD to accept and spend gifts. Such donations are classified as revenues. CBO expects, however, that enactment of those sections would not have a significant effect on revenues.

Intergovernmental and private-sector impact: Section 4 of the Unfunded Mandates Reform Act excludes from the application of that act any legislative provisions that enforce the constitutional rights of individuals. CBO has determined that section 1022 would fall within that exclusion because it would amend the authority of the President to employ the armed services to protect individuals' civil rights. Therefore, CBO has not reviewed that section of the bill for mandates.

Other provisions of S. 1547 contain both intergovernmental and private-sector mandates as defined in UMRA but CBO estimates that the annual cost of those mandates would not exceed the thresholds established in UMRA ($66 million for intergovernmental mandates in 2007 and $131 million for private-sector mandates in 2007, adjusted annually for inflation).

Increasing the end strength of the armed services: Sections 401 and 412 would increase the costs of complying with existing intergovernmental and private-sector mandates as defined in UMRA by increasing the number of servicemembers and reservists on active duty. Those additional servicemembers would be eligible for protection under the Servicemembers Civil Relief Act (SCRA) including the right to maintain a single state of residence for purposes of state and local personal income taxes and the right to request a deferral in the payment of certain state and local taxes and fees. SCRA also requires creditors to reduce the interest rate on servicemembers' obligations to 6 percent when such obligations predate active-duty service and allows courts to temporarily stay certain civil proceedings, such as evictions, foreclosures, and repossessions. Extending these existing protections would constitute intergovernmental and private-sector mandates and could result in additional lost revenues to government and private-sector entities.

The number of active-duty servicemembers covered by SCRA would increase by less than 1 percent in fiscal year 2008. CBO expects that relatively few of these servicemembers would take advantage of the deferrals in certain state and local tax payments; the lost revenues to those governments would be insignificant.

CBO does not have sufficient information to estimate precisely the increase in costs of existing private-sector mandates. Servicemembers' utilization of the various provisions of the SCRA depends on a number of uncertain factors, including how often and how long they are deployed. Nonetheless, because the increase in the number of active-duty servicemembers covered by SCRA would be less than 1 percent, CBO expects that the increased costs to the private sector caused by those new servicemembers utilizing SCRA would be small.

Prohibiting the sale by Department of Defense of parts for F–14 fighter aircraft: Section 1030 contains a private-sector mandate as defined by UMRA because it would prohibit the sale of any parts of the F–14 aircraft by the Department of Defense. It also would prohibit the United States government from issuing an export license for sale of F–14 aircraft parts. Those prohibitions would be a mandate upon U.S. persons or entities that purchased F–14 parts legally from the Department of Defense with the intention to resell the aircraft parts.

The cost of the mandate to the private sector, if any, would be the amount certain United States persons and entities have already paid to purchase the F–14 parts from the Department of Defense added to the foregone profit attributable to the prohibition of resale of the F–14 parts. From April 2006 to December 2006, F–14 parts were sold for a total of $38,000. As a result, CBO estimates that the cost, if any, to comply with that mandate would be minimal.

Providing benefits to state and local governments: This bill contains several provisions that would benefit state and local governments. Some of those provisions would authorize aid for certain local schools with dependents of defense personnel and convey certain parcels of land to state and local governments. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.

Previous CBO estimates: On April 12, 2007, CBO transmitted a cost estimate for H.R. 1441, the Stop Arming Iran Act, as ordered reported by the House Committee on Foreign Affairs on March 27, 2007. Section 1030 of S. 1547 is similar to H.R. 1441 and the estimated costs are the same for both provisions.

On May 14, 2007, CBO transmitted a cost estimate for H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, as reported by the House Committee on Armed Services. On June 12, CBO transmitted a cost estimate for H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, as passed by the House. Differences in the estimated costs of S. 1547 and the House-reported and House-passed versions of H.R. 1585 reflect differences in the legislation, as well as different treatments of TRICARE For Life accrual payments, as discussed below.

S. 1547 and H.R. 1585 as passed by the House, would authorize different levels of appropriations but they nevertheless envision a similar overall level of funding—roughly $640 billion—for 2008. Specifically, S. 1547 would authorize appropriations totaling $629 billion, while the House-passed version of H.R. 1585 would authorize about $12 billion more than that figure, or $641 billion. The $12 billion difference, however, does not reflect a vastly different level of recommended funding. Rather, it primarily reflects different treatments of $11 billion in TRICARE For Life accrual payments that are part of DoD's budget; S. 1547 does not contain an authorization of appropriations for those payments, while H.R. 1585 implicitly does.

Those accrual payments, which are categorized as military personnel spending, will be made under current law regardless of whether or not they are authorized on an annual basis. Furthermore, the payments will be charged to the House and Senate Appropriations Committees and will count against their discretionary allocations as set forth in the most recent budget resolution.

Despite envisioning similar levels of overall defense funding, there is a notable difference in the authorizations in S. 1547 and H.R. 1585 as passed by the House. S. 1547 would authorize $128 billion for DoD's costs of military operations in Iraq and Afghanistan, or about $13 billion less than the amount in the House-passed act (which is about equal to the President's request.) In authorizing the lower amount, the Senate Committee on Armed Services states that it

reallocated requested war-related authorizations—which the committee believes are not directly related to operations in Iraq and Afghanistan—into authorizations for DoD's ''base budget accounts.'' As a result, the authorizations in S. 1547 for DoD's base budget are about $13 billion higher than in the House-passed version of H.R. 1585 (after making adjustments for the TRICARE For Life accrual payments discussed above.)

Estimate prepared by: Federal Costs: Defense Outlays: Kent Christensen; Military and Civilian Personnel: Matthew Schmit; Military Construction and Multiyear Procurement: David Newman; Military Retirement and Education: Mike Waters; Health Programs: Michelle S. Patterson; Aviation War-Risk Insurance: Megan Carroll; Stockpile Sales: Raymond J. Hall; Operation and Maintenance: Jason Wheelock; Foreign Affairs: Sam Papenfuss; Impact on State, Local, and Tribal Governments: Neil Hood; Impact on the Private Sector: Victoria Liu.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Mr. LEVIN. Madam President, I ask unanimous consent that following the remarks of the Senator from Hawaii, on this side of the aisle, the order then be Senator BIDEN and Senator BOXER.

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

The Senator from Hawaii is recognized.

Mr. AKAKA. Madam President, I thank Chairman LEVIN and Ranking Member MCCAIN for their leadership and working in a bipartisan fashion to unanimously pass the National Defense Authorization Act for Fiscal Year 2008 out of committee. I also thank my ranking member of the Subcommittee on Readiness, Senator ENSIGN, and the members of that committee for their work in bringing this about.

This bill exemplifies what can be achieved through the spirit of bipartisan cooperation to address a number of important defense priorities. As our distinguished chairman has already highlighted, this bill includes a 3.5 percent across-the-board pay raise for all uniformed personnel, adds $4 billion to the President's budget for mine resistant vehicles to protect our troops in Iraq and Afghanistan. It also authorizes fiscal year 2008 end strengths for the Army and Marine Corps, of 525,400 and 189,000 respectively, an increase of 13,000 for the Army and 9,000 for the Marine Corps, and it supports the transformation of our Armed Forces to meet the threats of the 21st century.

As chairman of the Readiness Subcommittee, both Ranking Member ENSIGN and I worked with our colleagues to continue the subcommittee's strong commitment to increasing the readiness of the Armed Forces. In this legislation, we are providing support to projects and programs that are important to the readiness of the Army, Navy, Air Force, and Marines, both active and reserve components. In this regard, $188.4 billion is authorized to meet the services' operation and maintenance requirements to support the combat operations, improve the readiness of deploying and nondeployed forces, and to support the Army and Marine Corps plans to increase their fiscal year 2008 end strengths.

I believe all of us in the Senate are concerned that our military forces have what they need to be trained and ready, but I am particularly concerned about the readiness of our ground forces. This legislation before us today fully funds the Army and Marine Corps request for depot level maintenance. I am encouraged that neither the Army nor Marine Corps identified a shortage of funds for depot maintenance. While the Chief of Naval Operations did bring to this committee's attention a funding shortfall for Navy aircraft depot maintenance, we approved an increase of $77 million. In addition, we included $4.8 billion for the procurement of ammunition of all types to support the services' war fighting, training, and war reserve requirements.

With regard to the Department of Defense's management and acquisition policy, I am particularly pleased this bill includes a provision requiring, for the first time, that the Department of Defense have a chief management officer. The Comptroller General has told the members of this committee on numerous occasions that the Department needs to do this to ensure that the Department's many high-risk areas get the top-level management attention they deserve.

Other important acquisition reform provisions included in this bill are as follows: a provision that would provide the resources that DOD needs to address the shortcomings in its acquisition workforce; a series of provisions that would tighten DOD management of contract services; a provision that would ensure that our commanders on the battlefield have the authority they need to establish rules for armed contractors in an area of combat operations; a provision establishing guidelines for DOD to use in determining whether savings are ''substantial'' for the purpose of justifying multiyear contracts; and a provision that would require that each of the Assistant Secretaries for Acquisition in the military departments be assisted by a three-star military deputy who has significant acquisition experience. I believe these provisions, taken together, will lead to substantial improvements in the DOD acquisition process.

I am particularly pleased this year's authorization bill includes a provision to establish a Director of Corrosion Control Policy and Oversight, and funding for corrosion prevention and control programs. Corrosion is a costly problem. In fact, it is one of the largest costs in the life cycle of weapons systems. In addition, corrosion reduces military readiness, as the need to repair or replace corrosion damage increases the downtime of critical military assets. Consequently, I firmly believe that cohesive corrosion control programs are integral to maintaining military readiness. This critical maintenance activity increases the life of multimillion dollar weapons systems and ensures their availability during times of crisis. Effective corrosion control should be made a key component of the Department of Defense's resetting strategy and funds should be allocated accordingly.

This legislation also includes my legislation to establish a National Language Council to develop a long-term and comprehensive language strategy and oversee the implementation of that strategy. This will ensure that the administration's current efforts to promote foreign language competency will develop into an organized and concerted effort to improve the Nation's foreign language capabilities.

We also make a valuable and important investment in our infrastructure by providing an additional $461 million above the budget request to repair, replace, and modernize our aging defense facilities and improve the quality of life and the productivity of our military. Furthermore, we make a true commitment to provide quality health care for all beneficiaries, including authorizing $24.6 billion for the Defense Health Program, authorizing the use of Federal pricing for drugs dispensed through the TRICARE retail program. In addition, we reject the administration's proposal to give DOD broad authority to increase TRICARE program cost-sharing amounts for military retirees and their dependents.

As chairman of the Veterans' Affairs Committee and a member of the Armed Services Committee, I am able to look at the issue of seamless transition from military to civilian life from two different perspectives and, at the appropriate time, I will be offering an amendment to the underlying bill to improve care specifically for veterans. My friend and colleague Chairman LEVIN and I have worked together on these issues. We held a joint hearing on April 12 and have developed a thoughtful set of provisions to deal with the VA's response to traumatic brain injuries, also known as TBI and also known as invisible wounds. The amendment I will be offering includes provisions recently approved by the Committee on Veterans' Affairs at our markup on June 27. In fact, this amendment is a direct product of the committee's work to address seamless transition issues and is the corresponding piece to S. 1606, the Dignified Treatment for Wounded Warriors Act.

At the heart of my amendment are the improvements to TBI care. Ranking Member CRAIG and I worked on these traumatic brain injury provisions and they have garnered the support of many organizations, including the American Academy of Neurology, the Brain Injury Association of America, and the Disabled American Veterans. The VA was caught flat-footed by the large number of devastating TBI cases resulting from the conflicts in Iraq and Afghanistan. My amendment would go a long way toward resolving the difficulties faced by soldiers afflicted with TBI by providing comprehensive TBI

legislation. It would require individual rehabilitation plans for veterans with traumatic brain injury and authorizes the use of non-VA facilities for the best TBI treatment available. The amendment also requires much more research and education for severe TBI. We have even developed a pilot program for assisted living services for veterans with TBI.

My amendment would also extend the period of automatic eligibility for VA health care from 2 to 5 years for servicemembers returning from combat. It would ensure access to care for conditions that may not be apparent when a servicemember first leaves active duty and would contribute to a seamless transition from military to civilian life. In addition, this amendment requires a preliminary mental health evaluation be conducted within 30 days of a servicemember's request. VA must be prodded to ensure timely access to mental health care. I thank Senator OBAMA for working with me on this important provision.

Finally, our ongoing global operations have utilized the reserve components on an unprecedented scale. When these citizen soldiers redeploy, it is essential that VA include them in their outreach efforts. To recognize the importance of the National Guard and Reserve and to acknowledge their contributions to the Nation's efforts, my amendment redefines the VA's definition by specifically including them in the outreach program.

The Senate Armed Services Committee has taken bold and necessary steps in this legislation that will provide the necessary funds and management reforms required to support our service men and women while allowing the military to continue to meet our Nation's future defense needs.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, Senator BIDEN was to be recognized next. I don't see him on the floor at this moment, so I will note the absence of a quorum for a few moments, and if he does not arrive, then I will give my remarks on the Webb amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. BOXER. Parliamentary inquiry: I understand I am supposed to speak after Senator BIDEN, but he told me before he left the floor that if he weren't here, I could reverse the order. I wonder if Senator LEVIN would give me permission to do that.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Madam President, I thank my good friend from California, and I have no objection at all.

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

Mrs. BOXER. Madam President, this is a very important week for this country as we bring the issue of Iraq back to the Senate floor and listen to the American people, who are very clear. They want this war to end. They want the troops to come home. They know our service men and women have given everything there is to give, and more. They know the policies we have followed in Iraq since day one have backfired. They are looking to us.

If I might say where we are in this debate in this Senate, in my opinion, is between talk and action. It is very easy to talk and say: Oh, we need a change. We must have a change. It is important that we have a change, and call press conferences and say we need a change. It is time for change. But let's see how people vote. Will they vote for a sense of the Senate that has absolutely no force of law, which says it is the sense of the Senate we should change course, or will they vote to start redeploying our troops out of the middle of a civil war, out of chaos?

My colleagues know I represent the largest State in the Union, and we are taking a major hit. We have lost hundreds and hundreds of soldiers. We see thousands injured from our State. We see a National Guard that doesn't have the equipment it has to have. Some reports are the equipment is down 50 percent. What does that mean? It means if, God forbid, there is an earthquake, a fire, all the things we have to deal with in my beautiful State, who is going to protect the people? How much longer can we afford the bloodshed? The dollars—we are now told $12 billion a month is being spent in Iraq and Afghanistan.

The Presiding Officer and I share a lot of common interests. One of them is, for example, to make sure our kids can go to afterschool care, because that is the time they get in trouble. That is a high-risk time. Do my colleagues know what it would cost to fund afterschool care to the level that it is supposed to be, according to No Child Left Behind? It would cost $3 billion a year. We are funding it at $1 billion. Millions of kids are on the street. We spend $12 billion in Iraq and Afghanistan in 1 month, but we cannot find a couple of billion in a year for our children. We can't find the money to insure our children, to protect their health. Oh, no. We don't have the money for that. The President is going to veto this bill and veto that bill. He can't help the farmers. We can't do this, we can't do that, but $12 billion in Iraq and Afghanistan—no problem. No problem to save his reputation, to save him from having to prove to the world he was wrong. Well, it is one thing to have an argument with someone and have pride and say: You know, I am not going to admit I made a mistake. It is another thing when people are dying because of your mistake—every day.

Now, in November of 2006, the American people voted against the Iraq war. They elected Democrats. They want this war to end. They want this mission to end. They don't want our troops in the middle of a civil war, getting killed and getting maimed, getting post-traumatic stress, getting brain injuries that are the signature injury of this war.

We will be dealing with the problems of this war for decades to come. Anyone who lived through Vietnam knows that if you go on the streets today and look at who the homeless are, you know who they are. A third of them are veterans, most of them from Vietnam who never got over the experience. That is why Senator LIEBERMAN and I have worked together to try and get the people who are coming back the mental health care they need. Senator LIEBERMAN and I do not agree on this war. We are polar opposites on this war. But let me tell my colleagues, we are working together to get these troops the mental health care they need. Their marriages are breaking up. They can't sleep at night. They are having trouble with their employers. We have so many problems, and the American people expect us to fix it.

I see my friend Senator BIDEN is on the floor, and I will tell him I will speak for about another 10 minutes.

Now that my friend is on the floor, Senator BIDEN is the Senator who has looked ahead, who has said there is a light at the end of the tunnel. He has put forward a plan, and he put it forward a long time ago, for a diplomatic solution here, because there is no military solution. How many more explosive devices are going to blow up in the faces of our troops before we start bringing them home? How many more Iraqis are going to die—women, children? How many more faces are we going to look at on the front page before we get the guts to do the right thing?

The President doesn't listen. He didn't listen after the election. Oh, he said he did. He said he had a new strategy. What was it? The surge. The surge is not a new strategy. It is a military tactic, and it isn't working. Here is what the President said after he sent in more than 20,000 additional troops. He said:

> Over time, we can expect to see . . . fewer brazen acts of terror, and growing trust and cooperation from Baghdad's residents. When this happens, daily life will improve, Iraqis will gain confidence in their leaders, and the Government will have the breathing space it needs to make progress in other critical areas.

Wrong. The President was wrong again. The Washington Post reported on Sunday:

> The Iraqi government is unlikely to meet any of the political and security goals or time lines President bush set for it in January. . . .

And today the AP, Associated Press, reports:

> Iraq fails to meet all reform goals.

Not even one goal was met, and our people are dying. They cannot meet

one goal. The violence continues unabated.

Since the President made his speech on January 10, after the election, when he said there was going to be a new strategy, 590 U.S. service men and women have been killed, 107 of whom did not live to see their 21st birthday. What kind of change is that this President brought?

The average number of daily attacks by insurgents and militias has not dropped below 150 per day. In Baghdad alone, there has been an average of 50 insurgent attacks a day. Over the weekend, more than 150 Iraqis were killed in one single bombing. These bombings are not isolated events. In June alone, there were 39 bombings in Iraq that resulted in multiple fatalities. The number of suicide attacks more than doubled in Iraq since the surge began—from 26 in January to 58 in April. What kind of new strategy is that? If that is a new strategy, it is worse than the other one. The average number of Iraqi civilians killed has risen to more than 100 per day.

The administration is failing on the security front; they are failing on the political front. They don't listen to Senator BIDEN, chairman of the Foreign Relations Committee. They don't listen to Senator LUGAR, the ranking member. They are all saying you have to have a political solution.

The administration is failing on the reconstruction front. Iraqis living in Baghdad still receive an average of 5.6 hours of electricity a day. The President can't even keep the lights on, let alone succeed in this surge.

Yesterday, Tony Snow said:

> The President wants to withdraw troops based on the facts on the ground, not on the matter of politics.

Well, I say to Tony Snow, elections have consequences, and you lost in 2006. The issue was Iraq and the policies on the ground are not working; they are failing. So whether you listen to politics or what is happening on the ground, the answer is the same.

On February 1, Tony Snow described the surge in this way:

> We are talking about significant economic development efforts; we're talking about significant political reconciliation. These are the kinds of things we expect to see.

Well, they have not seen them. We know the President is going to address the American people. I say to the President, tell the truth to the American people. Lay out what you expected, and then lay out the reality, and start getting the troops home. We have not seen improvements. Now our military is at the breaking point. Listen to retired generals. They don't have to toe the line. They tell the truth. Nearly 90 percent of Army National Guard units in the U.S. are rated ''not ready''—largely as a result of shortfalls in equipment that jeopardize their capability to respond to crises at home and abroad. In my State, our equipment is down 50 percent. So who will be responsible when we have a disaster, I say to the President? Who is going to be responsible? The same people who have brought us Iraq are going to bring us a crisis in our States. We already saw what happened in Katrina from incompetence. Let's match incompetence and lack of equipment and see what happens then.

What about Iraqi forces? On January 11, Secretary Gates said:

> We are going to know pretty early on whether the Iraqis are meeting their military commitments. . . .

He said we would know early on. The answer is they are not meeting their military commitments. After this weekend's violence, senior Iraqi officials called on Iraqi civilians to arm themselves and fight insurgents. That is from their Government. They are not telling the people this Government will protect you; that the Americans have trained 300,000 of us and we are ready to protect you. No. The answer is to arm yourselves so that when insurgents break down your door, you can kill them before they kill you. What a situation.

The Iraqi Vice President said:

> The people have no choice but to take up their own defense.

We need to chart a new course on Iraq today. As Senator LUGAR said:

> Persisting indefinitely with the surge strategy will delay policy adjustments that have a better chance of protecting our vital interests over the long term.

But the administration doesn't seem willing to chart a new course. As stated on the front page of today's Washington Post, ''GOP Dissent Spurs Change in Message But Not Course.'' That is another way of, I think, confusing the subject. Get up and give a great speech and then you vote against anything that has any teeth in it. You vote for something that says it is the sense of the Senate that things are not going well, rather than it is time to change this mission and get our troops out of the middle of a civil war, and make sure what we are doing is training the Iraqi soldiers, and that is fine, and going after al-Qaida, which is fine, protecting our forces, and that is fine, but get most of them out of there.

A change in message will not prevent the deaths of more Americans and will not salvage the President's failed policy. Over the next 2 weeks, we will have the opportunity to debate several amendments that will mandate a change of course on Iraq. I urge my colleagues, as strongly as I can, as someone who has stood up here time and time again and said we are making mistakes, to finally admit it—but not just admit it, do something about it. That is what we have to do. We have to change the reality of what is happening.

As the experts have told us over and over again, what are we doing here? We are in the middle of a civil war; we are neglecting the war on terror. We say we are fighting the terrorists there and we will stop them from coming here. That is what Tony Blair said, but it didn't stop anything. This is a recruitment tool for al-Qaida. Iraq is a recruitment tool for al-Qaida. Peter Bergman said that a long time ago when we went into Iraq. He is an expert on the Middle East. I don't want to recruit al-Qaida; I want to go after them. I voted to go after them after 9/11. I didn't vote to change course and go in another direction for regime change based on faulty information, faulty intelligence.

This week and next week, we will find out who talks in the Senate and who is willing to take action in the Senate. I hope the American people will look at the amendments we are voting on and, at the bottom line, understand which ones are just talk and which ones will actually result in redeployment of the troops out of a civil war—who walks the walk versus who talks the talk. Action means a deadline. Action means you change the mission. Action means you start bringing the troops home. Action doesn't mean a change in message, but a change of course. Reshuffling the chairs on the deck of the Titanic is not what we should be doing. We need to change course.

I have spoken with mothers and fathers who have lost sons and daughters. They have begged me in the most tearful way to spare other families what they are going through. If this war was working, that would be one thing. But there is no military solution here. We need to listen to what our chairman of the Foreign Relations Committee is saying about a political solution, about separating the warring parties, about bringing in the nations of the region, and doing it now—before another soldier is blown up or breaks up with his wife because of the stress, or before another child has no dad or mom. The time is now.

I am so glad we are going to be doing the Defense authorization bill and have our opportunity to actually put our ideas into action. I will be supporting every single amendment that will result in a change of course, accountability, starting to bring the troops home.

I thank the Chair and I thank the Senator from Delaware for allowing me to go before he goes.

I yield the floor at this time.

[Applause in the Gallery.]

The PRESIDING OFFICER. The Sergeant-at-Arms will restore order in the gallery. The expression of approval or disapproval is not permitted.

The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I certainly appreciate the passion of the Senator from California and her concern for the men and women serving in the military and those who have sacrificed a great deal already. The fact is, according to Lee Hamilton and Henry Kissinger, General Zinni, and according to literally almost every—not all—respected national security expert in this country, it is acknowledged that we will have a lot more casualties.

The Senator's concern is emotional and well-founded and very moving. I am also moved by the fact that Henry Kissinger and Lee Hamilton say Congress should drop fixed deadlines for the withdrawal of U.S. forces. As Commander in Chief, the President needs flexibility on troop withdrawals. He will accept no bill that has a timeline or a fixed date for withdrawal. Lee Hamilton says:

> The American people have the war in Iraq figured out. They know American troops cannot settle Iraq's sectarian conflict, and they want to withdraw responsibly. They do not want a messy or sudden withdrawal to prompt wider sectarian strife and an escalating humanitarian disaster.

To some degree, I have seen this movie before. I remember when the debate was going on on the floor of the Senate on our withdrawal from Cambodia on December 15, 1970. Mr. Gravel, now one of the candidates for President of the United States, said:

> We come back to the argument of protecting American forces. It is simple. Take the forces out and we do not have any problem. It is simple. Do not get into Cambodia. Do not get involved. Then we do not get into anything.

Yes, there was an argument on the floor of the Senate about withdrawal. There was an argument that prohibited the United States from being involved in Cambodia. Three million people were slaughtered—one of the great acts of genocide in modern history. Yes, we cared about American casualties after Vietnam and we withdrew. The North Vietnamese attacked and millions of people got on boats, thousands were killed in reeducation camps, and thousands were executed. I have seen this movie before. I have seen this movie before from the liberal left in America, who share no responsibility for what happened in Cambodia when we said, no, as I quote Senator Gravel:

> We come back to the argument of protecting American forces. It is simple. Take the forces out and we do not have any problem. It is simple. Do not get into Cambodia. Do not get involved. Then we do not get into anything.

Mrs. BOXER. Madam President, will the Senator yield for a question?

Mr. McCAIN. I would like to finish my comments, and then I will be glad to yield to the Senator from California.

Continuing to quote Senator Gravel:

> What would happen if Cambodia fell tomorrow? It may well fall. . . . Obviously, it would become communistic. We would have some gnashing of teeth, but life would go on. We would have our traffic jams and everything else.

There were no traffic jams in Phnom Penh, Madam President, not a one. In fact, all of the people were killed or told to walk out of the city.

> Life would go on. Basically, that would increase the casualties of Americans in South Vietnam. That would be the difference, except the American people are going to get up and say, ''We do not want Americans getting killed at that rate.''
>
> . . . it means we are going to put more money in, and if there is a danger that Cambodia will be overrun 6 months from now, we would have to escalate to the next higher step, and they will devise some way of getting American troops in there. Or they would go the mercenary route until they butcher enough of those people.

Interesting.

> This, to my mind, is wrong, and adds nothing to our security. Supposing South Vietnam fell, and became totally Communist tomorrow, and then Cambodia fell and became totally Communist; would that appreciably change the life of my colleague from Kansas? Would that change his life?

The debate goes on and on. It is very worthwhile reviewing the debate that went on about Cambodia and Vietnam, not to mention, as I mentioned earlier, the impact of losing a war on America, our military, and others.

The Senator from California and I am sure the Senator from Delaware will speak very movingly about the strain on the families of the men and women and the strain on our troops.

By the way, we do in this authorization bill before us increase the size of the Marine Corps and the Army, and we need to increase it even more because of the challenges around the world—something that some of us have sought to achieve for a long period of time.

But the fact is, when you lose a war, the consequences of failure are far, far more severe on the military than the strain that is put on the military when they are fighting. It is a fact. It is a fact of military history. It is a fact of the war that we lost in Vietnam, which took us well over a decade to restore any kind of efficiency in our military.

I will be glad to yield to the Senator from California.

Mrs. BOXER. Madam President, I thank the Senator for yielding. The Senator made the point that the liberal left wants us out of Iraq. I want to make sure the Senator is aware that the latest polls show 70 percent of the American people want us to have a strategy to leave. And my question is, A, is the Senator aware of that? And, B, the followup to that question is, has the Senator read the various proposals, the Levin-Reed proposal, which I strongly support? There is no precipitous withdrawal.

I think the Senator is setting up a straw man, if you will, here. The fact is, those of us who want to leave want to do it in the right way——

Mr. McCAIN. I ask for the regular order.

Mrs. BOXER. And we also change the mission to continue training the troops, and so on. I want to make sure the Senator is aware of that point.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I thank the Senator from California for that thoughtful question. The fact is, I do read the polls, and if the Senator from California had paid attention to my opening statement, she would have known that I made it very clear that I understand the frustration and sorrow of the American people. I also know a lot of us are not driven by polls. A lot of us are driven by principle, and a lot of us do what we think is right no matter what the polls say.

So I appreciate the concern of the Senator from California about whether I read the polls. I appreciate that greatly. But I do know also that when you send a signal, and I appreciate the Senator's concern—I was talking about the liberal left addressing the war in Cambodia, is what I was speaking of. The record is clear, and I will be glad to provide other quotes of a similar nature. But I do also know that those of us who study history, those of us who spend time in Iraq, those of us who spend time with various leaders, such as General Zinni, such as General Scowcroft, such as Secretary of State Baker, such as many others, we all know what the consequences of a date for withdrawal will be. And it isn't my opinion alone. It is shared by a broad variety of national security experts in this field.

I also point out that it does have an effect on the troops in the field when they see effort after effort after effort to withdraw, to force them to be withdrawn and, obviously, a failure of their mission.

I welcome this debate, as I said earlier. I think it is important to inform the American people. I think it is important to have a respectful exchange of views. And I will continue to respect the views of the Senator from California, but I will tell her that I have seen this movie before, and I have seen what happens when we have a defeated military and we have people who assure us that a withdrawal is without consequences.

I believe, as Henry Kissinger as recently as a few days ago said:

> . . . precipitate withdrawal [from Iraq] would produce a disaster. It would not end the war but shift it to other areas, like Lebanon or Jordan or Saudi Arabia. The war between the Iraqi functions would intensify. The demonstration of American impotence would embolden radical Islamism and further radicalize its disciples from Indonesia and India to the suburbs of European capitals.

Natan Sharansky says the same thing. A person who knows about oppression, who knows about freedom, who served as a beacon to me and a hero in my entire life says:

> A precipitous withdrawal of U.S. forces could lead to a bloodbath that would make the current carnage pale by comparison.

All of these are statements by people for whom I have the greatest respect. I hope we will heed some of their admonitions.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Delaware is recognized.

Mr. BIDEN. Madam President, I was interested in the last exchange. Let me just say that one of my heroes is the Senator from Arizona. I mean this sincerely. We use the phrase around here ''my friend.'' I consider him my friend. I believe if neither he nor I were Senators and I picked up a phone and

called him and said: I need you to show up at such-and-such a place, I can't tell you why, he would be there. I do not pretend to be his best friend in the world, but I admire him.

But I think I should point out a couple of things. No. 1, the Senator from California is not poll-driven. As I remember it, when the whole of the country was clamoring to go to war, the Senator from California stood up and voted against going to war. If I am not mistaken, it was viewed as political suicide at that time. I know the Senator from California, and I know she needs no defense, but I know her. If I know anybody who is not poll-driven, it is the Senator from California, No. 1.

No. 2, Henry Kissinger, Lee Hamilton, and Baker—all these people mentioned—they all say get out. None of them think the policy of this President makes any sense. So let's start off where they are. Henry Kissinger has endorsed the Biden plan and the Boxer plan and all the rest who have done it. They need a political solution.

I remind everybody that the Baker-Hamilton report set a date of March 2008 as a goal to get the majority of our troops out, if not all of them out. They talked about drawing down our troops. The President rejected that policy.

I don't know a serious person—there probably are—I don't know of any in the international community, I don't know of anybody in the foreign policy establishment in the United States of America, from Colin Powell, a former Secretary of State, to former Secretaries of State and Secretaries of Defense in Republican administrations, who thinks this policy makes any sense.

Madam President, I say to my colleagues, to quote Gravel—I was here in 1972 while my friend JOHN MCCAIN, God love him, was in a prisoner-of-war camp. I was a 29-year-old Senator. Nobody agreed with Gravel. Give me a break. Quoting Gravel as the voice of the left—he was the voice of his voice. God love him, as my mother would say, and he still is the voice of his voice. Who agrees with Gravel? Maybe somebody does. But to quote him as if it was the Democratic position on Cambodia—go count the votes, how many votes Gravel got. That is not representative of even the left. This is a man who, God love him, nominated himself for Vice President. Come on. Come on.

And who is calling for a precipitous withdrawal? If I am not mistaken, the distinguished chairman of the Armed Services Committee is not voting for a precipitous withdrawal. This is what we call, in the law business, which I have been practicing 34 years, a red herring.

The question is, Do we continue to send our kids into the middle of a meat grinder based on a policy that is fundamentally flawed? I don't think there are a dozen Republicans on that side of the aisle who agree with the President's strategy, nor do I believe, if the President had followed the recommendation of the Senator from Delaware and then the Senator from Arizona back before there was a civil war to put enough troops in to solidify the situation on the ground, we might not be here. The rationale he offered and I offered, if I am not mistaken, was: Mr. President, you don't have a strategy. Secretary of Defense, these are not a bunch of dead-enders, they are not a bunch of thugs. They are thugs, but you have a big problem, Mr. President.

If I am not mistaken, I heard the Senator from Arizona make those speeches 4 years ago. I heard him, along with me, call for more troops back then in order to get out sooner. We predicted there would be a civil war if we didn't gain control. Surprise, surprise, surprise. We have a civil war.

Look, I understand the political dilemmas in which we find ourselves: We have a President of our own party we have a problem with. I have been there. It never kept me from speaking up. If my colleagues recall, my friend from California, who is presiding, remembers, to use the trite expression, I beat President Clinton up and about the head, as they say in the neighborhood where I come from, to use force in Bosnia, to end a genocide. The President didn't agree with me. I was told: Calm down, don't put him in that spot. I am accustomed to taking on Presidents in my own party, and I know it is hard. It is hard. But I tell you what, name me any one of the people who were quoted here who thinks the policy we are pursuing now makes any sense.

Ever since the Democrats took control of the Congress back in January, we have been working to build pressure on the administration and, quite bluntly, on our Republican colleagues to change course in Iraq because I have reached a point where I think the President is impervious to information. There is a great expression, I believe it was Oliver Wendell Holmes referring to prejudice—and the President is not prejudiced, but I make the point. He said prejudice is like the pupil of the eye: the more light you shine upon it, the more tightly it closes. This administration is like the pupil of the eye: the more hard facts you give them to prove their policy is a failure, the tighter it closes and the less inclined to change they are. More and more Republicans—more and more Republicans—have stopped backing the President and started looking for ways to work with us to bring our soldiers home in a responsible way so we don't merely trade a dictator for chaos.

Let me say something I am going to be reminded of, I am sure, again and again and again. Having been here for 34 years, I know you should not make statements I am about to make lightly, but I am reminded of it by the comments made about Cambodia. On this, we have a sell-by date. You know when you buy milk, it says sell by a certain date or it turns sour? There is a sell-by date here, folks, for us to change policy. Because if we do not change policy in a radical way in this calendar year, I believe we will be left with one of two alternatives.

We have a chance now to change policy and maybe salvage—maybe salvage—a circumstance in Iraq, whereas we gradually leave, and we will not have traded a dictator for chaos and the possibility of a regional war. That is alternative one. I think that alternative two is Saigon revisited. We will be lifting American personnel off the roofs of buildings in the green zone if we do not change policy and pretty drastically.

There is not a single person in here that knows anything about the military who can tell me they think there is any possibility of us sustaining 160,000 forces in Iraq this time next year. What my friend from Arizona did not say—and he knows a great deal about this—is that leading generals in the military say straightforward that we are breaking—let me emphasize that—breaking the U.S. military—breaking the U.S. military. Let me put it another way. We have more professionally trained academy graduates, such as my friend from Arizona, leaving the military after 5 years than we have had any time in the last 30-plus years. The cream of the crop are being broken by this failed—this failed policy in Iraq.

What is worse is not that it is a failed policy, but it is impervious to recommendations made by the most informed people in both political parties inside and outside Government. What did the President do with the Baker-Hamilton Commission? Picked it up, gave it real lip service, and flipped it on the shelf. Who was on that commission? Two former Secretaries of State, who were Republicans; the present Secretary of Defense; some of the leading conservative voices in America on military matters; along with mainstream Democratic leaders. What did they do? What did they do? They blew it off. Now they are revisiting it. Now press reports are that maybe we have to have a plan B.

Look, it matters profoundly how we end this war. It matters to our soldiers, it matters to the Iraqis, and it matters to America's future security. As I said before, I don't want my son, a captain in the Army, going to Iraq, but he will go, if called. But I also don't want my grandson going. How we leave will determine whether my grandson goes. So far this President has offered absolutely no political solution to Iraq. None.

What does he say? He says surge troops. Why? To give the Iraqis breathing room. Why? So the Iraqis will get together and form a unity government that can be trusted by all the Iraqi people to govern the nation, allowing us to leave.

Not in the lifetime of anyone on this floor, including these talented young pages, will there be a unity government in Baghdad that has the confidence of all the Iraqi people, able to

maintain security, provide opportunity, and have a stable unity government. It will not happen.

I had a proposal over a year ago—and I have been roundly criticized for it, except for the Presiding Officer and a few others—wherein I laid out—and not because I am so smart; I happen to be chairman of the Foreign Relations Committee because I have lasted longer than others—but I laid out a comprehensive proposal. What does everybody say in this body? Everybody says, in and out of Government, that there is no military solution to Iraq, only a political solution. Name me a single person who has offered a political solution, except the Senator from California, myself, and the Senator from Kansas, Mr. BROWNBACK. Name me anyone. What is the political solution? What is the political solution my friend is offering? What is it?

The political solution is that somehow the Iraqis will have an epiphany—and I know Muslims don't have epiphanies; that is a Christian thing—they will have an epiphany and all of a sudden they are going to get together, realizing what is at stake, and form this unity government that can deliver.

I met with al-Maliki last year. I have been to Iraq and Afghanistan eight times. I am heading over there again shortly. I sat with al-Maliki, and when I came back, the President asked my views. He was kind enough to ask what I thought. I said, I don't think al-Maliki has it in his bone marrow, in his heart or his brain to desire to reconcile with the Sunnis. Even if he did, he doesn't have the capacity.

What have we rested everything on here? We are about to have a report that was going to be filed this June 15, pointing out the Iraqis haven't met a single benchmark. Isn't that strange? What did we do? Every opportunity we had to help them along, we walked away from. I remember after they voted on their Constitution. I was there for the official vote, I stuck my finger in the ink that does not come off your finger. I went to the polling places. The Iraqis voted overwhelmingly for a constitution. Know what it says? I wish somebody would read it once in a while. It says, I believe it is article 1, we are a decentralized federal system. Then in articles 15, 16, 17, and 18, if I am not mistaken—this is from memory—it lays out how any 1 of the 18 governates, political subdivisions, basically, in Iraq can become a region, vote for their own constitution, and have their own local security. It also implies there will be an allocation of the oil resources through a constitutional amendment.

I remember immediately after that vote, coming back from my third or fourth trip, then meeting with the administration and saying: What are you going to do? And being told: Oh, it is too premature to push any of that. I said: Whoa, let me get this straight. How are you going to bring these folks together unless you help them implement the Constitution? No, no, too tough now—too tough.

This administration has not made, when given a choice, a single correct decision on Iraq. Hear me. That is a bold statement. I cannot think of a single decision when they have been faced with a choice that they have made the right choice. I cannot think of one. Way back, when the President asked me why I was calling for Rumsfeld's resignation, and the Vice President was in the room, in the Oval Office, I said: With all due respect, Mr. President, Mr. Vice President, if, Mr. Vice President, you were not a constitutional officer, I would call for your resignation too. He looked at me and said: Why? I said: Because, Mr. President, name me one piece of advice either Rumsfeld or CHENEY have given you in Iraq that has turned out to be right. Name me one. One. One. It is not about retribution, Mr. President, it is about competence. If all the advice you have been given is bad, don't you think it is a good idea to look for new advice—new advisers?

Look, I believe there is a comprehensive strategy to end this war responsibly and it has three parts. First, is a roadmap to bring most of our troops out and home by early next year. Two, is a detailed plan for what we leave behind, a political solution. Three, is the commitment that so long as there is a single American—a single American soldier—in Iraq, we should do everything in our power to protect them.

Let me go through this very briefly. First, bringing our troops home. Instead of escalating the war with no end in sight, we have to start to bring our troops home now and withdraw most by next year. This was the Baker-Hamilton recommendation.

The PRESIDING OFFICER. I wish to remind the Senator that we had an order to recess after him speaking for 10 minutes. What is the pleasure of the Senator?

Mr. BIDEN. Madam President, I ask unanimous consent to proceed for 10 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered, and then we will recess for the lunch hour.

Mr. BIDEN. If we don't start bringing home combat forces within the next few months, get them out of the midst of a civil war, we will have so soured the American people on the ability to do even the things that need be done that this President and the next President will be left with absolutely no option—absolutely no option—but to withdraw totally from that area and let the chips fall where they may.

You know, that is exactly what we started to propose, the Senator from California and others, Senator LEVIN, in the Biden-Hagel-Snowe-Levin resolution opposing the surge back in January and of the Biden-Levin provision in the Iraqi supplemental bill, the very thing the President vetoed. The common denominator in all these efforts has been to transition our troops to a more limited mission so we can start to bring them home and set the groundwork for being able to leave behind a political solution.

That is exactly what Senator LEVIN is doing today. He is taking the Biden-Levin amendment, now called the Levin-Reed amendment, and he is going back at it. I compliment him for it because we have to keep pushing in order to change the minds of our Republican friends by keeping pressure on them to start to vote for the troops and not the President.

The second thing is getting our troops out of Iraq is necessary, but it is not sufficient. We also need a plan for what we are going to leave behind so we don't trade a dictator for chaos. What happens matters and how it happens. About everyone agrees there is no purely military solution. A political solution. Our plan is getting more bipartisan support—the so-called Biden-Brownback-Boxer-Hutchison-Nelson-Smith amendment—and that is we recognize the fundamental problem in Iraq is the self-sustaining cycle of sectarian violence.

I would respectfully suggest that history shows these cycles of sectarian violence end in only one of four ways. One, a bloodletting that leaves one side victorious and both sides exhausted. In the case of Iraq, that would take years, and I believe it would generate a Sunni-Shia revival of hatred from the Mediterranean to the Himalayas.

Second, is an open-ended foreign occupation for a generation or more. That is not in America's DNA. It is not what we do. We are not the Ottoman Empire.

Third, a return to a strong man, one who is not on the horizon. Even if there were, wouldn't it be the ultimate tragic irony that the United States replaced Saddam Hussein with another dictator?

The fourth way they have ended is a political agreement to form a decentralized federal government that separates the warring factions, gives them breathing room in their own regions. That is what we did a decade ago in Bosnia. We have had over 24,000 NATO troops there for 10 years and not one has been killed. The sectarian violence has stopped, the genocide is over, and they are trying to become part of Europe. The plan we put forward has five pieces. I will not take the time to go into it now, but one is in order to maintain a unified Iraq we have to decentralize it, with a limited central government that has common concerns of guarding the border and distributing oil revenues.

Second, we have to secure support from the Sunnis by giving them a guaranteed piece of the oil revenues because they have nothing in that triangle.

Third, we have to increase, not diminish, aid to rebuild that country, and we should look to the gulf states who have an overwhelming interest and overflow of dollars to do that.

Fourth, since we have lost all credibility in the region, this has to be a consequence, this idea—it has to have an international imprimatur on it. It must come out of the Security Council. They must call an international conference. It must involve the stamp of the United Nations and a regional conference, where the international community pursues this—and they are ready to do it. I will not take the time to go into why.

Last, we have to begin to draw down. We have to have military plans to draw down our combat forces by 2008, leaving behind a small force to take on terrorists and train Iraqis, assuming there is a political settlement. If there is no political settlement, mark my words, the public will insist they all come home. If they come home it means everything comes home. The idea that we are going to be able to leave an embassy there with thousands of people without 10,000 or more American soldiers to guard it is a joke. If we fail to make federalism work, if there is no political accommodation at the center, violent resistance will increase, the sectarian cycle of revenge will continue to spiral out of control, and we will not have this country break into three neat pieces. You will watch it fragment into multiple pieces, creating incredible difficulties for the entire region.

The Bush administration, though, has another vision. Their vision for Iraq, their entire premise, as I said, is based on a fundamentally flawed premise that they can build a competent, popular, supported government based upon a consensus among the three parties, and it reside in Baghdad. That is the central flaw in their strategy. It cannot be sustained. The hard truth is that absent a foreign occupation or a dictator, Iraq cannot be run from the center. The sooner we understand that, as Secretary Kissinger does and all the people quoted today—the sooner we understand that, the faster we will get this thing resolved and the fewer American casualties there will be.

The last part of this strategy is, so long as we have a single soldier in Iraq, it is our most sacred responsibility to give him or her the best protection this country can provide. Two months ago I called upon the President and Secretary Gates to make building of Mine Resistant Ambush Protected vehicles, so-called MRAPs, the Nation's top priority. Roadside bombs are responsible for 70 percent of the 25,000-plus injuries and 70 percent of the roughly 3,600 deaths. It is hard to keep count, unfortunately; 70 percent. Yet if we transition our troops from those flat-bottomed, up-armored HMMWVs to these V-shaped-bottom MRAPs, the facts show that somewhere between 66 percent and 80 percent of the casualties will be avoided.

An article on the front page of USA Today last Friday pointed out a military person saying if we built these when we were supposed to, there would be, I think, 731 fewer deaths.

These are our sons, our daughters, not somebody else's—all of ours. These are the people. These are the kite strings upon which our whole national ambition is lifted aloft. What are we doing? What are we doing? We are spending $10 billion a month in Iraq, and I get push-back for wanting to spend $20 billion to build these vehicles? I find it obscene.

I fought to front load money in the emergency spending bill for these vehicles. As a result we will get 2,500 more of these vehicles to Iraq by the end of the year than we otherwise would have. That is why I voted for the bill.

But I also insisted that the administration tell us by June 15 whether it would need even more of these vehicles so that we make sure the money is there to get them built.

Last week the Army concluded that it would need seven times the number of mine-resistant vehicles it had originally requested—some 17,700, up from 2,500. When you factor in all the service requests, the total need for mine-resistant vehicles jumps from the 7,774 vehicles now planned to nearly 23,000 vehicles.

But the Joint Chiefs have not yet made the Army request a ''clear and urgent'' requirement.

And there is no plan to budget for and build these vehicles over the next 6 months, as well as proven technology that protects against so-called explosively formed projectiles—EFP—that strike from the side.

We need a commitment from the administration—now—to build every last one of these vehicles as soon as possible.

We can't wait till next year or the year after. Our men and women on the front lines need them now.

I will offer an amendment to the Defense bill to make it clear—with absolutely no ambiguity—that Congress will provide every dollar needed and every authority necessary to build these vehicles as quickly as possible.

Every day we delay is another life lost.

The war in Iraq must end. That is what the American people want. And that is where America's interests lie.

I conclude by saying that in Congress we have a tremendous responsibility to turn the will of the American people into a practical reality. It is long past time we meet this responsibility head on, and it is long past time our Republican colleagues join us in what I believe they know to be right—forcing this President to radically change course in Iraq.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 this afternoon.

Thereupon, the Senate, at 1:06 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent the pending amendment be laid aside so that an amendment by Senator SPECTER and myself be in order for discussion, with the understanding that then that amendment will eventually be set aside so we can go back to the prior amendment.

Mr. BROWNBACK. I object on behalf of another Senator.

The PRESIDING OFFICER. Objection is heard.

Mr. LEAHY. I withdraw my request, but I would note that the Senate this week is considering the National Defense Authorization Act. Senator SPECTER and I will introduce an amendment at such a point as we do not receive objection from the Republican side. What we will introduce will be the Habeas Corpus Restoration Act of 2007.

I want to, first and foremost, thank and actually praise Senator SPECTER for his strong and consistent leadership on this issue. It is not just leadership this year, it has been leadership in past years. I hope all Senators, both Republicans and Democrats, join us in restoring basic American values and the rule of law while making our Nation stronger.

Last year, Congress committed a historic mistake by suspending the great writ of habeas corpus. They did this not only for those confined at Guantanamo Bay but for millions of people who are legally residents in the United States.

We held a hearing on this, the Senate Judiciary Committee did, in May. That hearing illustrated broad agreement among people of very diverse political views and backgrounds, that the mistake committed in the Military Commissions Act of 2006 has to be corrected. The Habeas Corpus Restoration Act of 2007 has 25 cosponsors, and the Senate Judiciary Committee passed it last month with a bipartisan vote.

Habeas corpus was recklessly undermined in last year's Military Commissions Act. Like the internment of Japanese Americans during World War II, the elimination of habeas rights was an action driven by fear, and it has been a stain on America's reputation in the world. In many places around the world where we had been so admired in the past, they have asked why would America turn its back on one of its most basic rights.

We are at a time of testing. Future generations will look back to examine the choices we made during a time when security was too often invoked as a watchword to convince us to slacken our defense of liberty and the rule of law.

The great writ of habeas corpus is the legal process that guarantees an

opportunity to go to court and challenge the abuse of power by the Government. It is enshrined in the Constitution, and as stalwart a Republican conservative as Justice Antonin Scalia has recently referred to it as ''the very core of liberty secured by our Anglo-Saxon system of separation of powers.''

The Military Commissions Act rolled back these protections by eliminating that right permanently for any non-citizen labeled an enemy combatant. In fact, a detainee does not have to be found to be an enemy combatant; it is enough for the Government to pick up someone, hold that person with no charges, and say: They are awaiting determination. When we make up our mind this year, or next year, or 10 years from now, then we may label them an enemy combatant. In the meantime, they do not even have the power to say to a court: They picked up the wrong guy. They don't even have my name right. They picked me up by mistake. You can't even do that.

Is this America? Is this America?

The sweep of this habeas provision goes far beyond the few hundred detainees currently held at Guantanamo Bay, and it includes an estimated 12 million lawful permanent residents in the United States today. Under this law, the people who can be picked up are people who work and pay taxes, who abide by our laws, and should be entitled to fair treatment.

Under this law, any of these people can be detained forever without any ability to challenge their detention in court. Stanford Professor Mariano-Florentino Cuellar called this an issue about which the Latino community, which encompasses so many of the Nation's legal permanent residents, must be concerned.

Giving the Government such raw, unfettered power should concern every American. Since last fall, I have been describing a nightmare scenario about a hard-working, legal permanent resident who makes an innocent donation to, among other charities, a Muslim charity, that the Government secretly suspects of ties to terrorism. I suggested that on the basis of this donation, and perhaps a report of suspicious behavior of an overzealous neighbor or a cursory review of library records, this permanent resident can be brought in for questioning, can be denied a lawyer, and confined indefinitely. Such a person would have no recourse in the courts for years, or for decades, or forever.

When I said this, some people thought this nightmare scenario was fanciful. I wish it were, but it was not. In November that scenario was confirmed by our Department of Justice in a legal brief submitted in a Federal court in Virginia. They asserted that the Military Commissions Act allows the Government to detain any non-citizen designated an enemy combatant without giving that person any ability to challenge his detention in court. This is true, the Justice Department said, even for someone arrested and imprisoned in the United States. In other words, we could do what we always condemned other countries for doing, countries behind the then-Iron Curtain, where they would pick up somebody, hold them indefinitely, and that person had no recourse in court.

Rightly so, Republican and Democratic Presidents condemned those countries for doing that. Now we have given ourselves the same power. The Washington Post wrote that the brief ''raises the possibility that any of the millions of immigrants living in the United States could be subject to indefinite detention if they are accused of ties to terrorist groups.'' I might add, this accusation can be totally erroneous.

This is wrong; it is unconstitutional. But more than that, it is truly un-American. It is designed to ensure that the Bush-Cheney administration will never again be embarrassed by court decisions that review their unlawful abuses of power.

The conservative Supreme Court, with seven of its nine members appointed by Republican Presidents, has been the only check in this administration's lawlessness. The Supreme Court and other conservative Federal courts, and recently even military judges, have repeatedly overturned the lawless systems set up by this administration governing detainees. Many have hoped the courts will come to the rescue again on the issue of habeas corpus. With the continued drift of the Supreme Court toward endorsing greater executive power, we cannot count on the intervention of this conservative, activist court. Besides, are we going to pass the buck? Congress cannot and must not outsource its moral responsibility.

We all want to make America safe from terrorism. We come to work proudly every day, in a building that was targeted by those criminals who hijacked planes on 9/11. We do not hesitate to come to work here. We do it proudly. I implore those who support this change to think about whether eliminating habeas corpus truly makes America safe from the world. Does it make us any safer in this building? Does it comport with the values and liberties and legal traditions we hold most dear?

Top conservative thinkers such as Professor Richard Epstein and David Keene, head of the American Conservative Union, agree this change betrays centuries of legal tradition and practice. Professor David Gushee, head of Evangelicals for Human Rights, submitted a declaration calling the elimination of habeas rights and related changes ''deeply lamentable'' and ''fraught with danger to basic human rights.''

GEN Colin Powell recently advocated habeas corpus rights for detainees, asking:

> Isn't that what our system's all about?

General Powell has it right.

But probably the most powerful for me was the testimony of RADM Donald Guter, who was working in his office in the Pentagon as Judge Advocate General of the Navy. He was working there on September 11, 2001. He saw firsthand the effects of criminality and terrorism. He saw his colleagues killed by the plane that crashed into the Pentagon. I believe his credibility is unimpeachable when he says that denying habeas rights to detainees endangers our troops and undermines our military efforts. In testimony to the committee, Admiral Guter wrote:

> As we limit the rights of human beings, even those of the enemy, we become more like the enemy. That makes us weaker and imperils our valiant troops, serving not just in Iraq and Afghanistan, but around the globe.

The admiral was right. Whether you are an individual soldier or a great and good nation, it is difficult to defend the higher ground by taking the lower road. The world knows what our enemies stand for. The world also knows what this country has tried to stand for and live up to in the best of times but especially in the worst of times.

Now as we work to reauthorize the many programs that comprise our valiant Armed Forces, it is the right time to heed the advice of Admiral Guter and so many of our top military lawyers who tell us that eliminating basic legal rights undermines our fighting men and women, it does not make them stronger. Elimination of basic legal rights undermines, not strengthens, our ability to achieve justice.

It is from strength that America should defend our values and our way of life. It is from the strength of our freedoms and our Constitution and the rule of law that we shall prevail. I hope all in the Senate, Republican and Democrat alike, will join us in standing up for a stronger America, for the America we believe in, and support the Habeas Corpus Restoration Act of 2007.

That is why I am proud to be here with the distinguished senior Senator from Pennsylvania. We have worked together. You know, every one of us serves here only for a certain time. When we leave, we have to ask ourselves: If we had the privilege of being only 1 of 100 people to get to represent 300 million in America in this great body, what do we do to make America better? If we leave this blight—if we leave this blight—on our laws, we have not made it better, we have made it weaker.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Vermont, the chairman of the Judiciary Committee, for his generous remarks. I compliment him on his leadership on the committee and for his work generally, but especially on our efforts to restore habeas corpus.

The Great Writ has been the law since 1215 for Great Britain, and it has been the law of the United States of America since the founding of the Constitution. That writ allows someone in

detention to receive evidence of a reason for detention before the detention can continue. Regrettably, the legislation in the Military Commissions Act, passed last year, eliminated the writ of habeas corpus. I offered an amendment last September, which was defeated narrowly 48 to 51, and then on December 5, 2006. Again on January 4 of this year, with the new Congress, I reintroduced legislation to bring back the writ of habeas corpus.

We have on the detainees in Guantanamo a procedure on what is called the Combat Status Review Board. The procedures there are fundamentally unfair in not establishing any colorable reason for detention. That has been demonstrated in a variety of contexts.

One which I would quote at the outset is an opinion which appears in 355 F. Supp. 443, in a case captioned ''In re Guantanamo Detainee Cases,'' where the court comments about the procedures in the case captioned ''Boumediene v. Bush.'' This involves an individual, a detainee, who was charged with associating with al-Qaida. This is what the transcript says.

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

Then the detainee goes on to comment about his inability to respond to the charges that he associated with someone from al-Qaida because he does not have any way to identify the individual with whom he was supposed to have associated. Nobody could even give him his name.

At one point the detainee comments about his difficulty in responding to a charge when there is no charge, and as the opinion says, everyone in the tribunal laughs. The court notes the laughter reflected in the transcript is understandable. This exchange might have been truly humorous had the consequences of the detainee's enemy combatant status not been so terribly serious and had the detainee's criticism of this process not been so piercingly accurate.

But here is a case reported where the Combat Status Review Board upheld detention when they could not even tell the detainee the identity of the person who was supposedly an al-Qaida person with whom he was supposed to have been associated.

There has been considerable comment about the fundamentally unfair tactics in the Combat Status Review Board, but none came into sharper focus than the declaration of LTC Stephen Abraham, who worked on the Combat Status Review Board, and who found, with some substantial detail, the process was fundamentally flawed. Results were influenced by pressure from superiors rather than based on concrete evidence.

I ask unanimous consent, Mr. President, that the text of the declaration of LTC Stephen Abraham be printed in the RECORD at the end of my remarks to permit me to abbreviate the length of this floor statement.

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

(See exhibit 1.)

Mr. SPECTER. The Court of Appeals for the District of Columbia came down with the decision in the Boumediene case saying that the act of Congress was effective in eliminating habeas corpus, but in so doing, the Court of Appeals for the District of Columbia really ignored the decision of the Supreme Court of the United States in Rasul v. Bush.

To read the opinion of the Court of Appeals, for a student of the law, is not hard to understand; it is impossible to understand. I think a fair reading of the circuit opinion, simply stated, is that they flagrantly disregarded the holding of the Supreme Court of the United States, which under our system of laws they are obligated to uphold. They analyzed Rasul and said Rasul was based on the statute providing for habeas corpus and not on the constitutional mandate that habeas corpus is a part of the Constitution of the United States.

There can be no doubt that habeas corpus is a constitutional mandate because the Constitution explicitly states that habeas corpus may be suspended only in time of invasion or rebellion, and no one contends that we have either invasion or rebellion. The opinion of Rasul is explicit.

Mr. President, I ask unanimous consent that relevant portions of the Rasul opinion be printed in the RECORD following my statement—

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

(See exhibit 2.)

Mr. SPECTER. Without taking the time to read them into the RECORD now because they are apparent on their face that the opinion by Justice Stevens goes through the chronology of the writ, starting with King John at Runnymede in 1215 and running through the adoption of the constitutional provision in the U.S. Constitution.

Now, it is true there is also a statute which provides for a writ of habeas corpus. The Court of Appeals said the portion of Justice Stevens' opinion as to the constitutional basis for habeas corpus was dictum and that the holding involved the statute. The Court of Appeals says since the holding involved the statute, the statute could be changed. It is true the statute was changed by the Congress of the United States, but the Congress of the United States, by statute, cannot change the constitutional mandate of habeas corpus.

For the Court of Appeals for the District of Columbia to say the constitutional basis for habeas corpus in Rasul was not the holding but only the statute was the holding is, simply stated, ridiculous. It is insulting to the Supreme Court of the United States for what the Court of Appeals for the District of Columbia did. Pretty harsh words, but accurate words, and I say them with respect for every court. But as a lawyer who has worked with the Constitution for a number of decades, it was hard for me to comprehend how the District of Columbia Court of Appeals could come to that conclusion. But they did. Well, I think it is about to be corrected.

There has been a curious history on the petition for a writ of certiorari to review the decision by the Court of Appeals for the District of Columbia. There were only three votes for the original petition for a writ of certiorari, which surprised people because Justice Stevens did not vote for certiorari. But, instead, he joined with Justice Kennedy in an opinion saying they would await another appeal from the Combat Status Review Board. The speculation by the analysts was that Justice Stevens was reluctant to see certiorari granted because Rasul might be overruled.

But then after the declaration of LTC Stephen Abraham appeared in the public press, there was a petition for reconsideration of the writ of certiorari. On this occasion, it was granted in a very unusual procedure. It made the front pages. I have studied the Constitution for a long time, and I did not know that a petition for reconsideration on a writ of certiorari takes five votes. Perhaps my distinguished colleague from Vermont knew that. I asked that question of quite a few lawyers. I have not found one yet, and some very learned in constitutional law who knew if you petition for reconsideration on a writ of certiorari, it takes five votes.

Mr. LEAHY. Mr. President, if the Senator will yield on that point, when I saw that in the press I went and looked it up too. It was a surprise to me. It will be interesting to see what might come out of it, but I think it goes back, though, to what the Senator and I have talked about. We should not have to be bucking this to the Supreme Court for them to decide. We should correct the error here.

I will be leaving the floor at this moment, Mr. President, but I want to assure the Senator from Pennsylvania, when they do allow our amendment to come up, I will be here with him proudly side by side on this issue. We can correct what otherwise would become a historic mistake. With his help, his leadership, we will do that.

Mr. SPECTER. Mr. President, I thank my colleague from Vermont for those comments. I do not think there is a more important issue to come before this body. What happens in Iraq, obviously, is of enormous importance. But if we lose the basic fundamental rights to require evidence before somebody is held in detention, if we lose the right of habeas corpus, it is a very sad day in America.

But, in any event, now the Supreme Court of the United States has granted certiorari in the Boumediene case. The speculation is that Justice Kennedy was the fifth vote, along with Justice Stevens. They do not tell you who the

five votes are, but we know there were three votes initially from Justice Souter and Justice Breyer and Justice Ginsburg granting it, voting to grant certiorari before, and Justice Stevens and Justice Kennedy writing a separate opinion, and the other four Justices voting to deny certiorari.

So I think this case is headed to the Supreme Court of the United States for reversal by the opinion by the Court of Appeals for the District of Columbia. But I believe the Congress should act in the interim. That is why Senator LEAHY and I are pressing this issue on the Department of Defense authorization bill. I hope it will not be cited as grounds for veto if we are successful in putting this amendment through. We cannot offer it yet because there is an amendment pending, and the request to set the amendment aside, which requires unanimous consent, was objected to. But this is a very important amendment. The procedures in Guantanamo under the Combat Status Review Board are woefully inadequate, do not satisfy the requirements of the Supreme Court of the United States in having a collateral proceeding which is adequate to protect the rights of someone who is in detention. So when we are permitted to offer the amendment, we will do so. But I ask my colleagues to consider the background as to what has happened here, the importance of it and its abrogation, what is happening with Guantanamo, the disrepute there, and what is happening with the Combat Status Review Board so that the Congress can correct what I consider to be an error made last year and stand up and not await a decision by the Supreme Court of the United States.

I thank the Chair, and I yield the floor.

EXHIBIT 1

DECLARATION OF STEPHEN ABRAHAM, LIEUTENANT COLONEL, UNITED STATES ARMY RESERVE, JUNE 15, 2007

I, Stephen Abraham, hereby declare as follows:

1. I am a lieutenant colonel in the United States Army Reserve, having been commissioned in 1981 as an officer in Intelligence Corps. I have served as an intelligence officer from 1982 to the present during periods of both reserve and active duty, including mobilization in 1990 (''Operation Desert Storm'') and twice again following 9-11. In my civilian occupation, I am an attorney with the law firm Fink & Abraham LLP in Newport Beach, California.

2. This declaration responds to certain statements in the Declaration of Rear Admiral (Retired) James M. McGarrah (''McGarrah Dec.''), filed in *Bismullah* v. *Gates*, No. 06–1197 (D.C. Cir.). This declaration is limited to unclassified matters specifically related to the procedures employed by Office for the Administrative Review of the Detention of Enemy Combatants (''OARDEC'') and the Combatant Status Review Tribunals (''CSRTs'') rather than to any specific information gathered or used in a particular case, except as noted herein. The contents of this declaration are based solely on my personal observations and experiences as a member of OARDEC. Nothing in this declaration is intended to reflect or represent the official opinions of the Department of Defense or the Department of the Army.

3. From September 11, 2004 to March 9, 2005, I was on active duty and assigned to OARDEC. Rear Admiral McGarrah served as the Director of OARDEC during the entirety of my assignment.

4. While assigned to OARDEC, in addition to other duties, I worked as an agency liaison, responsible for coordinating with government agencies, including certain Department of Defense (''DoD'') and non-DoD organizations, to gather or validate information relating to detainees for use in CSRTs. I also served as a member of a CSRT, and had the opportunity to observe and participate in the operation of the CSRT process.

5. As stated in the McGarrah Dec., the information comprising the Government Information and the Government Evidence was not compiled personally by the CSRT Recorder, but by other individuals in OARDEC. The vast majority of the personnel assigned to OARDEC were reserve officers from the different branches of service (Army, Navy, Air Force, Marines) of varying grades and levels of general military experience. Few had any experience or training in the legal or intelligence fields.

6. The Recorders of the tribunals were typically relatively junior officers with little training or experience in matters relating to the collection, processing, analyzing, and/or dissemination of intelligence material. In no instances known to me did any of the Recorders have any significant personal experience in the field of military intelligence. Similarly, I was unaware of any Recorder having any significant or relevant experience dealing with the agencies providing information to be used as a part of the CSRT process.

7. The Recorders exercised little control over the process of accumulating information to be presented to the CSRT board members. Rather, the information was typically aggregated by individuals identified as case writers who, in most instances, had the same limited degree of knowledge and experience relating to the intelligence community and intelligence products. The case writers, and not the Recorders, were primarily responsible for accumulating documents, including assembling documents to be used in the drafting of an unclassified summary of the factual basis for the detainee's designation as an enemy combatant.

8. The information used to prepare the files to be used by the Recorders frequently consisted of finished intelligence products of a generalized nature—often outdated, often ''generic,'' rarely specifically relating to the individual subjects of the CSRTs or to the circumstances related to those individuals' status.

9. Beyond ''generic'' information, the case writer would frequently rely upon information contained within the Joint Detainee Information Management System (''JDIMS''). The subset of that system available to the case writers was limited in terms of the scope of information, typically excluding information that was characterized as highly sensitive law enforcement information, highly classified information, or information not voluntarily released by the originating agency. In that regard, JDIMS did not constitute a complete repository, although this limitation was frequently not understood by individuals with access to or who relied upon the system as a source of information. Other databases available to the case writer were similarly deficient. The case writers and Recorders did not have access to numerous information sources generally available within the intelligence community.

10. As one of only a few intelligence-trained and suitably cleared officers, I served as a liaison while assigned to OARDEC, acting as a go-between for OARDEC and various intelligence organizations. In that capacity, I was tasked to review and/or obtain information relating to individual subjects of the CSRTs. More specifically, I was asked to confirm and represent in a statement to be relied upon by the CSRT board members that the organizations did not possess ''exculpatory information'' relating to the subject of the CSRT.

11. During my trips to the participating organizations, I was allowed only limited access to information, typically prescreened and filtered. I was not permitted to see any information other than that specifically prepared in advance of my visit. I was not permitted to request that further searches be performed. I was given no assurances that the information provided for my examination represented a complete compilation of information or that any summary of information constituted an accurate distillation of the body of available information relating to the subject.

12. I was specifically told on a number of occasions that the information provided to me was all that I would be shown, but I was never told that the information that was provided constituted all available information. On those occasions when I asked that a representative of the organization provide a written statement that there was no exculpatory evidence, the requests were summarily denied.

13. At one point, following a review of information, I asked the Office of General Counsel of the intelligence organization that I was visiting for a statement that no exculpatory information had been withheld. I explained that I was tasked to review all available materials and to reach a conclusion regarding the non-existence of exculpatory information, and that I could not do so without knowing that I had seen all information.

14. The request was denied, coupled with a refusal even to acknowledge whether there existed additional information that I was not permitted to review. In short, based upon the selective review that I was permitted, I was left to ''infer'' from the absence of exculpatory information in the materials I was allowed to review that no such information existed in materials I was not allowed to review.

15. Following that exchange, I communicated to Rear Admiral McGarrah and the OARDEC Deputy Director the fundamental limitations imposed upon my review of the organization's files and my inability to state conclusively that no exculpatory information existed relating to the CSRT subjects. It was not possible for me to certify or validate the non-existence of exculpatory evidence as related to any individual undergoing the CSRT process.

16. The content of intelligence products, including databases, made available to case writers, Recorders, or liaison officers, was often left entirely to the discretion of the organizations providing the information. What information was not included in the bodies of intelligence products was typically unknown to the case writers and Recorders, as was the basis for limiting the information. In other words, the person preparing materials for use by the CSRT board members did not know whether they had examined all available information or even why they possessed some pieces of information but not others.

17. Although OARDEC personnel often received large amounts of information, they often had no context for determining whether the information was relevant or probative and no basis for determining what additional information would be necessary to establish a basis for determining the reasonableness of any matter to be offered to the CSRT board

members. Often, information that was gathered was discarded by the case writer or the Recorder because it was considered to be ambiguous, confusing, or poorly written. Such a determination was frequently the result of the case writer or Recorder's lack of training or experience with the types of information provided. In my observation, the case writer or Recorder, without proper experience or a basis for giving context to information, often rejected some information arbitrarily while accepting other information without any articulable rationale.

18. The case writer's summaries were reviewed for quality assurance, a process that principally focused on format and grammar. The quality assurance review would not ordinarily check the accuracy of the information underlying the case writer's unclassified summary for the reason that the quality assurance reviewer typically had little more experience than the case writer and, again, no relevant or meaningful intelligence or legal experience, and therefore had no skills by which to critically assess the substantive portions of the summaries.

19. Following the quality assurance process, the unclassified summary and the information assembled by the case writer in support of the summary would then be forwarded to the Recorder. It was very rare that a Recorder or a personal representative would seek additional information beyond that information provided by the case writer.

20. It was not apparent to me how assignments to CSRT panels were made, nor was I personally involved in that process. Nevertheless, I discerned the determinations of who would be assigned to any particular position, whether as a member of a CSRT or to some other position, to be largely the product of ad hoc decisions by a relatively small group of individuals. All CSRT panel members were assigned to OARDEC and reported ultimately to Rear Admiral McGarrah. It was well known by the officers in OARDEC that any time a CSRT panel determined that a detainee was not properly classified as an enemy combatant, the panel members would have to explain their finding to the OARDEC Deputy Director. There would be intensive scrutiny of the finding by Rear Admiral McGarrah who would, in turn, have to explain the finding to his superiors, including the Under Secretary of the Navy.

21. On one occasion, I was assigned to a CSRT panel with two other officers, an Air Force colonel and an Air Force major, the latter understood by me to be a judge advocate. We reviewed evidence presented to us regarding the recommended status of a detainee. All of us found the information presented to lack substance.

22. What were purported to be specific statements of fact lacked even the most fundamental earmarks of objectively credible evidence. Statements allegedly made by percipient witnesses lacked detail. Reports presented generalized statements in indirect and passive forms without stating the source of the information or providing a basis for establishing the reliability or the credibility of the source. Statements of interrogators presented to the panel offered inferences from which we were expected to draw conclusions favoring a finding of ''enemy combatant'' but that, upon even limited questioning from the panel, yielded the response from the Recorder, ''We'll have to get back to you.'' The personal representative did not participate in any meaningful way.

23. On the basis of the paucity and weakness of the information provided both during and after the CSRT hearing, we determined that there was no factual basis for concluding that the individual should be classified as an enemy combatant. Rear Admiral McGarrah and the Deputy Director immediately questioned the validity of our findings. They directed us to write out the specific questions that we had raised concerning the evidence to allow the Recorder an opportunity to provide further responses. We were then ordered to reopen the hearing to allow the Recorder to present further argument as to why the detainee should be classified as an enemy combatant. Ultimately, in the absence of any substantive response to the questions and no basis for concluding that additional information would be forthcoming, we did not change our determination that the detainee was not properly classified as an enemy combatant. OARDEC's response to the outcome was consistent with the few other instances in which a finding of ''Not an Enemy Combatant'' (NEC) had been reached by CSRT boards. In each of the meetings that I attended with OARDEC leadership following a finding of NEC, the focus of inquiry on the part of the leadership was ''what went wrong.''

24. I was not assigned to another CSRT panel.

I hereby declare under the penalties of perjury based on my personal knowledge that the foregoing is true and accurate.

STEPHEN ABRAHAM.

EXHIBIT 2

(CITE AS: 542 U.S. 466, 124 S.CT. 2686

[1] Congress has granted federal district courts, ''within their respective, jurisdictions,'' the authority to hear applications for habeas corpus by any person who claims to be held ''in custody in violation of the Constitution or laws or treaties of the United States.'' 28 U.S.C. §§2241(a), (c)(3). The statute traces its ancestry to the first grant of federal-court jurisdiction: Section 14 of the Judiciary Act of 1789 authorized federal courts to issue the writ of habeas corpus to prisoners who are ''in custody, under or by colour of the authority of the United States, or are committed for trial before some court of the same.'' Act of Sept. 24, 1789, ch. 20, §14, 1 Stat. 82. In 1867, Congress extended the protections of the writ to ''all cases where any person may be restrained of his or her liberty in violation of the constitution, or of any treaty or law of the United States.'' Act of Feb. 5, 1867, ch.28, 14 Stat. 385. See *Felker* v. *Turpin*, 518 U.S. 651, 659–660, 116 S.Ct. 2333, 135 L.Ed.2d 827 (1996).

Habeas corpus, is, however, ''a writ antecedent to statute, * * * throwing its root deep into the genius of our common law.'' *Williams* v. *Kaiser*, 323 U.S. 471, 484, n. 2, 65 S.Ct. 363, 89 L.Ed. 398 (1945) (internal. quotation marks omitted). The writ appeared in English law several centuries ago, became ''an integral part of our common-law heritage'' by the time the *474 Colonies achieved independence, *Preiser* v. *Rodriguez*, 411 U.S. 475, 485, 93 S.Ct. 1827, 36 L.Ed.2d 439 (1973), and received explicit recognition in the Constitution, which forbids suspension of ''[t]he Privilege of the Writ of Habeas Corpus * * * unless when in Cases of Rebellion or Invasion the public Safety may require it,'' Art. I, §9, cl. 2.

As it has evolved over the past two centuries, the habeas statute clearly has expanded habeas corpus ''beyond the limits that obtained during the 17th and 18th centuries.'' *Swain* v. *Pressley*, 430 U.S. 372, 380, n. 13, 97 S.Ct. 1224, 51 L.Ed.2d 411 (1977). But ''[a]t its historical core, the writ of habeas corpus has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest.'' *INS* v. *St. Cyr*, 533 U.S. 289, 301, 121 S.Ct. 2271, 150 L.Ed.2d 347 (2001). See also *Brown* v. *Allen*, 344 U.S. 443, 533, 73 S.Ct. 397, 97 L.Ed. 469 (1953) (Jackson, J., concurring in result) (''The historic purpose of the writ has been to relieve detention by executive authorities without judicial trial''). As Justice Jackson wrote in an opinion respecting the availability of habeas corpus to aliens held in U.S. custody:

''Executive imprisonment has been considered oppressive and lawless since John, at Runnymede, pledged that no free man should be imprisoned, dispossessed, outlawed, or exiled save by the judgment of his peers or by the law of the land. The judges of England developed the writ of habeas corpus largely to preserve these immunities from executive restraint.'' *Shaughnessy* v. *United States ex rel. Mezei*, 345 U.S. 206, 218–219, 73 S.Ct. 625, 97 L.Ed. 956 (1953) (dissenting opinion).

Consistent with the historic purpose of the writ, this Court has recognized the federal courts' power to review applications for habeas relief in a wide variety of cases involving executive detention, in wartime **2693 as well as in times of peace. The Court has, for example, entertained the habeas petitions of an American citizen who plotted an attack on military installations during the Civil War, Ex parte *475 *Milligan*, 4 Wall. 2, 18 L.Ed. 281 (1866), and of admitted enemy aliens convicted of war crimes during a declared war and held in the United States, *Ex parte Quirin*, 317 U.S. 1, 63 S.Ct. 2, 87 L.Ed. 3 (1942), and its insular possessions, *In reo Yamashita*, 327 U.S. 1, 66 S.Ct. 340, 90 L.Ed. 499 (1946).

The question now before us is whether the habeas confers a right to judicial review of the legality of executive detention of aliens in a territory over which the United States exercises plenary and exclusive jurisdiction, but not ''ultimate sovereignty.''

Application of the habeas statute to persons detained at the base is consistent with the historical reach of the writ of habeas corpus. At common law, courts exercised habeas jurisdiction over the claims of aliens detained within sovereign territory of the realm, [FN11] as well as the claims of **2697 persons *482 detained in the so-called ''exempt jurisdictions,'' where ordinary writs did not run, [FN12] and all other dominions under the sovereign's control. [FN13] As Lord Mansfield wrote in 1759, even if a territory was ''no part of the realm,'' there was ''no doubt'' as to the court's power to issue writs of habeas corpus if the territory was ''under the subjection of the Crown.'' *King* v. *Cowle*, 2 Burr. 834, 854–855, 97 Eng. Rep. 587, 598–599 (K.B.). Later cases confirmed that the reach of the writ depended not on formal notions of territorial sovereignty, but rather on the practical question of ''the exact extent and nature of the jurisdiction or dominion exercised in fact by the Crown.'' *Ex parte Mwenya*, [1960] 1 Q.B. 241, 303 (C.A.) (Lord Evershed, M. R.).

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I rise today in support of and as a cosponsor of amendment No. 2012. I salute Senator WEBB and my colleagues who joined in this effort which would set a standard for how much time our troops get at home between deployments. We owe it to our troops and to our families to have a rational and reasonable troop rotation policy that allows our fighting forces to be at their best.

The ever-quickening operational tempo over the last 4 years of combat in Iraq and Afghanistan has stretched our military beyond reason and endangered our national security. Continuing to shorten the time our troops

are able to spend at home while extending deployments is simply not a sustainable policy. It is bad for operational readiness, it is bad for retention, it is bad for morale, and it is bad for the health of our military members and their families. We must do better to protect our national security, and this amendment moves us in the right direction.

In the time I have spent with our servicemembers in Iraq and Afghanistan, at Fort Carson and at the many military installations around Colorado, I have always found our servicemembers to be serving proudly and honorably. They rarely look at you and talk about the sacrifices they are being asked to make or of the effects that failed policies are having on them and on their families. But you can still see in their eyes the evidence of the strain that the operational tempo is placing on them and on their families. You see the strain at installations all around the country.

In my State at Fort Carson where I have visited often over the last several years, the families of the 2nd Brigade of the 2nd Infantry Division learned earlier this year that their soldiers' tours of duty in Iraq are being extended by 3 months, so that they will stay in the theater for a total of 15 months rather than the 12 months they anticipated when they went to Iraq. The 2nd Brigade is currently today in a block-by-block battle with insurgents in eastern Baghdad. The 2nd Brigade lost 6 soldiers over the Fourth of July week, and they have lost 37 since they arrived in Iraq last October. The brigade was supposed to be returning this fall. They were supposed to be returning this fall, but now it will be winter before they might be able to come home.

The 3rd Brigade, also at Fort Carson, returned from Iraq late last fall after a full year deployment. They could well be sent back to Iraq before they have the time they need here to recuperate, to train, and to prepare for a new deployment. They deserve some consistency and certainty in their deployment cycle.

We see the impacts of the current operational tempo in our Guard and Reserve units as well. We have come to rely on the Guard and Reserve to an unprecedented degree in Iraq. At one point in 2005, the Army National Guard contributed nearly half of the combat brigades on the ground in Iraq. These troops, once thought of as ''weekend warriors,'' have been shouldering burdens similar to their Active-Duty counterparts and are facing the same extended deployments and the same shortened time at home.

We are quickly learning about the impacts of this operational tempo on the health and well-being of our troops. The impacts and the facts here are beyond dispute. A study at Fort Carson showed that around 18 percent of returning soldiers had traumatic brain injuries. These are soldiers who have come back to Fort Carson after having served in Iraq. They need time to recover from those injuries. A recent service-wide report of the DOD's Task Force on Mental Health showed that 38 percent of soldiers, 31 percent of marines, and 49 percent of the National Guard report psychological problems following combat deployments. The prevalence of psychological problems increases with increased frequency of deployment and with longer deployments. Our troops need more time at home to recuperate and readjust with their families.

Amendment No. 2012 is a sensible and much needed rotation policy for our troops. I can think of no better author for this amendment than Senator JIM WEBB who has had a long and storied history of service to our country and who has an intimate understanding of the military and knowing what it takes to have a strong military for the United States of America.

For our regular forces, the amendment requires that if a unit or a member is deployed to Iraq or Afghanistan, they will have equal time at home before being redeployed. That is to say, if they are deployed for 6 months, they must be at home for at least 6 months before being sent back into combat. For the National Guard and Reserve, no unit or member could be redeployed to Iraq or Afghanistan within 3 years of their previous deployment.

The amendment includes an important provision that I hope my colleagues on the other side of the aisle pay attention to. It is an important provision that allows the President to waive these limitations. The President can waive these limitations if he certifies to Congress that the deployment is necessary in response to an operational emergency posing a vital threat to the national security of the United States of America. So the President can waive the requirements of this readiness legislation we are proposing in the Chamber today. Another waiver would authorize the Chief of Staff of each branch to approve requests by volunteers to deploy.

This is an amendment which supports our troops and their families who have been called upon to make ever-increasing sacrifices in the course of this war. It is an amendment which I ask my colleagues to support and which I hope we will pass on behalf of our troops and their families.

I wish to conclude by simply stating my appreciation to the leaders who have put together the DOD authorization legislation which is before the Senate. The Senator from Michigan, the chairman of the Armed Services Committee, CARL LEVIN, is often referred to by me and I know many of the Members of this Chamber, as a Senator's Senator because he is one of those people who are here for absolutely the right reason—their devotion to this country. His standing up for our military is something which is a great example of a Senator who puts purpose above the politics that sometimes typify Washington perhaps too much of the time. He, in his work with the distinguished Senator from Virginia, Mr. WARNER, who was also the key coauthor of this legislation, exemplifies the best of what there is here in this Senate Chamber. I just wanted to publicly state my appreciation to Senator LEVIN and his staff and to Senator WARNER and his staff for the great work they have done on this legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks time?

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, first let me thank my dear friend, Senator SALAZAR, for his comments. They are particularly meaningful coming from somebody who as much as anybody in this body strives to bring Members together in common causes. I want to tell him how grateful I am for his comments but also, even more importantly, how grateful we all are for the effort he makes to cross the aisle and bring Senators together on important issues of the day.

Last night, I was not able to be present when our bill came to the floor. I was chairing a subcommittee meeting which I could not leave. I asked a number of colleagues on the Armed Services Committee if they could fill in for me, and very graciously and, as always, very competently, Senators BEN NELSON and BILL NELSON fulfilled that role and responded to that request, and I am very grateful to them for having done so. I wasn't able then to present the bill, as a bill of this magnitude should be presented, and I will take a few minutes at this time to do that.

The Defense Authorization Act for fiscal year 2008 would fully fund the fiscal year 2008 budget request of $648.8 billion for national security activities of the Department of Defense and the Department of Energy.

The Senate Armed Services Committee has a long tradition of setting aside partisanship and working together in the interest of the national defense. That tradition has been maintained this year. I am pleased that our bill, S. 1547, was reported to the Senate on a unanimous 25-to-nothing vote of our committee. Additionally, S. 1606, the Dignified Treatment of Wounded Warriors Act, which we will be taking up either as part of this bill or as a freestanding measure, was also reported by the committee on a unanimous 25-to-nothing vote. These votes stand as a testament to the common commitment of all of our Members to supporting our men and women in uniform.

Our bill contains many important provisions that will improve the quality of life of our men and women in uniform, provide needed support and assistance to our troops on the battlefields of Iraq and Afghanistan, make the investments we need to meet the

challenges of the 21st century, and require needed reforms in the management of the Department of Defense.

The bill before us, perhaps most importantly, continues the increases in compensation and quality of life that our service men and women and their families deserve as they face the hardships imposed by continuing military operations around the world. For example, the bill contains provisions that would authorize a 3.5-percent across-the-board pay increase for all uniformed military personnel, which is a half a percent more than the administration's request. Our bill authorizes increases in the end-strength of the Army and the Marines—13,000 for the Army and 9,000 for the Marines. Our bill authorizes payment of over 25 types of bonuses and special pay aimed at encouraging the enlistment, reenlistment, and continued service by Active-Duty and Reserve military personnel. Our bill authorizes payment of combat-related special compensation to servicemembers medically retired for a combat-related disability. We reduce the cost of pharmaceuticals to Department of Defense personnel by authorizing the use of Federal pricing for pharmaceuticals dispensed through the TRICARE retail program.

The bill also includes important funding and authorities needed to provide our troops with the equipment and support they will continue to need as long as they remain in Iraq and Afghanistan. For instance, the bill contains provisions which would add $4 billion above the amount requested by the administration for Mine Resistant Ambush Protected Vehicles, so-called MRAPs, which improve protection for our troops exposed to improvised explosive devices, or IEDs. Our bill fully funds the budget request of $4.5 billion for the Joint Improvised Explosive Device Defeat Office, while directing that office to invest at least $50 million in blast injury research and over $150 million for the procurement of IED jammers for the Army.

We invest more than $70 million in research and new technologies to enhance the force protection of deployed units, including advanced materials for vehicle and body armor, active protection systems that shoot down incoming rocket-propelled grenades, and sniper detection systems. And we add $2.7 billion for items needed by the Army but not contained in the President's budget, including $775 million for reactive armor and other Stryker requirements, $207 million for aviation survivability equipment, $102 million for combat training centers, and funding for explosive ordnance disposal equipment, night-vision devices, and machine guns.

The bill would also enhance our national security by aggressively addressing the risk of proliferation of weapons of mass destruction. In this regard, the bill would increase funding over the administration's request for Department of Energy nonproliferation programs by $87 million, increase funding for the Department of Defense Cooperative Threat Reduction Program, CTR, by $100 million, eliminate funding restrictions that limit the use of CTR funds, and we expand the CTR Program to countries outside of the former Soviet Union.

The bill contains a number of provisions that will help improve the management of the Department of Defense and other Federal agencies. For example, the bill contains provisions that would establish a Chief Management Officer, finally, for the Department of Defense to provide continuous top-level attention to the high-risk management problems of the Department as recommended by the Comptroller General. I note that our Presiding Officer is a member of the committee which takes a particular interest in management issues, and the committee on which we both serve, the Homeland Security and Governmental Affairs Committee, has been interested in this subject for years, as long as probably both of us, the Presiding Officer and I, have been here together. We need a chief management officer for the Department of Defense and we would establish that office.

We would establish an acquisition workforce development fund to enable the Department of Defense to increase the size and quality of its acquisition workforce as needed to address systematic deficiencies in the Department's purchases of products and services.

We would tighten the rules for Department of Defense acquisition of major weapons systems and subsystems, components, and spare parts to reduce the risk of contract overpricing, cost overruns, and failure to meet contract schedules and performance requirements.

Our bill also contains a provision that would require increased competition in large so-called ''umbrella contracts'' awarded by the Department of Defense. The Armed Services Committee held a hearing in April on the Department of Defense's management of the $20 billion LOGCAP contract, under which KBR—until recently a subsidiary of Halliburton—has provided services to U.S. troops in the field. There is a history of highly favorable treatment of that contractor throughout this contract. For example, the company was given work that appears to have far exceeded the scope of the contract. All of this added work was provided to the contractor without competition. There were almost $2 billion of overcharges on the contract, and the contractor received highly favorable settlements on these overcharges.

When asked why the Army had waited 5 years to split the LOGCAP contract among multiple contractors so as to allow for the competition of individual task orders, the Assistant Secretary of the Army for Acquisition, Technology and Logistics responded:

I don't have a good answer for you.

The provision in our bill would avoid these kinds of abuses we get in sole-source contracts by ensuring that future contracts of this type provide for the competition of task and delivery orders unless there is a compelling reason not to do so.

There are far too many provisions in the bill to describe all of them, but there are a few more I wish to put some focus on.

Section 1023 of the bill would protect our troops, uphold our values, and help restore our image around the world by providing a fair process for reviewing the status of the Department of Defense detainees at Guantanamo and elsewhere. This provision would require for the first time that long-held detainees receive legal representation, provide for legal rulings to be made by military judges, and prohibit the use of coerced statements.

Section 871 of the bill would require the Department of Defense to provide much-needed regulation for contractors operating on the battlefield in Iraq and Afghanistan. Over the past 4 years, contractor employees have frequently fired weapons at people and property in Iraq—including insurgents, civilians and, on occasion, even our own coalition forces. Yet we have no consistent system in place for regulating the conduct of these armed contractors, or for enforcing compliance with those regulations that do exist, that are supposed to govern the activities of our contractors we hire. The provision in our bill would ensure that commanders on the battlefield have the authority they have long needed to establish rules of engagement—as well as systems for reporting and investigating incidents involving the use of force—for armed contractors of ours in an area of combat operations.

Finally, shortfalls in the care and treatment of our wounded warriors came to the attention of the Nation in a series in the Washington Post last February. These articles described deplorable living conditions for some servicemembers in an outpatient status. They described a bungled, bureaucratic process for assigning disability ratings that determine whether a servicemember would be medically retired with health and other benefits for himself and for his family. A clumsy handoff was described and exists between the Department of Defense and the Department of Veterans Affairs when a military member transitions from one department to another. The Nation's shock and dismay reflected the American people's support, respect, and gratitude for the men and women who put on our Nation's uniform. They deserve the best, not shoddy medical care and bureaucratic snafus.

I am very proud our Armed Services Committee approved S. 1606, the Dignified Treatment of Wounded Warriors, by a unanimous 20-to-0 vote on June 14. This bill, which we worked on so closely with the Committee on Veterans' Affairs, would address the issues of inconsistent application of disability

standards, disparate disability ratings, substandard facilities, lack of seamless transition from the Department of Defense to the Veterans' Administration, inadequacy of severance pay, care, and treatment for traumatic brain injury and post-traumatic stress disorder. It addresses also medical care for caregivers not eligible for TRICARE, and the sharing of medical records between the Department of Defense and the Department of Veterans Affairs.

In consultation with the leadership and with the Committee on Veterans Affairs, since there is unlikely to be available floor time to bring this critically needed bill to the floor as freestanding legislation, it will be offered instead as an amendment to the bill we have on the floor now. I will be offering this on behalf of a very large bipartisan group of Senators coming from not only both the Armed Services Committee and Veterans' Affairs Committee but from all Senators, just about, who will be offering this amendment. We owe it to our men and women in uniform to take up and pass this important legislation.

As of today, roughly 160,000 U.S. soldiers, sailors, airmen, and marines are engaged in combat and combat support operations in Iraq. Almost 20,000 are engaged in combat and combat support operations in Afghanistan, and tens of thousands more are supporting the war effort through deployments thousands of miles from home.

While many of us believe the time has come to start bringing these troops home, we all know we must provide our troops the support they need as long as they remain in harm's way. We in the Nation are divided on the administration's war policy, but we are united in our determination to support our troops. Senate action on the National Defense Authorization Act for Fiscal Year 2008 will improve the quality of life of our men and women in uniform. It will give them the tools they need to remain the most effective fighting force in the world. Most important of all, it will send an important message that we, as a Nation, stand behind them and we appreciate their service.

Finally, as I did earlier this morning, I note that this bill—a bipartisan bill—would not have been possible without the support and leadership of Senator MCCAIN, my ranking member, and each member of the Senate Armed Services Committee. We owe a special debt of gratitude to those who served as subcommittee chairs and ranking members of the Armed Services Committee. This bill takes a long time to put together and then to mark up. It takes many months to perform those functions and many days in the markup process itself.

I also give a special thank-you to our former chairman, Senator WARNER, who again did yeoman service to make it possible for this bill to come to the floor in a bipartisan manner, which it has. I look forward to working with colleagues to pass this important legislation. I hope we can proceed to the prompt consideration of it, and I hope that as soon as we address the amendment of Senator WEBB, we are going to be able to move on to other amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, I feel fortunate that Senator LEVIN was unable to be here yesterday to present the bill from the committee he chairs. As the Presiding Officer a few minutes ago, and now listening for 5 minutes or so, I have become better acquainted with some of the details of a very large and complex piece of legislation. I want to start off by saying a special thanks to him and his staff, to Senator MCCAIN and Senator WARNER and their staffs, and other members of the committee. They have crafted a very difficult bill.

As one who likes to work across the aisle, I applaud them for the way they have done that, bringing near unanimity from your committee in support of this legislation. I especially salute the Senator from Michigan and his team for the work they have done in providing for a chief management officer within the Department of Defense—God knows we need that—along with many other aspects of the bill.

I want to take a moment to talk about the amendment Senator WEBB is offering and has laid down. I know there are folks who have concerns within the Senate and outside of the Senate about this legislation. I want to speak in support of his proposal. You may recall he is calling for us to try to ensure that there is some downtime for active-duty personnel serving in Iraq and Afghanistan—that once they have served in those theaters, they be able to come home, train, rest up, reacquaint with their families, and to prepare to go back, if necessary. He is saying if you are on active duty for 6 months abroad, then they could come home for 6 months. If it is 12 months, there would be a 12-month respite. They would be training and working on readiness and trying to reunite themselves with their families. There is plenty to do during the time they are not deployed.

Also, he would say if they happen to be reservists or National Guard, they should have the opportunity for every year spent abroad to have 3 years downtime. The obvious question that came to mind for me is: What if we get into a jam somewhere in another part of the world and we need somebody who has been promised that 6 months back home, or 2, 3 years back home, and we need them to come back and serve on active duty? What if a member of the Guard or Reserves or active duty wanted to serve sooner again in Afghanistan or Iraq, would they be able to? Those are good questions. It was discussed over lunch with Senator WEBB. I was pleased with his response. Regarding the question about the guardsmen, reservists, and active-duty personnel who want to come back and serve in the theaters again prior to the end of their period of respite, their time at home, they could go back if they express that they want to serve. That request will be honored.

Secondly, if we get into a jam as a country in another part of the world and we need a unit to go there, whether you are Army, Navy, Air Force, or Marine, there is a Presidential waiver included in the Webb amendment that says the President can waive the language in the bill, in the amendment, and direct those forces to serve back in the theater where they are needed. I think those are positive and important aspects of the Webb amendment. We ought to keep them in mind.

Prior to coming to serve in the Senate, I was privileged to be Governor of my State for 8 years. As Governor of Delaware—or of any State, whether it is Pennsylvania, Michigan, or Delaware—you serve as commander in chief of your National Guard.

We had Army Guard and Air Guard who served, and I was honored to be, for those 8 years, their commander in chief. I felt a great affection, a great affinity for them, an allegiance to them and to their families.

When I was in Iraq 3 or 4 weeks ago, I had the opportunity to meet with members of our 198th Signal Battalion of the Delaware National Guard. On the morning I came back from having been in Iraq, I flew into Dulles and hotfooted it up to a place called Delaware City in time to send off the 153rd unit of the Delaware National Guard, a military police unit, who were going to Fort Dix and then on to Iraq. It is a unit we actually created when I was Governor, and I feel a special spot for them in my heart. I wanted to be there when they were sent abroad, sent to Fort Dix and then on to Iraq.

Having talked with a number of them, having been with them and their families literally weeks ago as they prepared to depart, I have a special sense from being overseas in Baghdad with folks from the 198th Signal Battalion for what their concerns are with respect to an extended deployment.

These are people who did not sign up for one, two, three deployments in the war zone. Before I served in the House of Representatives, I was a naval flight officer. I served during the Vietnam war. I wasn't a hero such as JIM WEBB, and I wasn't a hero such as JOHN MCCAIN and some others with whom we serve—DANNY INOUYE. My job in the Vietnam war in P–3 airplanes was to hunt for Red October, track Soviet nuclear submarines. We flew missions off the coast of Vietnam as well.

Interestingly enough, we had other Reserve squadrons come out and fly missions with us during the Vietnam war. Almost without exception, we never gave them difficult jobs to do. Almost without exception, they were not given challenging jobs to do because we didn't want them to mess it

up. We would basically take the harder jobs for ourselves. We were not confident in their ability to take on the tougher missions with which we were burdened, were subscribed to carry out.

That has changed today. Go over to Iraq or Afghanistan where some of us have been recently. Our Guard and Reserve units are doing the toughest work, the most dangerous work, the most demanding work of any Active-Duty Force. They are in harm's way. They are getting shot at, in some cases getting wounded, in other cases dying. They leave behind, particularly those on active duty, Active-Duty Guard and Reserve, not just families in many cases—spouses, children, in some cases dependent parents—in many cases they have businesses they own and run themselves. It is one thing to be away from an employer who would like to have you there, who needs you there and to be away for a month, 2, or 3 months on active duty. But try leaving your business that you may have started, built, and it depends on you being there, and go away for 15 months, come back for a little while to the States to try to get it started again and have to go away again for 15 months.

After 5 years active duty, I served another 18 years as a Reserve naval flight officer. I stayed current on my airplane. I flew with a squadron out of the naval air station at Willow Grove. If members of my unit—and they were great guys, they were all guys, and they loved the Navy, they loved the service, they loved our mission—if you had taken most of us and said: We are putting you on active duty for 15 months, let you come home a little while and put you back for another 15 months on the other side of the world, I am not sure how many would sign up again, reup, renew our commitment. I guess a lot of people said: No, thank you; been there, done that. I served my Nation on active duty and in the Reserve, and we wouldn't have taken on that obligation, at least not with great enthusiasm. Some would have; I suspect others would not.

What Senator WEBB is trying to do is to say: Look, if you have gone over there, if you are on active duty, if you serve in the Army, Navy, Air Force, Marines in the theater for 6 months, we are going to make sure you have a chance to catch your breath, to come back, hopefully, with your unit to retrain here, have downtime to reconnect with your family, to begin to put your personal life together a little bit before we put you back over there in harm's way. To the extent you happen to be a reservist or a member of the National Guard and you have other commitments, you are not on active duty, have your own job, business, family with children, we are going to give you a chance to make sure you can get that business going again, stand it up, strengthen it, reacquaint yourself with your family, make sure your kids and spouse are doing all right, maybe your parents, before we put you back in harm's way again.

I think that makes a whole lot of sense. It is humane, in terms of actually being able to keep people on active duty, Reserve status, and Guard status. I think it will increase our ability to recruit and retain people, when their term of enlistment expires, to reup. It will increase the likelihood they will stick with us.

The other point I wish to make, for those who are not aware of the waiver authority that is granted in this amendment, we say to a President: You can waive these requirements for Active-Duty personnel or for Guard personnel. You can waive them. If we find ourselves in a bind in another part of the world and we need those forces, those assets to be on active duty again, the President can waive those requirements.

Also, if I or any of us happen to be on active duty or in the Reserves and we have done our time and have a chance to come back and we want to go back, we feel an obligation to go back—and God bless them, some of our troops today are serving second and third tours over there—they would have the opportunity to do that, not be barred from doing that. If they chose to take that course, they could.

For those reasons and for others I mentioned today, I believe Senator WEBB's amendment should be supported. It deserves to be enacted. It is one of those deals where the more I learned about it, the more comfortable I have become with it. As a number of my colleagues who actually served active duty, served in the Reserves and had the privilege of leading a State's National Guard, this is one I thought about. This wasn't a knee-jerk reaction, yep, this is the way to do it. I thought it through and put on my hats of earlier roles I played outside the Senate, outside the Congress.

I think the Webb amendment is the right way to go. My hope is, when the votes are cast, it will be adopted and added to this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I first express my thanks to the Senator from Delaware for his service and also for his comments on this amendment.

I come to the floor because I heard the other side of the aisle may be deciding to filibuster this amendment. I wish to, first of all, express my surprise that this filibuster might occur which, as the Chair knows, would increase the requirement of 60 votes in order for the amendment to proceed.

This is a very simple and very fair amendment. I would like to express my opinions about some of the comments that have been made, as I was outside listening to different people from the media telling me what some of the reservations from the other side have been on this amendment. The comments that have been made are not accurate.

There are people who are saying this amendment is unconstitutional in the sense that only the Commander in Chief should be able to make decisions regarding the deployment of troops during a war.

First of all, article I, section 8 of our Constitution is very clear on this point. It states that ''The Congress shall have the Power . . . To make Rules for the Government and Regulation of the land and naval Forces. . . .''

This is well within the Constitution. In fact, there is much precedent when people who are opposed to this amendment discuss that it might be tying the President's hands unnecessarily. We can go back to the dark days of the Korean war, where because of the national emergency that was caused from the invasion of South Korea by the North, we didn't have enough troops available, and the administration at the time started sending soldiers into Korea who had not been fully trained and the Congress acted within its constitutional purview and passed a law that said no individual who is brought into the U.S. military can be sent overseas unless they have been in the military for 120 days.

The reason the Congress acted was to protect the well-being of those who served, and that is exactly what we are proposing to do today. We are saying that whatever your beliefs are about this war, whether you want it to end in 5 weeks or whether you want it to go on for the next 10 years, we have to come to some common agreement among the leadership of the United States that we are going to protect the well-being of our troops, the people who step forward to serve in these times.

The minimum we can do is to set a floor that basically says: However long you are deployed, you can have that much time back at home. Or if you are in the National Guard or Reserve, if you have been deployed, you deserve to have three times that much time at home.

The historical standard is if you have been deployed overseas or if you have been deployed on a deployment, you should have twice as much time at home. The Commandant of the Marine Corps earlier this year, when he undertook the duties of being Commandant, said that his goal was to bring in a 2-to-1 rotational cycle for the Marine Corps. Given the requirements of Iraq, 2 to 1. We are now at 1 to 1, with a good portion of that time back home being spent in workups for these units and for these individuals to go back.

The Army, as a result of this surge, now has a policy where they are saying you go to Iraq for 15 months, and we will guarantee you 12 months at home. That is not even 1 to 1.

Our amendment establishes a floor. It is reasonable. It doesn't have anything to do with political objectives of the war downstream. That can be sorted out later. We are simply saying, if you have been gone for a year, you deserve to be back for a year. If you have been gone for 7 months, you deserve to

be back for 7 months, unless you want to go back. If you want to go back, fine. You can volunteer to go back. Our amendment does not stop that. Or if there is an operational emergency where the President certifies there is a requirement, then the President can waive this amendment. We are trying to set a policy of stability so military families can predict what their cycle is going to be and have enough time to truly become involved with their families again, have some downtime, then refurbish, retrain, and go back.

I suggest to the other side that if they believe this is an amendment that is incompatible with military service, they might want to consider a letter I received today from the Military Officers Association of America. This is the largest and most influential association of military officers in the country. It is composed of 360,000 members from every branch of the military. They wrote me today. I will read portions of this letter:

On behalf of the 368,000 members of the Military Officers Association, I am writing to express our support for your amendment. The MOAA is very concerned that steps must be taken to protect our most precious military asset—the all-volunteer force—from having to bear such a disproportionate share of national wartime sacrifice. If we are not better stewards of our troops—

This is the president of the MOAA, VADM Norbert Ryan, U.S. Navy retired, saying this—

If we are not better stewards of our troops and their families in the future than we have been in the recent past, we believe strongly that we will be putting the all-volunteer force at unacceptable risk.

I submit to the President and this body, this is not the kind of statement that would be made from a group of 368,000 military officers unless they believed in the constitutionality and the propriety of what we are attempting to do.

I say to my colleagues, and particularly to my colleagues on the other side of the aisle, I am very disappointed in the notion that an amendment with this simplicity that goes to the well-being of our troops might even be considered as a filibuster. I say to my colleagues on the other side of the aisle that the American people are watching us today, and they are watching closely, with the expectation that we finally can take some sort of positive action that might stabilize the operational environment in which our troops are being sent again and again. The American people are tired of the posturing that is giving the Congress such a bad reputation. They are tired of the procedural strategies designed to protect politicians' accountability and to protect this administration from judgment. They are looking for concrete action that will protect the well-being of our men and women in uniform.

The question on this amendment is not whether one supports the war or whether they do not. It is not whether someone wants to wait until mid-July or September to see where one particular set of benchmarks or summary might be taking us. The situation is simply this: More than 4 years into the ground operation in Iraq, we owe stability and a reasonable cycle of deployment to the men and women who are carrying our Nation's burdens. That is the question.

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

Mr. WEBB. I will be glad to yield.

Mr. DURBIN. Mr. President, I would like to commend the Senator from Virginia first for offering this amendment. For those who are new to this debate, it is the first amendment on the Defense authorization bill, and it is about our troops' readiness to go to battle. There is no better author of this amendment than the Senator from Virginia, as one of only two combat veterans who is here, proud combat veterans, serving in the Senate.

I would like to ask the Senator, if I understand his amendment correctly, it says that if we are going to deploy American soldiers into fields of battle, in Iraq and Afghanistan or NATO missions, that they not be deployed any longer than they are given an equal amount of time for rest or dwell time, as they call it, for training and preparation for returning to battle. So if a soldier is being sent to Iraq for 15 months, then he or she should have at least 15 months back home at the end of that period—or reassigned to a peaceful setting—before they can be deployed again, for Active-Duty soldiers. Is that the gist or substance when it comes to active duty?

Mr. WEBB. First, I would say to the Senator from Illinois just for factual clarification that Senator HAGEL and I are the only two ground-combat veterans from Vietnam in the Senate, but I certainly do not want to in any way reduce my respect for the distinguished Senator from Hawaii who won the Congressional Medal of Honor during World War II.

The question the Senator poses is correct. What this basically says is that if you have been gone for a year, you deserve to have a minimum of a year back. And a lot of people misunderstand what dwell time is. Dwell time is not downtime. There is a workup cycle for these units before they go back, which is considerable. So even if we are giving them a 1-to-1 ratio here, this is not equal time down as compared to an equal time deployed. That is why the traditional goal is 2 for 1.

Mr. DURBIN. I would like to ask, if the Senator from Virginia will yield further, it is my understanding when it comes to Guard and Reserve that he also has some protection for the amount of time they will have after they have served. I have been told there is an implicit understanding, for example, with Guard members that they would serve 1 year, for example, and have 5 years before redeployment. In fact, that has not been the case in my home State of Illinois, where over 80 percent of the Illinois Guard units have been deployed into combat during the course of this war, and many have been deployed repeatedly. So, obviously, the promise that was supposed to be kept hasn't been kept, and I ask the Senator from Virginia, how do you protect Guard and Reserve when it comes to redeployment in terms of the time they have?

Mr. WEBB. I would say first to the Senator that I had the privilege of being the Assistant Secretary of Defense for Reserve Affairs for 3 years, where we had oversight of the National Guard and Reserve programs during a very critical time when we were transitioning into what we called the total force concept, and the President's use of the Guard and Reserve is certainly something we were not contemplating in the 1980s.

But this amendment sets a floor for the Guard and Reserve of a 3-to-1 ratio with a goal—a written goal—in the amendment of a 5-to-1 ratio, which is the traditional standard.

Mr. DURBIN. If the Senator from Virginia has not covered it in his floor remarks earlier, what has been the impact of these frequent redeployments on Active Guard and Reserve with regard to retention and recruitment? In other words, if my Guard unit in Illinois knows they are going to be deployed and redeployed within a year or two, it seems to me that for some citizen soldiers it would create a hardship which they couldn't impose on their families for a period of time.

Can the Senator from Virginia point to any specific information he has about retention and recruitment relating to this redeployment?

Mr. REID. Mr. President, may I ask my friend to yield? Senator MCCONNELL and I need to transact some business.

I would ask that the record reflect that we stopped the Senator from Virginia but that he maintain the floor and that the record appear as his having not been interrupted. Will that be okay with the Senator from Virginia?

Mr. WEBB. By all means.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, last night, the Republican leader indicated that he would have an alternative amendment to Senator WEBB's amendment and that we would work out an agreement so we would not need cloture, and I appreciate that very much. But a problem has developed. We do have a side by side from Senator GRAHAM, but what I didn't understand is that there would be a requirement of 60 votes on Senator WEBB's amendment and Senator GRAHAM's amendment. I just don't think it is appropriate that there be a filibuster on this amendment, and that is what it is.

I would be happy to enter into an agreement that would provide for a majority vote on both the Graham and Webb amendments. So I now ask unanimous consent that amendment No. 2013

be withdrawn; that there now be 4 hours equally divided to run concurrently on Senator WEBB's amendment and Senator GRAHAM's amendment, as provided to us this morning—we have that amendment, we have looked at it, we understand it—and that at the conclusion or yielding back of time, the Senate vote on Senator WEBB's amendment, no. 2012, followed by a vote on Senator GRAHAM's amendment.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, Mr. President, we have been here before. Every Iraq amendment we have voted on this year—and there have been numerous amendments—in fact, I have sort of lost track of how many we have had—every single one of them, as most things in the Senate that are remotely controversial, requires 60 votes. I believe I am correct in saying that every Iraq amendment we have voted on this year, no matter what the underlying bill was to which the amendment was being offered, was in a 60-vote contest.

What we have frequently done is simply negotiated an agreement to have the 60 votes we know we are going to have anyway, and the reason for that is—well, there are several reasons. No. 1, if a cloture vote were invoked, it would further delay consideration of the bill because potentially 30 more hours could be used postcloture on an amendment. So what we have done, in a rational response to the nature of the Senate in this era, is to negotiate 60-vote votes.

We are perfectly happy to enter into an agreement, as I suggested yesterday, for a vote on the Webb amendment and the alternative that we would have, the Graham amendment, by consent, two 60-vote requirements. That is not unusual in the Senate; it is just common practice in the Senate, certainly for as long as I have been here. So, therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. I guess rationality is in the eye of the beholder. The real facts here are that, on Iraq, for example, the bill the President vetoed was not filibustered. We sent a measure to the President that he vetoed that had 51 or 52 votes. It was in the majority. That is what we should do here.

It appears to me we are arriving at a point where, even on the Defense authorization bill, amendments leading up to a final vote on the Defense authorization bill, which is so important, are going to be filibustered. It is really wrong. It is too bad. We don't have to have this 60-vote margin on everything we do. That is some recent rule that has just come up in the minds of the minority.

Mr. President, we should move forward on this Webb amendment, move forward on the Graham amendment. We have confidence that a majority of the Senate supports Senator WEBB. I don't know about Senator GRAHAM's amendment. But why don't we let the body work its will and then move on to other things. We have the amendment we are waiting to offer very quickly, which is the one that has been worked on for a long time, which is the Levin-Reed amendment.

So, Mr. President, since there is an objection and based on the filibuster of Senator WEBB's troop readiness amendment, I send a cloture motion to the desk.

CLOTURE MOTION

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

The bill 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, do hereby move to bring to a close debate on the Webb, et al., amendment No. 2012, to H.R. 1585, Department of Defense Authorization, 2008.

Jim Webb, Richard Durbin, Daniel K. Akaka, Jack Reed, Carl Levin, H.R. Clinton, Russell Feingold, Jeff Bingaman, Christopher Dodd, Frank R. Lautenberg, John Kerry, Patty Murray, Jon Tester, Sherrod Brown, Ken Salazar, B.A. Mikulski, Joe Biden, Harry Reid.

Mr. REID. I ask unanimous consent that the mandatory live quorum be waived.

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

Mr. MCCONNELL. Mr. President, Senator MCCAIN is here and will be seeking recognition momentarily, but let me suggest that this is not the most efficient way to move forward with the bill. We have been down this path before on virtually every measure that comes before the Senate. The most expeditious way to move forward is by agreement, not by the filing of cloture.

Having said that, I hope that once it is clear cloture is not going to be invoked, we can get back to the normal way we handle debate on these matters and therefore have a better chance of processing this very important bill and moving it toward passage.

I don't know if my friend from Arizona wanted to ask a question or wanted to get recognition.

Mr. MCCAIN. Mr. President, I would like to seek recognition, but I see the assistant majority leader is up, and I will be glad to wait on him.

Mr. REID. If I could, Mr. President, Mr. WEBB has the floor. I asked him to yield to me to do this, and that was the agreement.

Mr. WEBB. Mr. President, I would gladly yield the floor, but I don't know to whom I am yielding. Where are we?

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, I would like to first thank the Senator from Virginia for his leadership on this amendment, and I am troubled by what just occurred on the floor. What the Democratic majority leader offered was to allow the Webb amendment, an amendment from the Democratic side—which, incidentally, has bipartisan sponsorship with Senator HAGEL of Nebraska—that it be an up-or-down vote, a majority vote, on whether we will give our troops an opportunity to rest before they are redeployed back into battle. I think the Senator from Virginia has made a compelling argument that it is in the best interest of our military—certainly our soldiers and their families—to give them this chance for rest and recuperation and retraining before they are redeployed.

The fact is, we know many of these soldiers are being deployed and redeployed repeatedly at great personal hardship. We have reports that come in that trouble us about family difficulties many of these soldiers are going through because of these long periods of separation and the fact they are overseas so often.

Secondly, we know many of the soldiers who return after the stress of battle need to sit down and talk to some people, go through some counseling to make sure they are dealing with post-traumatic stress disorder and other issues which in previous wars had never been mentioned and we know now to be very important.

So the Senator from Virginia is saying: For goodness' sakes, don't we owe it to our troops to give them a period of rest before we send them back into battle? So he wanted a vote on his amendment, a majority vote, up or down.

We said to the other side, the Republican side: Do you have an approach you would like to use on this same issue?

They said: Senator GRAHAM of South Carolina has an amendment on the same issue; we would like that to be offered.

So the Democratic majority leader said: Fine, we will treat both amendments exactly the same way—have a limited debate, 4 hours, split up, and then we will vote on them, a majority vote, up or down.

But there was an objection, an objection because the Republican leader now says: For the amendments, even those dealing with the readiness of our troops, we need an extraordinary majority, we want 60 votes, even on an amendment about the readiness of soldiers where we have offered both sides the same opportunity.

What it tells us is that when it comes to the issue of the war in Iraq, I am afraid that the minority—the Republican leader—has made it clear that they are going to filibuster every amendment. They are going to do their best to slow down and stop this debate on the war in Iraq. Instead of coming to the issue in a straightforward and honest way, for an up-or-down vote, they prefer to drag this out, drag it out as long as they can, try to put off the inevitable. We can't put off the inevitable, and the inevitable is this: This is a costly, deadly war. As our debate

winds on day after day and week after week, American soldiers are still in the line of fire. Some of our best and bravest will be falling in battle as we stand and debate. That really is not acceptable.

We owe it to our men and women in uniform to do our duty, and our duty is fair deliberation, open debate, and then an up-or-down vote, and move to the next issue. But according to the Republican side of the aisle, that is not the way it will be. They want to filibuster this debate on the war in Iraq—everything they can do to slow it down. That is unfortunate, and I will tell you something. If they were paying attention to the people back in their home States, the people have lost their patience with Congress caught up in this kind of procedural slowdown. They want us to act, and act decisively; make a decision one way or the other; decide whether an amendment is good or bad, but don't drag it out in this kind of parliamentary maneuver over an amendment which on its face is easily understood, which I think is eminently reasonable, and where the other side, the Republican side, has ample opportunity to put their own idea up for a vote at the same time.

It could not be any more fair, and yet the Republican leader objects. I hope he will reconsider. Now we are going to move from this amendment, the Webb amendment, and the Graham amendment, to substantive important amendments on timetables about bringing American soldiers home—doing it in a reasonable way but to start redeploying our troops out of harm's way. It appears now the strategy on the other side of the aisle is, in every respect, to try to slow this down, delay the ultimate decision.

I think Senator REID, the majority leader, has made it clear. We are going to stay here until our job is done. We are committed to making this national debate on Iraq a meaningful debate, and no use of any procedural tool or tactic is going to stop us from the ultimate decision this Senate has to make. It should be done in an open, honest, courteous, and civilized way. When we made that offer, I am afraid to say the Republican leader objected. I hope we can return to the substance of this debate.

I would like to say that Senator WEBB's amendment is not about the politics of the Iraq war, and it is not about whether we should be there or not be there. It is not about a Republican or Democratic view of the war. It simply is about taking care of our troops. We are going to spend a lot of hours in debate over the next several weeks debating the war policy, but one thing we should not debate is the welfare and safety of our troops.

I believe I can safely say every Senator in this body would agree that no matter what else we do, our first duty is to ensure the welfare and safety of those who are fighting, sacrificing, and even dying in this struggle. This is exactly what the Webb amendment does. Our soldiers, sailors, airmen, and marines have performed their duties gallantly over the past 4-plus years. They have not complained and returned time and time again into battle. We owe them and their families gratitude that no single Member of the Senate could properly express.

But as this war stretches on, it takes its toll. All of us have met with Guard units being deployed, other units that are returning. We know what they have been through, just vicariously, by talking with their families and hearing their stories. Many have returned for second, third, and fourth deployments to Iraq and Afghanistan.

Our soldiers spend 12 months of time in theater, and now they are going to be spending 15 months, by the latest decision of the Pentagon. Is it unreasonable to allow them to spend at least that much time at home before they again put themselves in harm's way? I don't think so. These short turnaround times affect our men and women in uniform professionally and personally. After 15 months in battle we ask them to turn around and be ready to leave again in less than a year. That is just not enough time. Under normal conditions, the preparations and training for deployment can take up to a year. After 15 months in the desert, there are going to be significant tasks our soldiers will have to accomplish to get themselves and their equipment back in fighting condition. After so long away from home base, many individual and unit qualifications and training standards have lapsed. It will take time to correct it, but how can they possibly accomplish these tasks if as soon as they get home they have to begin preparing for the next deployment?

Without a doubt we have the finest military in the world, capable of doing great things. But are we really being fair to them? Are we really preparing them for battle as we should, by squeezing so much into such a short period of time? Are we shortchanging valuable training that will help to keep them alive?

This effect is not limited to their professional performance because, certainly, with this kind of burden at work over such a short amount of time, you can be sure that 12 months at home is really not 12 months at home. Our soldiers don't complain and always put mission accomplishment above all else. So rather than spending time at home with the spouse and children, building the strong families necessary to sustain long separations and deployment, they will spend longer and longer hours at work training.

All we are asking with the Webb amendment is to remember the sacrifices of our soldiers and their families. Soldiers deploy. That is what they do. They know when they sign up. A soldier's family is strong. They persevere and adapt to ever-changing schedules. But the strain these families have been put under in the past few years and will have to face in the future is too much. We are seeing divorce rates skyrocket, and rates of alcohol abuse have been increasing in the military. Pressures of these long deployments and short stays at home are taking their toll, as they would in most every circumstance. It is not fair to ask them to continue to make this kind of sacrifice.

There are many out there who say our Army is near the breaking point. I can't answer whether it is or not. But I certainly can speak for families from Illinois and the families with whom I have spoken, and they are courageous without a doubt, but they are being pushed to the limit. We hear all the time about supporting our troops. What does it mean? Many people say the phrase but do not really know what it means. This amendment is exactly what it means. Our military personnel and their families have borne almost the entire burden of the struggle our Nation has undertaken since September 11, 2001. They have done it spectacularly.

One of the critiques I have heard that I think is fair is, after 9/11 our country was ready to move together. I can't recall a period of greater national unity. Had the President made an appeal for shared sacrifice to fight this war on terrorism, I am certain he would have received resounding support from both sides of the aisle all across the Nation.

But, sadly, that appeal was not made. He has asked for sacrifice from our military and their families, and they have certainly gone above and beyond the call of duty. For the rest of us, life is all but normal every single day. There is hardly any sacrifice because of this war on terror or war in Iraq or Afghanistan. Is it too much to ask in the Webb amendment to at least acknowledge the sacrifices already being made by our soldiers before we push them back into the danger of battle?

There will be an amendment offered by Senator GRAHAM. I read the amendment. I have a great deal of respect for Senator GRAHAM, but in all fairness there are two obvious omissions. First, there is no reference at all in his amendment to the National Guard. I think that is an important consideration, not just Active military and Reserve, but the sacrifice being made by our National Guard. Second, taken in its entirety, the Graham amendment is just a sense of the Senate. It is a little note that is being passed around. It has no impact of law, as the Webb amendment would. A sense of the Senate is not enough. We owe our fighting men and women so much more.

Our soldiers have not asked us to do this, but Senator WEBB, Senator HAGEL, and those who have been in battle, as Senator MCCAIN has been, understand we need to stand up and speak for them even when duty keeps them quiet, when they do not come forward to ask for this helping hand.

I encourage my colleagues to support the Webb amendment. I hope the Republican leadership will reconsider its position and allow these amendments to be voted up or down and get on with this debate after a reasonable period so we can complete this important bill on the Senate floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I paid attention to the statement of the Senator from Illinois, as well as that of the Senator from Nevada. We may be approaching—not a historic moment in the history of the Senate but certainly one worthy of note; that is, according to my staff, that is not always accurate but is well meaning, we are about, maybe, at least 26 years since we have not had a Defense authorization bill passed by this body. Clearly from this beginning it appears, as on most other issues that have come before this body recently, we will be gridlocked.

Cloture motions will be filed. Votes will be taken. Time passes and, unfortunately, during that period of time, the men and women who are serving in our military will be without their pay increase. They will be without the increase in numbers that are called for in this bill, from 512,000 in the Army to 525,000; from 180,000 in the Marines to 189,000.

The best way, probably, to relieve the stress on the men and women in the military and the overdeployment that, unfortunately, we all regret they have had to bear, their unfair share of sacrifice in defense of this Nation and its security, is to increase the size of the military. That is in this bill.

Frankly, the reason we arrived at these numbers is it is just about as many as can be recruited additionally; otherwise, I think you would see additional numbers.

Instead of the 3.5-percent pay increase, instead of increasing size in the Army and Marine Corps, which we all know is badly needed, some of us, including my friend from Michigan, have known for many years how badly it was needed. One of the many mistakes made by the previous Secretary of Defense was not to call for a dramatic increase in the size of our Marine Corps and Army, for which our military families have paid a very heavy price.

Here we are, gridlocked in a battle whether we are going to have 60 votes and whether we are going to have to file a cloture motion which will ripen after a couple of days and all the arcane things that very few Americans understand. It took me a number of years to finally comprehend some of the procedures around here.

So we are, again, going to probably maintain that historic low in approval that was recently, in a recent Gallop Poll that has been taken for many years—I have forgotten the number now. I think it was in the teens as the approval rating of the Congress on the part of the American people.

Anybody who just watched the proceedings that went on and the exchanges between the two leaders make that disapproval rating far more understandable. The average citizen watching these debates really doesn't understand why we don't just go ahead and take care of the men and women in the military, to give them the arms and ammunition they need, to give them the much needed equipment we have talked about on this list—the $2.7 billion items on the Army Chief of Staff's unfunded requirements list, things like the $4.1 billion for the MRAP, the Mine Resistant Ambush Protected vehicles. We all know how bad the situation is, as far as IEDs are concerned.

What are we going to do? Are we going to sit down and say: Hey, you know what. When the Democrats were in the minority around here they insisted on 60 votes on just about every issue, particularly important ones. We are now insisting on 60 votes, now that we are in the minority. Yet somewhere along the way the issue of c-o-m-i-t-y and the national interest suffers and is abandoned by the wayside of politics.

The Senator from Michigan and I will sit here this afternoon and we will have statements made by various Members as they come to the floor. There are, if my past experience with this bill is accurate, probably 100, maybe more, amendments that will be pending because there are so many issues that are important to Members and important to the defense of this Nation. It is very likely, from this scenario I am seeing, that we will for the first time in at least 26 years not pass a Defense authorization bill—certainly not in a timely manner. We are already into the month of July, and, obviously, we will not spend all 4 weeks on this issue.

I think in days gone by—and we all have a tendency to remember the good parts and not the bad parts—there was a tendency for the managers of the bill and the majority and whatever party was in the minority leaders would sit down and say: OK, we are going to narrow down the amendments. We are going to have agreement for a certain number of amendments and votes, and it would take us a while. I can remember sometimes it taking 2 weeks. That is why we usually bump it up against a recess because one thing in the 20 years I have been here we have never missed is a recess. Now we are going to sit here for this afternoon. It is Tuesday afternoon, and we are going to have various statements. Members on both sides will display their dedication to the men and women in the military. I appreciate that. I appreciate the patriotism of every single Member of this body. But are we really going to do anything for them? Are we really going to try to help them? Or are we going to be locked in combat on an issue that should not be on this bill?

We probably have taken up the issue of the war in Iraq eight or nine times. I don't know exactly how many times. We have amendments, we have debates, we have 60 votes, and then we move on to something else. Meanwhile, we have not done a single appropriations bill, I might add, and we are in the month of July.

Everybody knows, even though I don't happen to agree with it, that September will be a seminal time on the Iraq issue.

General Petraeus will be coming back, and he will be issuing his report, which, by the way, I can predict what it is going to be right now; mixed, some success and some frustration. Then, guess what, in September, we are going to go through another debate. We are going to have amendments, and we are going to have 60 votes again.

Meanwhile, the American people are wondering what in the heck we are all about here, and why in the world, in all due respect to the deputy majority leader, do we have to keep taking up the Iraq issue when we know full well that in September there will be a major debate on this issue?

Meanwhile, the men and women in the military who are serving, to whom I see declaration after declaration of our dedication and devotion to their welfare and benefit, then what is going to equip them? What is going to train them? What is going to give them the pay raise? What is going to take care of them is somehow lost in the rhetoric of 60-vote requirements, which again, most Americans do not understand nor should they be required to, because they expect us to come here and act in their benefit. Certainly they should be asking us to act on an issue, on a piece of legislation such as the Defense authorization bill which has to do with the defense of this Nation.

Well, I could go on for a long time.

I do not want in any way my comments to be construed as a lack of respect and appreciation for the chairman of the committee, and the many years we have worked together, because I am convinced he and I could sit down in a very short period of time and work out the number of amendments and schedule votes and time agreements. But we are not going to do that. We are not going to do that. But please do not come to the floor, I ask my colleagues, and talk about your dedication to the men and women in the military and how difficult it is for them in these times, when we have before us a bill to increase the size of the military, we have before us a bill to give them a pay increase that they deserve, and it probably is not going to be passed by this body, at least before we go out for the August recess. Then we get into September. Then we will get into another fight on the issue of whether we should withdraw troops in Iraq.

I don't think we should be very proud of ourselves. I don't. When the men and women in the military whom we again, as I say, all profess our devotion and dedication to, do not get the equipment they need authorized, do not get the increases in pay, do not get the increases in numbers that we are trying to authorize, then do not be too surprised with the cynicism of the American people and voters and, indeed, the men and

women who are serving, about the way we do business.

I hope the majority leader and the Republican leader can sit down and work this thing out. Look, it is a fact the way the Senate works. It happened when the other side was in the minority, that they required 60 votes on issues of importance. I am sorry they did. I am sorry we did. I wish we could have simple up-or-down votes on all of these amendments. But to claim that somehow we are filibustering, when that was the standard procedure on the other side, I don't think is, frankly, too forceful an argument.

As I say, my staff tells me it has been at least 26 years, probably more, since we have not passed a Defense authorization bill. I hope we will not break that record. I hope we can sit down together and work this out. Again, recognizing these votes on Iraq are votes that will be taken again in the month of September, they will be taken again in the month of September when the President comes, when General Petraeus comes with his report, I would hope we could set the whole issue of Iraq aside, go ahead with the authorization for equipping and training and protection and welfare and benefit of the men and women who are serving us in the military. Unfortunately, I think that is not going to happen.

I yield the floor.

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

Mr. LEVIN. Mr. President, while we disagree on a very critical issue, I as always look forward to working with Senator MCCAIN to work out agreements so we can move this bill forward. I am confident we will pass the authorization bill this year, the way we have every other year, for the reasons Senator MCCAIN gives, which are the critically important provisions in here for the men and women in our military and their families.

The difference is apparently as to whether this is an appropriate place to debate Iraq policy. It is an authorization bill, which, it seems to me, is a very appropriate place to debate policy; in fact, I think is the most appropriate place to debate a policy issue such as Iraq.

I have not wished this to be debated on an appropriations bill, because I don't think we ought to try to have a policy debate and decision when it involves the funding of our troops because I think hopefully all of us want to fund our troops. This is an issue as to whether we should change course in Iraq. This is a debate which is a healthy debate, it is an essential debate. I look forward actually to working with Senator MCCAIN to see if we cannot come up with time agreements on debates on Iraq—on these amendments on Iraq.

There is going to be more than one amendment. There are going to be a number of amendments and hopefully we can come up with time agreements so we can have these debates, have votes on the Iraq issue, and then move on, and move forward and adopt an authorization bill with a lot of other amendments that are pending as well.

I am, as always, an optimist. I am particularly an optimist when I look at Senator MCCAIN, when I realize that we have worked together before, as I have with Senator WARNER, on issues that look intractable but which are not and can be worked out, and hopefully there can be time agreements on these amendments relative to Iraq—which are important amendments.

I cannot think of anything that affects the well-being of our troops or our Nation, frankly, more at this moment than the question of policy in Iraq, as to whether that policy needs to be changed. There are differences as to whether we ought to change course in Iraq, and there are some who feel that apparently the policy is working. There are some of us who feel the status quo is not working, we need to change it.

It is not the debate we should have or can have at this moment. We are in the middle of a discussion on the Webb amendment. But it is appropriate that on this bill, the Senate act. If anything, it has been too long, as far as I am concerned, since the Senate has taken a position on this. The last time we did it 4 months ago, the President vetoed it. We were unable to have our will expressed in a way that was not vetoed.

Waiting until September is not an answer, because there is no reason to believe that an effort in September will not be filibustered. There is no reason why in September, the people who oppose the change in course, the Senators who oppose it, will not get up and say: Well, let's wait until October when there is another report which is due. We cannot simply delay carrying out our responsibility. We cannot delay a debate which is on the most critical subject on the minds of the people of America. Waiting for September, when a general is going to give us a recommendation, and the President is going to give us a recommendation, is a delaying tactic on an issue which is the single most important issue on the minds of Americans today. There is no more appropriate place to debate this issue than on the Defense authorization bill, because it is here where policy issues can and should be debated; a better place than on an appropriation bill where the message which would be sent to our troops has more to do with whether we are going to fund the troops than whether we should continue a policy in Iraq which, so far at least, is not working.

So I am going to continue to be the optimist. I look forward to working with Senator MCCAIN. I think our leaders can continue to work together to try to work on time agreements for the Iraq amendments. I hope and expect we will adopt an authorization bill this year.

There is nothing unique about the Senate having healthy, vigorous debate. That is not unique. Sometimes it looks as though we are not going to be able to get something done and, lo and behold, we are able to get something done because the American people want us—Senator MCCAIN is right—the American people want us to act. We are on the verge of acting on the single most important issue on the minds of the American people. It was an issue which, more than any other, impacted the last election. It was an issue where the Senate spoke in April, and where what we did was vetoed by the President. It is an issue where now we must face an historic decision: Is the course in Iraq working or does it need to be changed? And, if it needs to be changed, what is our responsibility in terms of bringing about that change?

Those are issues we cannot duck. Those are issues we should not avoid. Those are issues which belong on our desks, and require the best possible judgment we can bring.

I yield the floor.

Mr. SESSIONS. Mr. President, we have been blessed in the Armed Service Committee to have outstanding chairmen. I was pleased to serve under Senator MCCAIN and Senator LEVIN. A lot of hard work has gone into the Defense authorization bills each year I have been here. It is remarkable how much we agree on in committee. We come out with very few differences, and those are reasonable differences that we sometimes can bridge and sometimes we have to vote on and let someone decide. Some of the questions are pretty close questions, whether to fund that system or that program or not, and good people can disagree regardless of their political party.

I have been pleased to serve with Senator BILL NELSON on the Strategic Subcommittee. I chaired that when the Republicans were in the majority. He chairs it now that the Democrats are in the majority. We have very few differences. I respect his judgment. He is committed to serving his country.

We have produced a bill that I think, all in all, is a good piece of legislation that will actually strengthen our Department of Defense, the ability of our men and women in uniform to serve their country, and take better care of them. So that is a good thing.

But now we get the bill on the floor, and I guess that group I have been referring to in recent weeks as ''masters of the universe''—somebody up there, up high—decides that this is the time we are supposed to have fights, and we are supposed to utilize this opportunity to push and push and push on various different areas.

Now, of course, it is legitimate to debate our commitment and strategy in Iraq at this time. But I think what Senator MCCAIN is telling us is this, that this bill fundamentally is a bill to deal with and strengthen our military, that we just had debates in April and May and great detail about our Iraq policy, and we decided on that policy.

We all know that we will expect a report from General Petraeus in September. This is not the time to alter the policy we established about 2 months ago. I agree with Senator MCCAIN about that. We can talk about it. We can do those things. But is it the right thing to jeopardize this bill over other issues—over the issues relating to Iraq?

Let me say a couple of things. The fundamental debate we are having here with regard to our Iraq policy, when you boil it down to basics, is whether to reverse the policy we established in May.

That was a decision by an 80-to-14 vote to fund the surge in Iraq, after having voted on it in April. We had another vote back in May, and we funded this operation through the fiscal year, through September 30, if not longer—at least through September 30. And we affirmed and confirmed General Petraeus as the commander of that surge by a 99-to-0 vote. He is a fabulous commander, and he received a bipartisan, unanimous vote in the Senate. That is what we decided, after great debate.

Now, what I will say to my colleagues is this: A great nation has to conduct itself as such. We are not able to flip-flop around week after week and change our minds every few weeks based on this or that event. If a serious situation occurs, we can change our mind at any time. But great nations are more akin to great battleships. They do not dart around similar to a speedboat. They set their course and have to justify it carefully before they act. Once they act, they need to stay that course, subject to any changes that occur.

So what I would say is this: I am worried we are doing what some political consultants would like to see Democratic leadership do and talk about the war because they think that is politically beneficial. We ought to be talking about those soldiers we have committed out there, placed in harm's way, who are, this very day, walking the streets of Baghdad and Al Anbar Province and Tikrit and Mosul, executing the policies we voted 80 to 14, in May, to send them to do. We voted 99 to 0 to send General Petraeus.

At that time, we made clear to him we expected a report in September. I think that is what we are about here, and we ought to be about, that we would go forward—and always subject to our constitutional responsibilities to make any changes that are required—but go forward to allow the general to carry out the surge we told him to carry out.

This surge, let me say to my colleagues, has only reached its full effort—what?—2 weeks ago when the last brigade reached Iraq. So we only reached full capacity of that surge a few weeks ago.

We know it is difficult now. They said: Well, the bombings are occurring outside Baghdad now. Why is that? Well, it is a given that it is tougher for them in Baghdad, so they have gone outside Baghdad to do bombings. What does that suggest? I would suggest that would lead us to conclude the work in Iraq, in Baghdad itself, has already made progress. Indeed, if the capital city of Iraq, the biggest city, cannot maintain order, it is difficult to see how we can have a political settlement all of us wish to occur.

General Petraeus has taken the case to the enemy. He is moving forward aggressively and making military progress. The difficulty—and we all know it—is that the Government of Iraq is not performing at the level it needs to perform. This is a matter we are not able to deny. I know when I traveled to Iraq with Senator LEVIN—and when I was there more recently with Senator BEN NELSON of Nebraska—we raised the importance with the Iraqi people and the Iraqi leaders of having a functioning government.

Senator LEVIN has strongly believed and consistently argued that one way to get them to perform is to threaten to pull out our troops. I have come to believe their failure to perform cannot be altered by threats to pull out troops. I wish it could be. I wish we could do it that way. But it is more difficult than that.

So they are struggling, and I do not know whether they can pull this Government together. I certainly hope so. But I will tell you one thing. Progress is being made in a number of different areas militarily. This gives me some hope they can pull this Government together. That is where we are at this point. I do not see any other way to analyze it, honestly, to the American people. That is what I say to them as best I can.

I believe our military is performing magnificently. I believe the Government in Iraq continues to have serious problems in effectuating the kind of stability and reconciliation they need to effectuate so we can have a better capability of reducing the troop levels we have in Iraq today.

Now, the way this deal went down—and we voted to send General Petraeus there. We talk about making reports back to us. I remember distinctly in the Armed Services Committee, when he was up for confirmation, I asked General Petraeus did he believe we could be successful in Iraq. He said: Yes, sir, I do. General Petraeus had been there when the initial invasion occurred. He commanded the 101st Airborne in Mosul. He came home for, I think, less than a year and went back to take over the training of the Iraqi military. He then came back, wrote the Department of Defense manual on how to defeat an insurgency operation—the very project he executes—and the President has asked him to go back to Iraq to execute a strategy to defeat the insurgency that is going on in that country at this time.

So I asked him, would he tell the American people and the Congress truthfully whatever the situation was when he was there? He previously said this was a difficult but not impossible task he was taking on. He said: Senator, you can count on it.

I asked Secretary Gates, the Secretary of Defense, at a hearing: Secretary Gates, will you tell the American people if this military effort in Iraq cannot succeed and we ought to do something else? He said: Yes, sir, Senator. I feel that is my responsibility as Secretary of Defense.

I will say to you, my colleagues, let's not flip-flop around here every week with another amendment trying to set another strategy, written by a group of us sitting in air-conditioned offices, when we have some of the best military minds this Nation has ever produced, with great depth of experience—by the way, General Petraeus has his Ph.D. from Princeton and was No. 1 in his class at the Command and General Staff College. He is over there right now, and we have it set for him to come back and go through a very deep and serious evaluation of what has happened, where we are, and where we need to go in the future.

So it is all right. I know we are going to have people talk about strategy and alteration in our policy. But I think, in truth, it would be more responsible for us to pass this Defense authorization bill, which will make the lives of our military men and women far better, will make our Defense Department more effective, and will give us a better chance of being successful in Iraq. We need to pass this bill. We will be coming back in September, no doubt, for a very serious debate on how we go from here in Iraq. That is where we are, in my opinion.

I respectfully disagree with some who see it otherwise, who think they have divine strategy—reading a few newspaper articles, I guess, and talking to a few folks and going to Iraq once or twice; I have been there six times—and trying to come back and formulate a policy. I do not think that is wise right now. I urge our colleagues not to go in that direction.

I will take one brief moment to say I respect my colleague from Virginia, Senator WEBB. I recognize the goals and the desires reflected in that amendment—his belief that soldiers ought to have guaranteed time of deployments passed by statute by the Congress of the United States. But I do not agree. I think this is a very significant amendment. I believe it is an amendment that alters the traditional power of the President as Commander in Chief. I think it could put us in very difficult circumstances in the future.

I urge my colleagues to remember the amendment is not limited to Iraq, it covers any military activities we get involved in, in the future, any war now or series of wars we may find ourselves in, in the future. War is very difficult, indeed.

I remember our former colleague, Senator Strom Thurmond, I think at age 40, volunteered to go in the Army.

He had to make them take him. He was a sitting judge. He was not required to go. He was deployed to England. I do not know how long he had been in at the time D–Day occurred. He volunteered to go in on a glider behind enemy lines in the nighttime at the time of the D–Day landing to try to protect the soldiers on the beach from counterattacks.

I remember asking Strom—former chairman of the Armed Services Committee, I will note—I asked: Strom, well, how long did you stay in? Did you stay in until Germany surrendered? He said: Yes, sir, we stayed in until Germany surrendered—there to the day they surrendered. He said: In fact, after Germany surrendered, I was on a train heading across the United States to the Pacific. They were going to send us to Japan when they dropped the bomb on Japan.

I wish to say, I do not know what General Eisenhower, General Marshall, General MacArthur would think about a policy that says, in a time of war, Congress is going to decide how long people are deployed. I do not think it is good policy for a lot of reasons. I would express my objection to the amendment. I know it is well intentioned.

I say this: The military understands it. The military is determined to reduce deployment times in Iraq. Secretary Gates has made that clear. But had he not been able to extend for 3 months those soldiers he extended, it would have required as much as five new brigades to be sent over there. Some of them would not have had their full time at home that he wanted them to have at home. He thought it was better to do it that way than the other way. I believe, under the circumstances, that was a correct decision. People could debate that, but I think he made the right decision there. So it is better to do it that way. To pass a law, sitting here in air-conditioned offices, that is going to direct how the military deploys its troops in times of war is something I think we should not do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I also thank the members of the Armed Services Committee, the Senators from Michigan and Arizona, for all the work they have done on this Defense authorization bill.

I hope the Members of the Senate would have an honest discussion and debate and vote on these amendments and to uphold the 60-vote threshold on something that is as important as this Defense authorization bill, the many amendments that are going to come before us today, I think, takes away from the process, quite honestly.

As far as the air-conditioning goes in this body, I have advocated since I got here, if we shut the air-conditioning down, we would probably be a little more concise and gotten to the point a long time ago.

I rise today in support of an amendment offered by my friend, Senator WEBB. As many colleagues here in this body know, Senator WEBB is a highly decorated marine and Vietnam veteran. I respect his judgment. I trust his counsel enormously on these issues. I am proud to cosponsor his amendment as one part of a strategy to strengthen our military and change course in Iraq.

I also rise today to honor those who have served in Iraq, in honor of those who have been hurt there, and in honor of those 3,600 who never came home. Twenty brave men from my State paid the ultimate sacrifice in Iraq. They are our friends, our neighbors, our brothers, our sisters, our parents, and our children.

The war in Iraq has dominated this country's dialog and conscience for 5 long years. It is now costing us more than $2.5 billion every week; some say it is $3 billion. That is over $100,000 every minute of every hour of every day in Iraq.

Like many of my colleagues in the Senate, one of the most difficult things for me is the struggle in my heart. I balance two seemingly contradictory ideas: I stand here today proud to support our men and women in service, and I also stand here today proud to say that I adamantly oppose this war. I lie awake trying to think of ways to give our troops the resources they need to do their jobs in Iraq but all the while trying to figure out ways to bring them home to their families, friends, and communities.

Let me be clear about this: The men and women fighting this war have my full and unconditional support as a Montanan, as an American, and as a Senator. This country's service men and women have performed their jobs with honor and distinction in the most difficult conditions imaginable. I have supported them since the beginning, and I will continue to support them in the field and, just as importantly, after they come home—something our Nation has fallen behind on doing.

For more than 2 years, I have been asking the President of this great country to develop a plan to get us out of Iraq. I am disappointed to report that I no longer believe President Bush will use any of his remaining 559 days in office to do so. Think of this. We were told in 2003 that we were invading Iraq for the following 3 reasons: to find and destroy weapons of mass destruction, to topple Saddam Hussein's regime, and to give the Iraqi people a chance to establish their own government. While certainly no weapons of mass destruction were found, any infrastructure that may have been in place to create such weapons of mass destruction has been destroyed. Saddam Hussein's government has been dissolved, and an evil dictator has been captured and put to death. The Iraqi people have voted on several occasions on their Government, their Constitution, and their future. I would say our work in Iraq is done. It is time for American troops to stop refereeing a centuries old civil war and come home after a job well done.

The President has not come up with a plan to bring the troops home. Instead, he jeopardized their funding, their equipment, and their training by vetoing legislation that would have funded those vital needs and begun the process of getting them home. The President uses our fighting men and women as pawns in this political game that is dividing our own people at home. That is totally unacceptable. President Bush's intention is clear—to leave our troops in the middle of this bloody civil war until he leaves office. That is why I am announcing I can no longer give the President the benefit of the doubt that he will end the Iraq war.

I am going to take a moment today to share with my colleagues thoughts on a possible three-point plan I hope will bring the Iraq war closer to an end, make our troops safer around the world, and refocus our efforts on those terrorists who attacked this Nation on September 11.

First, we must support the Webb amendment that protects the mental and physical health of our troops. We all know a neighbor or a friend whose son or daughter has been deployed two, three, or even four times with seemingly no rest at home. That is why I am cosponsoring this amendment with Senator WEBB. It deals with troop readiness. His amendment basically says that if you are going to send a unit into war, make sure they are well trained, well rested, and ready for the fight. It is very simple. It is common sense.

More and longer deployments of units with less time to rest and recuperate between means we are going to see more casualties in Iraq, more cases of post-traumatic stress disorder, and more suicides after they get home. According to the Army's own data, soldiers serving repeated deployments are 50 percent more likely than those with only one tour to suffer from post-traumatic stress disorder. Let's think twice before we let the President send a unit to this war or any other of the world's hot spots without the proper training and time between deployments. The strength and long-term health of our Armed Forces is at stake. This war has taken its toll on our readiness. If we don't start now to rebuild and fortify our troops, we will not be able to effectively go after the bad guys who continue to threaten our national security. We need to pass this Webb amendment, period. It is the right thing to do for our troops.

Second, we must redouble our efforts in Afghanistan. Afghanistan threatens to slide back from the progress that was made there immediately following the attacks of September 11. But the war in Afghanistan is rapidly and dangerously becoming a forgotten war, and our lack of effort there helps to explain the rise of al-Qaida in a nuclear and highly volatile Pakistan.

The link between the 9/11 attacks and the current war in Iraq does not exist, period. It never has. Reports confirm that our invasion of Iraq has created more terrorists than it has eliminated. Yet the terrorist who plotted the most deadly attack on U.S. soil, Osama bin Laden, remains at large and ignored by this administration.

The recent news out of England and Scotland is a grim reminder that the threat of world terrorism is still very real. While we pour our resources into policing violence in Iraq, extremists are busy plotting ways to target us and our allies. It is that kind of terrorism, that kind of extremism we need to set our sights on. We need to do it with the full might and vigilance of our military and other security forces, and we must do it while working to regain the trust of so many allies who have become wary of us under the President's leadership. Unlike Iraq, we must not ask the U.S. military to shoulder this entire burden in Afghanistan by themselves. The United States can and should be leaders in the war against terrorism, but we cannot go it alone. We have an obligation to our troops and our families to regain the diplomatic footing we have lost and involve our allies in this effort. We have lost the focus on the war on terrorism and we must regain it.

Finally, I am proud to announce my support for the amendment authored by Senator BYRD deauthorizing the 2002 use-of-force resolution. The resolution Congress passed in 2002 is tragically outdated. The mission in Iraq is not the mission Congress authorized 5 years ago. The President needs to ask Congress and the American people for approval to prosecute what seems to be a very different mission in Iraq.

Proposed legislation to deauthorize the 2002 resolution would make a few things crystal clear. Our current mission in Iraq is over on October 11, 2007. Let me repeat that. The war in Iraq is over on October 11 of this year. After that, the President would have to make a new case for a new mission, one that more accurately reflects what the U.S. troops are now doing in Iraq. If he cannot make that case to Congress and the American people, then our troops need to come home.

Now, we understand al-Qaida is going to try to exploit the situation in Iraq for their own purposes, and there are measures we can take to deal with that. We must not let Iraqi al-Qaida units get a foothold in the country, especially in the western part of Iraq. So I would support a no-fly zone in Iraq, which would ensure that the United States and our allies can keep reconnaissance eyes on efforts to restart terrorist training camps there. To fight the growing number of terrorist camps, we will need warships in the area and aircraft that can reach those al-Qaida targets. We must not hesitate to strike against al-Qaida. The safety of this country and the world depends on that.

We need to continue to improve our ability to gather intelligence on the ground in Iraq, but we do not need and I will not support U.S. troops policing a civil war between the Sunnis and the Shiite militias. I will not support our military personnel guarding bridges and disarming roadside bombs. It is in our national interest to fight al-Qaida but not this civil war.

The mission in Iraq has changed, and the American people realize it. It is time the President did as well. In February of this year, I said the President must tell the American people what success means and how it should be quantified. If success means free elections in Iraq, then we should have been gone 2 years ago. If success means toppling Saddam Hussein, then we should have been gone 3 years ago. If it means something else, then the President must identify a clear and achievable outcome. At this point, that has not happened, and enough is enough.

For 2 years, as a Montana State Senator, a candidate for the U.S. Senate, a Senator-elect, and a U.S. Senator, I have given the Commander in Chief the benefit of the doubt that he would tell Congress and the American people how to define success in Iraq and how he meant to achieve it. He has not done so. The President refuses to support our troops by keeping them in the middle of a civil war with no end in sight. They fight every day in a war with no plan and no definition of success, and, most importantly, they are dying every day in a war the American people do not want to be fighting. We and our troops deserve better. They deserve the truth.

Since the President refuses to support the troops by developing a plan to bring them home, then we must and we should and we will. But above all, we must stand by our soldiers, sailors, marines, and airmen. We support them wholeheartedly while they fight and support them for what they will endure after they get home from Iraq. It is on behalf of those troops and those who fought before them that I am cosponsoring the Webb amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I appreciate the chance to talk about the amendment before us and some of the other amendments. These amendments generally are intended to change our military policies, our presence in Iraq, and essentially to begin, one way or the other, a politically staged withdrawal from Iraq. We are talking about how we are concerned about and support the troops. Do you know what I hear from the troops? I have been there, I have talked to them, and I have heard from them at home. The one thing they say is: We are over here risking our lives. We are fighting a mission which we believe is succeeding. We are making progress. The last thing we want is Congress to declare a military end or take over the management of the war from our commanders. Time after time, they have told me: We have made too many contributions and sacrifices to walk away now and see all we have done go for naught. I will talk about going for naught later on. But the point is that, yes, America has made contributions, large-dollar sums of contributions. But families who have lost loved ones, who have had them maimed, and their comrades-in-arms know the sacrifices these men and women have made. The one thing they implore us to do is not to see these sacrifices be made in vain.

Well, we have seen a lot of negative stories. The media has more than adequately covered those. So people are concerned about what is going on in Iraq. We ought to be concerned. But we are not hearing the stories about what is positive, about the successes of this new strategy, the Petraeus strategy.

I was in Ramadi and Al Anbar 2 months ago and traveling elsewhere, and I found some amazing things. The new counterinsurgency strategy, with the cooperation of the Sunni sheiks who are now working with our military, has really essentially driven al-Qaida out of Ramadi, and they are driving them out of the Al Anbar Province. Make no mistake, when we heard ''civil war, civil war,'' the people over there—the marines, the soldiers—know they are fighting for and looking for al-Qaida. Al-Qaida is the driving force that is keeping it stirred up, and they are on the mission to search and destroy al-Qaida. Al-Qaida is there big time.

But we have been hearing lots of arguments now in favor of—and they are heartfelt arguments and people believe them—it is time for retreat; it is time to cut back; it is time to withdraw. The cost of lives and treasure is too high. The war has not been properly managed. The war cannot be won.

Over the last several weeks on break, when I was traveling, I had the opportunity to read ''Team of Rivals'' about Abraham Lincoln and the conduct of the Civil War. Over a century and a half ago, many of these same arguments were offered abundantly as reasons for President Lincoln to accept defeat of the Civil War, and they are now being made for President Bush to accept defeat in Iraq. As noted in historian Shelby Foote's ''The Civil War: A Narrative,'' Members of Congress playing general urged the troops to abandon the cause. That great Ohio Representative Clement Vallandigham, leader of the Copperhead Democrats, campaigned for office by calling upon soldiers to desert. He declared the South was invincible.

As noted in passages in ''The Civil War,'' in late 1862, ''Senate Republicans caucused and, with only a single dissenting vote, demanded that Lincoln dismiss Secretary of State Seward'' because they thought he was responsible for the conduct of the war.

Republican Leader Thurlow Weed observed that ''the people are wild for peace. . . . Lincoln's election is an impossibility.'' They were after him in

full force. I don't need to elaborate on the enormity of the Civil War, and I don't need to explain what would have happened had Lincoln relented to those politically popular sentiments at the time.

Lincoln chose to fight a bloody and unpopular war because he believed the enemy had to be defeated. Despite being reviled for staying the course, President Lincoln did stay the course. Unfortunately, too many of my colleagues today don't seem to be willing to see this one through. Here we are again, barely weeks into the full implementation of General Petraeus's surge, and the naysayers continue to argue for defeat. It was only a few months ago this body had been calling for and looking for a new strategy, which I believed we must have, which changed the unsuccessful strategy we had, which argued for the Baker-Hamilton report, which said in essence you have to have a new strategy, you cannot precipitously withdraw. We came forward and General Petraeus drafted a counterinsurgency strategy. That is what he told us he was going to do, supported by the surge. Now people want to pull the rug out from under him. He said at least give him until September to see if this new counterinsurgency strategy works.

They are bringing in American soldiers and marines to go in with Iraqi security forces, Iraqi Army, Iraqi police, embedded with them in command centers, barracks; they stay there, live among the people they are protecting, and they have cleaned out the areas. They have cleaned out Ramadi. Two months ago, four Members of Congress walked through downtown Ramadi, which had been an al-Qaida command center. Al-Qaida has been driven out, but naysayers continue to argue for defeat.

Now, there may be some short-term political benefits for those calling for withdrawal. There is popular sentiment for it. Some people honestly believe that. But let me quote 1LT Pete Hegseth, an Iraq war veteran and director of Vets for Freedom:

> Iraq today is the front line of global jihad being waged against America and its allies. Both Osama bin Laden and Ayman al-Zawahiri have said so.

He is correct. Our intelligence services said so. They warned us in January in an open intelligence hearing that if we withdrew on a political timetable and took our troops out without making sure that the Iraqi security forces were adequate, there would be chaos. There would be chaos and greatly increased killings among Sunni and Shia. Al-Qaida would be able to establish a safe haven in which to launch recruitment, training, command and control, and weapons of mass destruction development. The violence and chaos in Iraq would likely bring in coreligionists from other countries of the region as they went in to protect their fellow religionists. We could have a regionwide civil war, Shia versus Sunni.

That is what will happen if we withdraw. Most of us concede there was poor management and costly mistakes were made in the post-invasion phase in Iraq. But they are not compelling reasons for why we should retreat and, like all mistakes, we should learn from them and not go back and commit them again by drawing down forces to the point where we don't have adequate troops to work with the Iraqi security forces.

Washington Post columnist Michael Gerson recently pointed out that those who are calling for retreat are not learning from previous mistakes but repeating them. Gerson writes:

> History seems to be settling on some criticisms of the early conduct of the Iraq war. On the theory that America could liberate and leave . . . force levels were reduced too early . . . security responsibilities were transferred to Iraqis before they were ready, and planning for future challenges was unrealistic.
>
> And now Democrats running for President have thought deeply and produced their own Iraq policy: They want to cut force levels too early and transfer responsibility to Iraqis before they are ready, and they offer no plan to deal with the chaos that would result six months down the road. In essential outline, they have chosen to duplicate the early mistakes of an administration they hold in contempt.

I agree with Gerson, we should not make those mistakes. We must fulfill the mission that over 3,600 brave men and women have made the ultimate sacrifice for.

To quote a Missouri guardsman, COL Bob Leeker, who just returned from commanding the 507th Air Expeditionary Group in Iraq:

> I only hope that the American people will give us the time. The American people must understand that this is not only about Iraq, it is a fight against Muslim fanaticism, Muslim extremists. If we pull out in the near term, or at the wrong time, there will be an incredible amount of blood running throughout Iraq, and the blood and sweat that I and my brethren in arms have already given will be for nought.

These are compelling words. They ought not to be taken lightly. Not only is the security and safety of our Nation and allies at stake, but so too is our credibility.

Critics frequently claim the war has damaged the United States image and credibility throughout the world. Yet these same critics ignore what irreparable harm would be done were we to leave this mission unfilled. If you think our mission has made our image and reputation plummet, wait and watch it nosedive after we leave Iraq before finishing the job. Think about the millions of Iraqi citizens and leaders who have taken a stand against terrorism, who have committed to work with us, to rebuild their country, to fight against the forces of radical Islamists and terrorists. What are we to say to the millions of Iraqis who trusted Americans and believed we would stay until the mission was completed? We would, regrettably, see them slaughtered by terrorists as a result of our abandoning them before they were able to stand on their own.

What did we say to the hundreds of thousands of South Vietnamese or millions of Cambodians who trusted America and were slaughtered after Congress dictated that we abandon them?

History has taught us when American abandons its commitment to spreading liberty and freedom, we are not the only ones who suffer. Rest assured, it will come back to harm us in our own homeland.

Just as our intelligence community has warned and terrorist leaders have stated, Iraq will become a base and safe haven from which to plan and launch future attacks.

Let me be clear, the enemy in Iraq consists of murderous, barbaric terrorists. They are not ''insurgents'' or ''jihadists.'' Let's get terms straight because we fall into the trap of taking their terms. Jihad in the Muslim religion is the individual journey to moral improvement. It has been misrepresented to be a philosophy that permits encouraging the killing of innocents, the slaughter of fellow Muslims, the slaughter of women and children. The real Arabic term for that is hirabah. The people who commit it are not insurgents or jihadists, but mufsidoon. These people are condemned to live with Satan because they have committed blasphemy. These are the people we are fighting. It is not a civil war. They are the people who violate the tenets of Islam. They try to hijack it, try to claim the Islamic banner; but they are not practicing the religion of the Prophet Mohammed.

Well, there is another reason these people want to sanitize the description we use of them. Calling them insurgents implies they have the support of the local population. But the local population is being victimized, killed, evicted from their homes, or beheaded by the so-called insurgents. That is why the Sunni sheikhs in al-Anbar are working with us. They have lived under al-Qaida. They want an end to the terror. That is why they are helping us to identify who they are, where the weapons caches are, and where the IEDs are hidden. They are sending in young Sunnis to sign up. They want to be free of the terrorists.

Precipitous withdrawal would be a rallying cry for terrorists and al-Qaida around the world. It would invite further aggression and attacks from the barbarians. It would be a total loss of freedom, liberty, and peace, and would be a victory for totalitarianism, terrorism, and treachery.

In a recent book by J. Michael Waller, a scholar at the Institute of World Politics, he defined terrorism as:

> A form of political and psychological warfare; it is protracted, high intensity propaganda aimed more at the hearts of the public and the minds of decisionmakers and not at the physical victims.

By Waller's definition and what I have heard from some people in this body and the media, the terrorists are

certainly hitting their targets. Our words should inspire our troops and the millions of Iraqi citizens who actually trust that Americans will not embrace defeat and leave them. Instead, the words of the retreat-and-defeat crowd inspire al-Qaida and the murderous terrorists attempting to ignite sectarian strife.

Now is not the time to pull out when we are seeing encouraging signs in places where the surge has been implemented. Al-Anbar Province shows tremendous signs of progress. Even the New York Times' Michael Gordon reported last Friday how young American soldiers are executing General Petraeus's new strategy on the ground, and how they are fighting and defeating al-Qaida.

Here is a quote from Frederick Kagan, a resident scholar at AEI:

> Al-Qaida's operations in Baghdad—its bombings, kidnappings, resupply activities, movement of foreign fighters, and financing—depend on its ability to move people and goods around the rural outskirts of the capital as well as in the city. Petraeus and Odierno, therefore, are conducting simultaneous operations in many places in the Baghdad belt: Fallujah and Baquba, Mahmudiya, Arab Jabour, Salman Pak, the southern shores of Lake Tharthar, Karma, Tarmiya, and so on. By attacking all of these bases at once, coalition forces will gravely complicate the enemy's movement from place to place, as well as his ability to establish new bases and safe havens. At the same time, U.S. and Iraqi forces have already disrupted al-Qaida's major bases and are working to prevent the enemy from taking refuge in the city. U.S. forces are also aggressively targeting Shia death squad leaders and helping Iraqi forces operating against the Shia militias.

Why has this Senate chosen to debate timelines, restrictions, and retreat despite encouraging signs that the surge is working, despite the fact that this new strategy has only been in place fully for barely a month, and despite the fact that those who want to withdraw and retreat have failed to offer any constructive alternatives on how they would deal with a chaos that would ensue from their retreat? It is a huge disappointment that this debate is not about how we can achieve victory, but how quickly can we cede defeat.

This has become a political debate and the focus of our national security has been sidetracked. We should not pass legislation that provides our enemy a clear path to victory—a victory which, sadly, many in this body are ready to award al-Qaida, without ever having given the surge a fighting chance. The surge is indeed the best hope we have for establishing safety and stability in the area, which will allow the Iraqi security forces to take over and give the Iraqi Government the space to develop a workable government that can rule their country.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. LEVIN. Will the Senator yield for a unanimous consent request?

I ask unanimous consent that after completion of the remarks of the Senator from Arizona, that Senator REED of Rhode Island be recognized.

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

Mr. KYL. Madam President, I thank the chairman of the committee, the Senator from Michigan, for his courtesy. I rise today to discuss the pending business, the National Defense Authorization Act for 2008. There was a lot of work done on this important legislation. I wish to discuss five key areas of the bill—Iraq, our nuclear deterrent, missile defense, space threats, and our approach to the war against terrorists.

This bill has fundamental flaws and must be improved, not only so it can pass this body, but so it can be signed by the President and not be vetoed. Remember, this bill does not need to become law, and failure to improve some critical areas of the bill will ensure that it doesn't. To that end, it is important that the Senate have sufficient time to debate the bill. We have already seen a record number of cloture motions filed this year, by my count over 40. And, as I understand it, another has recently been filed dealing with the so-called Webb amendment. This is probably not a good way to consider a bill as significant as the Defense authorization bill.

Let me, first of all, address the subject of Iraq, the central front in the global war against terrorists. Many Senators will spend a significant amount of time focusing on Iraq policy, and I welcome the opportunity to do that. Iraq, after all, is the central front in the global war against the terrorists. This is what Osama bin Laden says. This is not my own definition. Our success there is not only important to the people of Iraq, but it is critical to the national security of the United States.

I mentioned Osama bin Laden. He once referred to Iraq as the capital of the caliphate. That is the area he would like to establish over which he would rule, and Baghdad would actually be the center part of that new area. He has argued that ''the most serious issue today for the whole world is this third world war that is raging in Iraq.''

Let there be no doubt that al-Qaida and Osama bin Laden are very much present in Iraq and very intent on defeating the United States there. The junior Senator from Virginia has offered an amendment that will codify what the Pentagon, according to the service chiefs and Secretary of Defense, is already attempting to do with so-called dwell time. That policy is for the Commander in Chief to determine, not the Congress.

Other Senators will offer other amendments relating to Iraq. Among them are amendments to withdraw our troops or make it harder for the administration to prosecute the war. I look forward to a debate on all of these amendments, but I make two points to my colleagues who might use this bill to attempt to prematurely leave Iraq or undercut our current strategy there.

One, we need to give the plan that is being executed by General Petraeus time to succeed. We are already seeing signs of progress in the early stages of the surge, and we need to await his report in September before making judgments about what to do next.

Second, advocates of withdrawal need to confront the likely consequences of their proposed policies, none of which, in my opinion, are good.

To the first point, the last of the five combat brigades of the surge just became operational a couple weeks ago, June 15. According to the U.S. military spokesman, LTC Chris Garver,

> This is the first time we'll be able to do the entire strategy as it was designed.

So it would be premature, to say the least, to judge the effect of the surge at this point and make important strategic decisions based on that judgment. We are already beginning to see Iraqi forces assuming more responsibility over their security, coalition forces receiving more cooperation from Iraqi civilians, and humanitarian and economic conditions improving.

The second point. Advocates of withdrawal have the duty to tell the American people how they propose to grapple with the consequences of their withdrawal. What will you do about the likely ethnic cleansing and genocide against Iraqi citizens who supported coalition forces? GEN Anthony Zinni said:

> This is no Vietnam or Somalia or those places where you can walk away. If we just pull out, we'll find ourselves back in short order.

What would the proponents of these amendments do when Iraq and al-Qaida are emboldened by our retreat, and terrorists enjoy a new safe haven from which to plot attacks against the United States and our allies?

Terrorism expert Peter Bergen said this:

> [A U.S. withdrawal] . . . would fit all too neatly into Osama bin Laden's master narrative about American foreign policy. His theme is that America is a paper tiger that cannot tolerate body bags coming home; to back it up, he cites President Ronald Reagan's 1984 withdrawal of United States troops from Lebanon and President Bill Clinton's decision nearly a decade later to pull troops from Somalia. A unilateral pullout from Iraq would only confirm this analysis of American weakness among his jihadist allies.

What would proponents of amendments do if violence in Iraq escalates and draws in neighboring countries? Here is what a recent Brookings Institution study said about that point:

> Iraq appears to have many of the conditions most conducive to spillover because there is a high degree of foreign ''interest'' in Iraq. Ethnic, tribal, and religious groups within Iraq are equally prevalent in neighboring countries and they share many of the same grievances. Iraq has a history of violence with its neighbors, which has fostered

desires for vengeance and fomented constant clashes. Iraq also possesses resources that its neighbors covet—oil being the most obvious, but important religious shrines also figure in the mix. There is a high degree of commerce and communication between Iraq and its neighbors, and its borders are porous. All of this suggests that spillover from an Iraqi civil war would tend toward the most dangerous end of the spillover spectrum.

What would the proponents of these amendments say to America's moderate allies in the Muslim world, including Egypt, Saudi Arabia, and Pakistan, who would justifiably question our commitment to them and to the long war in which we find ourselves?

And how would the proponents convince them not to begin hedging their bets and cooperate less with the United States, thus further enabling and emboldening the terrorists?

Do the proponents of these amendments believe withdrawing our forces will end our war against the terrorists? Do they believe they would not simply follow us home and attack us on our own soil?

The Petraeus plan may not offer an easy way forward, but it is the only plan I have heard that does not promise defeat. But as I said, we will have our debates on Iraq policy, as we should. There are other debates about this bill that we should also have.

I respect the work that many have done on the bill, but an outside observer, I suggest, might wonder exactly how this bill is going to make us safer. It is supposed to set the national defense policies for the United States, but it is not enough to simply provide funding authorizations. Leaving threats undefended against will not be excused simply because we have spent more money than last year. In fact, some of the biggest flaws in the bill are policy changes, not just funding changes.

Let me discuss what some of these flaws are. Our nuclear deterrent, the reliable replacement warhead, our nuclear weapons complex, the language regarding stockpile stewardship and nuclear weapons complex, and, finally, a recommendation regarding the Comprehensive Test-Ban Treaty. First, to the reliable replacement warhead.

I am deeply troubled by what appears to be a strategy of slow, inconspicuous disarmament of our strategic deterrent in this bill and the other authorization and spending bills of the new majority in the Senate.

The administration's request for development of the first reliable replacement warhead programs was completely eliminated by the House in its appropriations bill, a fate that thankfully was avoided in the Senate subcommittee markup. Yet there is a clear signal sent by this bill which cut the administration's request by $43 million out of a total of $195 million, and which handcuffs the administration from moving beyond all but the earliest phases of development of the warhead. This leaves the U.S. nuclear deterrent absolutely reliant on weapons designed and built in the 1980s.

The stockpile stewardship and nuclear weapons complex: Actions taken by the new majority in the House cut approximately $500 million from the upgrade and modernization of facilities in the nuclear weapons complex. These are responsible for refurbishing deployed bombs and warheads, storing older ones, and dismantling those no longer needed. This, obviously, further erodes the reliability of our current stockpile.

What signal does this send not only to our enemies but to our allies, allies who for over 60 years have relied on the umbrella of protection of our nuclear deterrent?

I mentioned the Comprehensive Test-Ban Treaty. Perhaps the most—it is hard to find the right word—shall I say irregular part of the bill is the language that would attempt to short-circuit what is this body's most serious responsibility: the role of the Senate in treaty ratification.

Tucked away near the end of this bill, very much in the fine print, is an unprecedented attempt to preordain the ratification of a treaty—a treaty already overwhelmingly rejected by this body—the CTBT. Unlike the very reasoned rejection of the CTBT 8 years ago following extensive debate after committee hearings, consideration of intelligence, and the like, this language in the bill presumes to state that the will of the Congress, without the benefit of a single hearing or single committee action of this body, let alone reference to intelligence and debate in the full Senate, is to ratify the treaty.

The solemn responsibility of this body to consider treaties cannot be so cavalierly disregarded. How can Senators who were not even in the Senate in 1999 be expected to evaluate the CTBT without the kind of serious consideration that occurred in 1999? This sense of the Senate should be called just what it is—a sham. The whole section of the bill reads as a throwback to the days of the nuclear freeze.

Apart from the hortatory verbiage in section 3122, it is clear the bill leaves us without the resources needed to develop a smaller and safer next generation nuclear stockpile and without resources needed to maintain our current stockpile.

In a fundamental contradiction, the cuts in the nuclear programs will actually increase the likelihood of needing to return to testing, the very option that would be permanently denied through the ratification of the CTBT.

Next, let me turn to missile defense. I am very troubled by what this bill does to undermine the substantial progress made in protecting this country from ballistic missile threats.

During the North Korean July 4 demonstration a year ago, which included firing the Taepodong 2 missile with the capability to reach as far as Alaska, the President of the United States had an operational defense missile system on alert for the first time in history. But this bill moves to deny that flexible authority that we have used to simultaneously research, test, and deploy an operational missile defense system in record time.

What is more, the bill significantly cuts funding for the construction of a European missile defense site, which will allow better defense against the Iranian threat, improved coverage of the United States, and extension of our missile defense system to provide coverage for Europe. This while we are in the middle of negotiations with Poland and the Czech Republic, while the Russians threaten a new arms race, and while Iran tests the West's resolve.

The subject of space threats. One of the most significant failures of this bill is it does nothing to defend the eyes and ears of this country's political, cultural, diplomatic, economic, and military might. Since the Chinese antisatellite, or ASAT, test earlier this year, very little has been done to defend our global constellations.

Modest requests from the administration to provide defensive capabilities, such as the space test bed, for which only $10 million was requested, have been zeroed out by both the House and Senate Armed Services Committee.

What is more, the bill inflicts significant cuts, some $55 million, to the space tracking and surveillance system, the next generation constellation of satellites that will allow improved tracking and targeting of ASAT weapons and midcourse ballistic missile.

Other space programs, for example, space situational awareness, received increases above the administration's request. And I applaud the committee for this, but I remind the Senate that this program only allows us to see a threat approaching our satellite constellation. It does nothing to enable us to defend against the threat. Have we learned nothing from recent experience?

Our enemies have proven they know better than to engage our armies and navies directly. They have observed our weaknesses and seek to exploit them through asymmetrical attacks. Blind us, and the best navy in the world can't repel an attack.

Who can dispute the fact that the $504 billion that we authorize for the Department of Defense in this bill would be virtually meaningless if we can't defend our satellite systems from attack? Our satellite system is the backbone of our entire national defense.

Finally, let me conclude by talking about what this bill does with respect to the terrorists with whom we are engaged in a life-and-death struggle.

The bill basically would return us to pre-9/11 days, to the law enforcement approach to terrorists.

We should think very carefully about the damage that would be wrought in a global war against these terrorists if we have to fight it by using the ill-conceived proposals in this bill. One would require us to give trials to every detainee we are holding in combat in

places such as Iraq and Afghanistan. Another would give them access to classified information; allow them to compel testimony of witnesses, including our own soldiers on the battlefield.

Have the authors of these provisions thought about where we will get the military lawyers needed to implement their criminal law ACLU approach to warfare? There are barely enough of them to provide legal services to our own troops. Have they thought about what our intelligence community will say to the foreign allied intelligence agencies, many of which are already concerned about sharing their sources and methods of intelligence with us; and who may very well completely cease sharing important intelligence information, knowing it will be shared with captured terrorist combatants? We know that more than 30 detainees have been released from our custody and have returned to waging war against the United States and its allies. What will the release of potentially thousands of detainees do to our national security?

The Senate must give very careful consideration to this dangerous return to the pre-9/11 notion of terrorism as a law enforcement problem. Terrorists have made no secret they are at war against our civilization. We ignore their warnings at our peril, and we will not prevail if we must deal with them as criminal defendants in American courts.

Madam President, I conclude by asking my colleagues to carefully consider the impact these several policies I have highlighted will have on our national security. Our first obligation is to provide for the common defense. Unfortunately, as it is presently written, this bill falls well short of that solemn duty, and it could get worse if some of the amendments proposed are adopted. I urge my colleagues to take very seriously our obligation to provide for the common defense. It begins by confining the policies in this bill to the traditional areas of defense preparedness. I hope we will be disciplined enough to do so.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I will suggest the absence of a quorum for a brief minute. Senator JACK REED is scheduled to be next, and he is within, I think, 30 seconds of getting here. He delayed, as a courtesy to Senator KYL, and so I will put in that quorum call for a minute so he can get here.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REED. Madam President, today I wish to speak on the Senate Armed Services Committee bill being considered by the Senate, S. 1547, the National Defense Authorization Act for fiscal year 2008. It is, I believe, a very good bill.

I wish to commend the chairman, Senator LEVIN, and his ranking member, Senator WARNER, for their efforts and particularly the staff and all the work they have done which has contributed to this product today. It was reported favorably to the floor of the Senate by a unanimous vote of the committee, which shows its bipartisan support.

As a member of the Armed Services Committee, I have had the privilege of serving as the chairman of the Emerging Threats and Capabilities Subcommittee, and I would like to share with my colleagues the highlights of our bill that originated in the Emerging Threats and Capabilities Subcommittee.

Before I describe those highlights, I also wish to commend and thank Senator DOLE, the ranking member of my committee. It was a partnership and a pleasure to work together with her. She certainly gave valuable service, along with her staff, and I appreciate very much her personal contribution and her leadership on this issue.

I would also like to thank staff for their great contribution and their great effort.

By way of background, the Emerging Threats and Capabilities Subcommittee, also known as the ETC subcommittee, is responsible for looking at new and emerging threats and considering appropriate steps we should take to improve our capabilities to enhance our security in the light of these new emerging threats. Two of our committee markup objectives, in preparing the bill, were to improve the ability of the Armed Forces to meet nontraditional threats, including terrorism and weapons of mass destruction; second, to promote the transformation of the Armed Forces to meet the threats of the 21st century.

In a nutshell, that is what the ETC subcommittee should be all about, and I hope this legislation represents the sum of all our efforts in that regard.

This year, there are a number of issues, or themes, that the ETC subcommittee's portion of the bill addresses based on the emerging threats or challenges facing the United States and on capabilities we need to address these challenges. The first thing is the Defense Department's need for improved and alternate sources of energy. The Department is a massive consumer of energy, including for its military vehicles and platforms, and advanced technology may offer improved effectiveness at a reduced cost for our military in the area of energy conservation and energy demands.

The second area relates to the language of cultural challenges facing our military forces operating overseas. We held a very fine hearing on this subject, and there is clearly a need to improve the language and cultural awareness capabilities of the military and to make use of improved technology in this area. This would improve our military effectiveness and our mission success.

The third issue, or theme, is the threat from the proliferation of weapons of mass destruction and the need to improve U.S. efforts to reduce this proliferation risk. We held an excellent hearing with the former Senator Sam Nunn and Senator RICHARD LUGAR, as well as witnesses from the Department of Defense and the Department of Energy, on these nonproliferation programs, and I think we all must recognize the debt we collectively owe, not only ourselves but the Nation, to both Senators Nunn and Senator LUGAR for their path-breaking work on limiting nuclear proliferation and we commend and thank them for that. Given the potentially catastrophic damage that could result from such proliferation, we must always look for ways to strengthen and improve our nonproliferation programs.

The final and related theme and issue that we discussed is the threat of a terrorist incident within the United States involving a chemical, biological, radiological, nuclear or high-yield explosive device, which is known by the acronym CBRNE, a CBRNE device. The challenge is to be prepared to manage the consequences of such a domestic CBRNE incident and for the Defense Department to have the right capabilities, plans, and equipment to provide support to the civil authorities, if requested.

I will address the committee's action on these issues as I describe the highlights of the Emerging Threats and Capabilities Subcommittee's portion of the bill being considered by the Senate today. Let me start with the area of science and technology.

The bill authorizes increased investment in science and technology programs by over $450 million. These programs perform cutting-edge research that is developing the capabilities that will ensure the effectiveness of our Armed Forces in the future, while strengthening the Nation's high-technology innovation sector.

These additional S&T investments, which reflect military value and technical merit, are intended to enhance Defense Department activities in a number of areas—advanced and alternate energy technologies; new manufacturing capabilities; advanced medical technologies aimed at improving the care of combat casualties; and increased funding for defense-related university research that will provide the foundation for future military capability and, in fact, will probably contribute to our overall economy.

The Armed Services Committee bill authorizes investments of nearly $75 million for advanced energy technologies, including programs to develop fuel cells, hybrid engines, build hydrogen infrastructure such as fueling stations at military bases, and explore the use of biofuels for military systems.

These kind of technologies will save money and improve war-fighting capabilities, reduce America's dependency on foreign oil, and help DOD lead the way in the widespread droppings of alternative energy technologies.

The bill includes a provision sponsored by Senator PRYOR that would enhance the Department's nanotechnology research program to reflect the maturation of nanotechnology in industry and in universities. It would push the Department to have a greater emphasis on issues such as nanomanufacturing, moving nanotechnology into major defense systems, and monitoring international capabilities in nanotechnology.

Following a recommendation of the Defense Science Board, the bill would require the Defense Department to produce a strategic plan for the development of manufacturing technologies. Advanced manufacturing processes are the key to ensuring that our defense industrial base can respond to the surge of production needs of our deployed forces for items such as body armor, vehicle armor, and jamming devices that are being used to defeat Improvised Explosive Devices. Manufacturing is also one of the keys to our overall global competitiveness.

I am pleased to note the committee bill authorizes nearly $85 million in additional funds for the development of advanced manufacturing technologies to support critical defense production capabilities.

In relation to the threat from proliferation of weapons of mass destruction, the bill authorizes additional funding for important nonproliferation programs at the Department of Defense and the Department of Energy. This additional funding includes $100 million for the Cooperative Threat Reduction—CTR—Program and $87 million for nonproliferation programs of the National Nuclear Security Administration.

The bill also authorizes $50 million to support the International Atomic Energy Agency proposal for an international nuclear fuel bank. This promising idea, if successfully implemented, could remove the incentive for countries, such as Iran, to develop indigenous uranium enrichment programs for nuclear power reactor fuel. This would address the loophole in the Nuclear Nonproliferation Treaty that allows uranium enrichment for civilian power purposes to serve as a cover for uranium enrichment for weapons purposes.

In addition, S. 1547 includes a provision that would finally repeal all the precertifications for the CTR Program. These conditions delay the program annually, waste program funds, and have long outlived any usefulness. Senator LUGAR has worked for several years now to remove these restrictions, and I am pleased we have been able to include this provision in the bill.

The additional funding for CTR would allow the program to accelerate and expand work into some biological materials and weapons areas that have become an increasing concern, and allow for the first time the CTR Program to address issues outside the former Soviet Union in a planned, nonemergency fashion. The National Nuclear Security Agency Program has a number of challenges with respect to the proliferation of nuclear weapons, materials, and technology, and much more needs to be done. The North Korea nuclear tests last October highlighted an area where we need a lot of additional work. That is the area of nuclear forensics and attribution. The bill authorizes additional funding to develop new technology to detect and identify the sources of nuclear material and to support the Department of Energy's Office of Intelligence efforts to develop a nuclear material forensic library.

The real challenge we have that faces us, an existential challenge, is the threat that someday a terrorist—not a nation state but a terrorist—might detonate a nuclear device in the United States or in an allied country. They would get that material from some national source. If we can effectively trace materials, and we know and we can identify where such materials come from, that goes a long way in helping remove the incentives for any nation state to provide these types of materials to terrorists. I think this is important research, and I am particularly pleased that we have incorporated this language in the legislation.

In the area of homeland defense there is a concern about the enormous challenge of dealing with the chemical, biological, radiological, nuclear, or high-yield explosives, the CBRNE incident in the United States. Such an incident could quickly overwhelm local and State emergency response capabilities. The bill contains a provision requiring an advisory panel to address the capabilities of the Department of Defense to provide support for civil authorities for consequence management of a domestic CBRNE incident. The panel would report to Congress with any findings and any particular recommendations.

I thank particularly Senator DOLE and her staff for leading the way on this issue.

In the area of chemical and biological matters, the bill adds nearly $70 million for the Defense Department's chemical and biological defense program, including procurement of chemical agent detectives and monitors for the Army National Guard. These systems can be used for overseas deployments or for domestic consequence management initiatives.

The bill also authorizes the restoration of $36 million for the chemical demilitarization program and includes a sense-of-Congress resolution that the United States should do everything practicable to meet our chemical weapons destruction obligations under the Chemical Weapons Convention deadline of April 2012, or as soon as possible thereafter. This sense-of-Congress provision includes a number of recommendations made by the Republican leader, Senator MITCH MCCONNELL. I thank him for his contribution.

The sooner we destroy the stockpile, the sooner we will remove the risks to the communities around the stockpile sites throughout the United States.

Let me turn also to the area of special operations forces, and in particular language issues. The bill contains additional funding for the Special Operations Command, SOCOM, to meet critical language and cultural awareness training requirements, and for various SOCOM technology and training programs. All told, the bill authorizes more than $20 million additional funding to improve the foreign language and cultural awareness capabilities of our military forces.

The bill also contains a provision creating a National Foreign Language Coordination Council, an initiative proposed by Senator AKAKA of Hawaii, and I thank him for this contribution. This council will ensure that the initial steps that the administration has taken will develop into an organized and concerted effort to improve the Nation's foreign language capabilities.

S. 1547 includes, in addition, a provision that would require the Government Accountability Office to review the ongoing reorganization of the Office of the Under Secretary of Defense for Policy. The committee has expressed strong reservations about this reorganization, especially as it pertains to the Office of the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict. The study would examine some of the specific committee concerns.

The bill also authorizes an additional $124 million to cover unfunded requirements of the Special Operations Command to procure Mine Resistant Ambush Protected, or MRAP, vehicles. This is part of a committee-wide $4 billion increase to ensure that U.S. military personnel in Iraq receive the best protection available against improvised explosive devices, the primary cause of injury and death to our personnel.

I might add, I just returned yesterday from Iraq. One of the points that was raised by Major General Mixon, Commander of the 25th Division, was the need for these MRAP vehicles. I communicated that directly to the Secretary of Defense. I must commend Secretary Gates for his aggressive leadership to ensure that these MRAP vehicles are being produced and being sent overseas to our forces, particularly our forces in Iraq. His leadership on this point is very much appreciated.

Finally, in the area of counterterrorism and counterdrug policy, the committee took a number of actions. On counterterrorism, the committee authorized the Department of Defense to provide increased rewards for assistance in counterterrorist operations. This is intended to provide additional

incentives for others to help us find and defeat terrorists. The committee also funded the Department's ''train and equip'' program to build the capacity of partner nations to conduct counterterrorism operations and to operate with U.S. forces in military or stability operations. The committee has authorized funding for this program, also known as section 1206, at the level authorized last year for fiscal years 2007 and 2008. Congress has given the Defense Department this authority as a pilot program to the end of this fiscal year, at which time Congress can evaluate the program's effectiveness.

On counterdrug policy, the committee authorized the Department to provide counterdrug training and equipping assistance to Mexico and the Dominican Republic. This would expand a list of countries to which we provide such assistance to these neighbors who are facing serious drug challenges. With regard to funding, the committee authorized an additional $22.5 million to boost drug interdiction efforts, especially in the U.S. Southern Command's area of responsibility.

Madam President, that is a summary of the highlights of the Emerging Threats and Capabilities Subcommittee portion of the Armed Services Committee bill. I urge the Senate to support the entire bill, as the subcommittee does.

Now I would like to turn my attention to the matter pending before the Senate, and that is the amendment proposed by my colleague, Senator WEBB of Virginia.

I rise to commend him. I think this is an important amendment that underscores and highlights the strain that our troops are under, given the operational demands of efforts in both Iraq and Afghanistan and many places in the world. No one in this Senate—and particularly in this caucus, this Democratic caucus—understands on a firsthand basis the strain that soldiers, marines, and airmen and sailors live under constantly more than our colleague from Virginia, Senator WEBB, who is a distinguished and heroic veteran of the conflict in Vietnam and someone to whom we look for his insight and leadership, particularly with respect to the welfare and the safekeeping of our military personnel.

Since 2003, the United States has maintained an average of 138,700 troops in Iraq. Today we know we are at a level approaching 160,000. At the same time, there are approximately 25,500 military personnel in Afghanistan and an additional 175,000 military personnel performing missions in 130 countries around the world. Nearly every nondeployed combat brigade in the Active-Duty Army has reported that they are not ready to complete their assigned war missions.

Let me repeat that. Nearly every nondeployed combat brigade, those not in Iraq and Afghanistan, are reporting they are not ready in terms of personnel or equipment to complete their assigned war missions. We all know if they are ordered to, they will go into the fight and they will do well. But they are not going in with the same level of personnel, equipment, and in many cases training that we expected of them just a few short years ago. This is as a result, a direct consequence of the strategy being pursued by the President in Afghanistan and Iraq and the size limitations on our military forces.

Such a sustained operational demand has had a significant effect on our ground forces' ability to train, deploy, and conduct their missions effectively. The way we measure our military's ability to perform effectively is called their readiness. Readiness is composed of three elements: personnel, equipment, and training.

First let's look at the personnel issues. Since 2002, 1.4 million military troops have served in Iraq or Afghanistan. The standard ratio the U.S. military likes to use for deployments is 1 to 2—meaning for every year deployed, 2 years back at the home duty station for recuperation, retraining—all those things you need to restore the professional skill and a high degree of spirit and morale necessary for successful military forces.

Since the beginning of the Iraq war, however, Army brigade combat teams have been on a 1-to-1 ratio: 1 year deployed, 1 year back. That puts a huge strain on not only soldiers but the families of those soldiers. This ratio was further strained on April 11, 2007, when the Pentagon announced that all Active-Duty Army units in the Central Command area of responsibility, principally Iraq and Afghanistan, would be extended to 15-month tours. The Marine Corps has also moved to a 1-to-1 ratio: 7 months deployed, 7 months at home station.

There is another aspect to this, and that is known as stop-loss. It has been imposed on 50,000 troops. What this means is that an individual is eligible, having served out their enlisted time, to leave the military forces, but they are involuntarily held behind in order to meet the missions of the Army because of this huge personnel crunch.

That stop-loss is affecting 50,000 individuals who have served honorably and well, who have made plans to return to civilian life. Those plans are on hold now. That is another manifestation of this strain our land forces are under at this moment.

The reality of this operational tempo is that many Active-Duty soldiers and marines are on their third or even fourth tour of duty in Afghanistan or Iraq. Of the Army's Active 44 combat brigades, all but the 1st Brigade of the Second Infantry Division, which is permanently based in South Korea, have served at least one term in Iraq or Afghanistan. Breaking that down further, 12 brigades of Army have had 1 tour, 20 have had to 2 tours, 9 have had 3 tours, and 2 brigades are on their fourth tour. This is an extraordinarily aggressive operational tempo to subject any force to.

Although the deployment for our special operations forces are classified, it is known that the average weekly deployment for special operations forces was 61 percent higher in 2005 than in 2000. Every aspect of our Active Force and many of our Reserve components are being stressed with extraordinary contributions to the operations today that are worldwide.

This strain extends to our National Guard and Reserve. More than 417,000 National Guard and Reserve, or about 80 percent of the members of the Guard and Reserve, have been deployed to Iraq or Afghanistan with an average of 18 months per mobilization. Of these, more than 84,200, or 20 percent, have been deployed more than once. Presently, the Army National Guard has 34 brigades; 16 are considered an ''enhanced brigade,'' which means they are supposed to be fully manned, equipped, and able to deploy rapidly.

Since 2001, every enhanced brigade has been deployed overseas at least once, and two have already been deployed twice.

When the President announced the surge, the Pentagon was forced to recall to active duty several thousand Guard and Reserve personnel who had already served in Iraq and Afghanistan. In order to do this, the Pentagon had to revise its rules that limited the call-up time of Guard members to no more than 24 months every 5 years.

With respect to this decision, the Commission on the National Guard and Reserve recently concluded:

> Overall, if the reserve component, including the National Guard, continues its high operational tempo, current indicators cast considerable doubt on the future sustainability of recruiting and retention, even if financial incentives continue to increase. There is a real cost to this operational tempo.

The cost is not only in the immediate near term but also in the longer one. Our current policies overseas have overstretched our military. The burdens of the past few years will have consequences for years to come. We risk rendering our military a weakened force, and we want to do all we can to avoid it.

We are already seeing indications of the stress that is being borne by our military forces, and they are manifested in many different ways.

Yesterday the U.S. Army announced it fell short of its active-duty recruiting goal by 15 percent. It is the second month in a row that the Army's enlistment efforts have fallen short. This is in the context of a belated attempt, I would argue, by the administration to increase the overall end strength in the Army.

You have a situation now where the Army is under huge pressure. There is an attempt to increase the numbers overall. That attempt is being, at least seems to be being frustrated by the inability to recruit new personnel into the Army.

The Army expressed concern but repeats the fact that the Army has met its recruiting goals for the past 2 years. Technically, that is true. But a closer look shows there are some disturbing trends that may have long-term negative consequences. In order to meet the demands of today, the Army is drawing heavily on its delayed entry program, or pool of future recruits, which will leave it empty handed in the future as they try to enlist more soldiers.

The Army has also begun to lower standards in order to meet recruiting goals. The Army granted approximately 8,500 ''moral waivers'' to recruits in 2006, as compared to 2,260 of these moral waivers given in 1996. These waivers cover misconduct and minor criminal offenses. Again, the trend is not less but more in terms of trying to achieve recruiting goals by waiving some incidents that otherwise would disqualify a person from joining the Army. Waivers for recruits who committed felonies, for example, were up 30 percent in 2006 from the year before.

Last year, 82 percent of Army recruits had high school diplomas. That is the lowest level since 1981. Only 61 percent of Army recruits scored above average on the service's aptitude test last year. That is the lowest score since 1985.

Last year, the Army would not have met its recruiting goals without lowering its weight standards and increasing the acceptable recruiting age to 42 years old. Frankly, you know, thinking back, not long ago the idea of actually trying to recruit people who were 42 years old, might have physical problems, who might have minor criminal violations, was considered anathema by the military as they prided themselves on the ability with each succeeding quarter to indeed try to raise the standards. But the pressure on personnel has produced these results.

Despite these lower standards, basic training graduation rates have increased from 82 percent in 2005 to 94 percent in 2006, leaving one to wonder whether the training program standards are also being modified so that these individuals can get through and get into the brigades that need support. That would have long-term, unfortunate consequences for the overall effectiveness of our military forces.

The Army is also using some extraordinary means to maintain retention rates. There are problems recruiting, but also they are making special efforts to keep those soldiers they have. The biggest incentive, of course, for retention is providing financial compensation to those who decide to extend. However, the level of funding we are putting toward keeping soldiers simply cannot be sustained. In the past 4 years the Army has increased the amount spent on retention bonuses from $85 million to $735 million.

At the same time, the cost of supporting each soldier has increased from $75,000 in 2001 to $120,000 in 2006, because of the inducements, pay benefits that are appropriate but very expensive, and again raise the question of: How long they can be sustained?

Despite the increases in pay, the Army is still having difficulties with retention, particularly retaining officers. Last year the active Army was short 3,000 officers and it is projected this shortage will increase to 3,500 officers this year. The Guard and Reserve are facing a shortfall of almost 7,500 officers.

Army reenlistment rates for midgrade soldiers dropped 12 percent in the past 2 years. According to the New York Times, more than a third of the West Point class of 2000 left active duty at the earliest possible moment, after completing their 5-year obligations.

For Special Forces, recruitment and retention are most difficult. For the past 6 years, 82 percent of the active-duty Special Forces specialties were underfilled, many with shortfalls over 10 percent.

I had a chance to sit down and have lunch with three soldiers at a patrol base which had only been in operation for 3 weeks, just about 2 days ago in Iraq. All three of those soldiers were on their second or third tour. Two had already decided they were getting out, and a third had not yet decided. They have served their country magnificently. They have done it with great dedication, and for many different reasons are leaving. That is a very imprecise scientific sample, I would admit, but still it suggests that because of operational stress, because of the demands on soldiers who are performing magnificently, they are also thinking about their future and thinking about leaving the force rather than staying on for extended periods of time.

The soldiers recruited today define the quality of our Army in the future. Focusing on filling slots today without regard for maintaining high standards can have dire consequences down the road. We have serious challenges before us as a nation.

I have spent time talking about personnel because at the heart of Senator WEBB's amendment is the recognition that ultimately a military force is about people—the soldiers, the marines, the sailors, the airmen, and their families. And if we keep this operational tempo, if we do not provide the respite, time for recuperation, what he is suggesting, at least an equal time out of the war zone as you spend in a war zone, then these personnel issues become more and more acute and become more damaging to the overall capability of our military force.

There is another aspect, too, of readiness. That is equipment. In order to meet the equipment needs in Iraq and Afghanistan, the Army requires that active and reserve units leave behind certain essential items that are in short supply, including up-armored humvees and long-range surveillance and communications systems.

This system ensures that incoming soldiers can receive 100 percent of the equipment, and it reduces transportation costs. But there is a downside. As the GAO pointed out, while this equipment approach has helped meet current operational needs, it has continued the cycle of reducing the pool of equipment available to nondeployed forces for responding to contingencies and training.

Forty percent of the marines' ground equipment has been deployed in Iraq over the past 3 years and is being used at nine times its planned rate. I can recall last year being in Iraq and was told just before we got on the helicopter that it was flying at many more times the number of hours that it was planned to fly in a peacetime environment. They assured us, of course—and they are right—that it was very well maintained. But the stress on the equipment is just as telling as the stress on personnel. We are using this equipment and overusing this equipment as we operate in all of those theatres of conflict.

According to Lieutenant General Blum, the Army National Guard presently has on hand only 30 percent of its essential equipment here at home, while 88 percent of the Army National Guard that is in the U.S. is very poorly equipped. Nearly 9 out of every 10 Army National Guard units in Iraq and Afghanistan have less than half the equipment needed to respond to a domestic crisis, and less than 45 percent of the Air National Guard units have the equipment they need. Again, one of the other major missions of the National Guard is responding to domestic contingencies. They are severely constrained in that regard. Lieutenant General Blum, who is the chief of our National Guard, states:

> This is the first time such a shortfall in equipment readiness has occurred in the past 35 years.

He estimates that the total cost of the shortfall is about $36 billion. In March 2007, the Commission on the National Guard and Reserves reported that nearly 90 percent of National Guard units are not ready to respond to crises at home or abroad.

The chairman of the Commission on the National Guard summed it up:

> We cannot sustain the National Guard and Reserves on the course we are on.

Again, the military is doing not only everything they are asked but much more. But we need to ensure that they have the opportunity to rest and to refit. We have to ensure they have equipment that is well maintained and not overly used.

There is a huge shortfall in equipment. The Marine Corps has a $12 billion equipment shortfall in 2007. The Army estimates it will need $12 billion annually for as long as the Iraq war continues, and for 2 years thereafter. These significant costs will have to be borne, but the biggest cost, I believe, is the one that is being borne today for our soldiers, marines particularly, and the fact that they are operating in a war zone, coming back, and all too

shortly thereafter being required to go back.

There is another effect. It has an effect on training. We pride ourselves, as we should, as the best trained military force in the world, perhaps of all time. But that training cannot operate if there is insufficient time back at home station to do it. And that, I think, also is the heart of Senator WEBB's amendment. He understands that one of the great factors that holds a unit together is the sense of skill, the sense that they not only know how to do the job, but they practice that job time and time again. They are ready for any contingency, any eventuality. That readiness, that sense of confidence does not come without spending the time at home station training. That, too, is being sacrificed.

I commend Senator WEBB. I think from his heart and from his essence as a marine, he understands that our soldiers, marines, airmen deserve the time to prepare, to train, to regroup before they go back again. At a minimum, his amendment is calling for equal time at home station that equates to time deployed in a war zone as the minimum that we should provide these brave young men and women.

I hope we can support this amendment. I hope we can do it, get it back and send a message to our troops: We know what you are doing for us. We appreciate it. After serving with distinction with courage and great sacrifice, you deserve time to come home, to see family, to retrain, to rest, and to prepare again to defend the Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, before my distinguished colleague from Rhode Island leaves, I thank him for the incredible contributions I know he made to this legislation that is in front of us. He, too, has had a distinguished career serving his country in the armed services as well as in the Senate, and we congratulate him for his service.

I also start by congratulating our Michigan senior Senator whom we are all so proud of for all of the important work he does, and none is more important for Michigan and for the country than serving as chairman of the Armed Services Committee.

This National Defense Authorization Act and all that it brings in terms of additional tools for our troops, issues that directly relate to supporting the troops and their families, the equipment, the new technology, the new policies for the future that they need, all of these things are incredibly important, and Senator LEVIN has been the leader on these issues for us. We in Michigan are extremely proud of all he has done.

I specifically today raise my voice in support of the Webb amendment to the National Defense Authorization Act. Tonight in Iraq, 1,644 members of the Michigan National Guard will bed down after a long day of working and fighting. They work in 100-degree weather, sand blowing in their faces, facing dangers at every turn, in the harshest physical conditions imaginable. For every single one of those men and women, there is a family at home in Michigan who will go to bed tonight worried and saying a prayer for the safety of their loved one, for the safe return of their son, their daughter, father, mother, sister, brother.

The true cost of this war cannot be measured in dollars and cents, although there is a huge financial cost to what is happening. But the true cost is measured by the sacrifices of our troops and their families; every single day, day in and day out. The cost is more than just the possibility and the reality of physical danger; the cost includes the sacrifices that entire families are making, financial sacrifices, emotional sacrifices, sacrifices being made because they are apart day after day, month after month, and now year after year.

It is not right; it is not fair; it is not safe. We need to change this policy. That is what the Webb amendment does. In Michigan, 1,644 Guard members, 1,644 families, 1,644 missed birthdays, Father's Day, Mother's Day, missed high school graduations, baby's first steps, anniversaries, family funerals, Christmas, other holidays.

It is also 1,644 missed paychecks. It may be the only paycheck in the family—the paycheck that is paying the mortgage, the paycheck that is there to help send the kids to college, to pay the car payment, to be able to have the standard of living we all want for ourselves and our families—sidetracked careers, small businesses and farms put in economic danger, 1,644 lives that will never be the same, 1,644 sets of missed opportunities, missed moments that can never be replaced.

These members of the Michigan National Guard make up only a fraction of the 160,000 men and women in uniform currently serving in Iraq and countless others who have served. In too many cases, these men and women are back in Iraq for their second, third, and now fourth redeployment.

Our fighting men and women are the greatest resource we have. They make us proud every single day. But, unfortunately, this Government is abusing this resource, these people. America puts its trust in our military to defend us. When our sons and daughters join the military, they put their trust in us, in the Congress, in the President of the United States, to give them the tools and the resources they need and to treat them with the respect they have earned. Current administration policies on redeployment have violated that trust. These policies have let our troops down. They have let their families down.

I am proud to join with my colleague from Virginia in saying: Enough is enough—enough is enough—when it comes to abusing our Armed Forces by stretching them to the breaking point with redeployment after redeployment.

Our armed services have traveled a tough road since we invaded Iraq. They have shouldered a heavy burden with pride and confidence and honor. We have asked extraordinary things—extraordinary things—from them at every turn. And at every turn they have delivered. They have made us all proud. They have faced tough situations, made tough choices, and have done their duty.

Now we need to do our duty. We need to do what is right for them. It is our time to face the tough situations. It is our time to make the hard choices. It is our time to make them proud. That is what this amendment is about. That is what this bill is about. That is what further discussions we will have about how to end this war will be all about.

America's soldiers and sailors and airmen and marines are always there for us when they are called. The question is, Will we be there for them? Will we be there for them today and tomorrow and the next day?

This legislation Senator WEBB has proposed is something that is simply the right thing to do and is a very important piece of supporting our troops.

First of all, for our regular forces, the amendment requires that if a unit or a member deploys for Operation Enduring Freedom or Operation Iraqi Freedom, they will have the same time at home—what is called ''dwell time''; down time, as I would say; our forces would call it dwell time—before being redeployed. So if someone is deployed for 6 months, they would have dwell time for 6 months, whether that is being home with the family, whether that is retraining, whether that is time to regroup. If they are deployed for 12 months, they would have 12 months at home; 15 months, 15 months.

For the National Guard and Reserve, no unit or member will be redeployed to Iraq or Afghanistan within 3 years of their previous deployment. Now, this is strictly a floor, but it will stabilize Guard and Reserve deployment cycles in a much more predictable way. It is good for them, it is good for us from a safety standpoint, preparedness standpoint, and it certainly is good for the families we are asking to make such sacrifices.

We understand this is a dangerous and unpredictable world we live in, so this amendment also includes an important provision, a provision enabling the President to waive these limitations if he certifies to Congress that deployment is necessary in response to a vital national security interest of the United States.

Now, why is this down time or dwell time so important? Longer and more predictable dwell time is needed for many reasons. Most importantly, it allows for members to readjust from combat and spend time with their families. It also allows troops the time they need to be ready for the next combat mission. We have to remember that

when our people return from their deployments, the majority of their time is spent retraining, refurbishing, and reequipping prior to being redeployed.

The bottom line is that the Webb amendment will ensure that our men and women in uniform have a more predictable deployment schedule, with adequate time between tours. We have a responsibility to prevent further needless damage to our military, and the Webb amendment does that.

Five years ago, I was proud to stand on this floor as one of 23 Members who believed this war was the wrong choice. For the past 5 years, I have been proud to cast vote after vote supporting the troops, working to ensure they have the resources they need so they can get the job done as soon as possible and come home safely.

Today, I stand on the floor and once again say: Enough is enough. The American people are saying: Enough is enough.

This administration failed our troops by committing them to this war without a clear reason or goal. This administration failed our troops by not having a clear mission for our Armed Forces in Iraq. They failed our troops by not providing the proper equipment, body armor, or logistical support for our forces. They failed our troops with their poor planning for the invasion of Iraq and their total lack of planning for how to secure the country, despite the best efforts of our brave men and women. And they have failed our troops by sending them back into harm's way over and over and over again without the proper down time between redeployments. History will judge this administration on how they have handled this war. History will judge us now on what we do for the troops and what we do to end this war.

We need a new strategy for Iraq, a strategy that brings our troops home safely and responsibly. We need to treat our troops with respect—the respect they deserve, they have earned—while they are serving us. They put their lives on the line every day for us. The least we can do is to make sure they have what they need and they have the time they need between combat deployments to be with their families and to prepare for the future. And they need a strategy. They are asking us to be paying attention to what is going on.

So many of us have been to Iraq and have seen what is happening on the front lines. They are in the battle every day. They are focusing on their mission, on staying alive, keeping their buddies alive. They are counting on us to have their back. They are counting on the President to have their back. They are counting on people here getting it right, doing the right thing—whether it is making sure they have the time they need, which the Webb amendment does, to focus on their needs and their families' needs or whether it is to make sure there is a strategy that makes sense. That is what we are now debating on this floor.

I believe the American people have spoken very loudly and very clearly, and it is time for us to listen. It is our job to listen, to do the right thing for the troops, to do the right thing for their families, to do the right thing for communities and for our country.

When I look around the Senate, I am struck by the fact that we have all taken different paths to get here, to this debate right now. It has been a long 5 years. Some of us have stood up against this war since day one. Many have come to understand the tragedies of this war and the failures of this administration and have come at a different time. But no matter what path each of us has taken, no matter how we have gotten here today, now we have the opportunity to do the right thing. That is what this debate is about.

I am so grateful to our Senate leader, HARRY REID, for making sure we stay focused on what is clearly the most critical issue in front of us, what is happening in the war in Iraq and with our troops and our families, and what we need to do to focus on the real threats—the real threats—here at home, through his leadership, on the 9/11 Commission legislation, as well as focusing on the real threats abroad.

So we have seen leadership bringing us back to this issue, creating this opportunity now for us to do the right thing. We need to do the courageous thing. The Webb amendment is an opportunity to do the courageous thing for our troops. We cannot change the past, but we have to change the future, and that means acting now.

I urge all of my colleagues to vote for the Webb amendment for the brave men and women who are serving us and counting on us to understand what we are expecting of them as they do their duty, with the sacrifices they are making, their families are making. They are counting on us to do the right thing. They are counting on us to do the right thing on the overall strategy on this war.

This legislation, this time, this debate in the next few days is an opportunity for us to tell the American people: We hear you. We hear you. Enough is enough. Enough is enough. It is time to get this right and to bring our men and women home safely and responsibly.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. GRAHAM. Mr. President, I am going to speak for about 12 minutes. Will you let me know when that 12 minutes is up?

The PRESIDING OFFICER. The Chair will so advise the Senator. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, the hope of anybody in politics is to serve in a body, such as the Senate, at a time when it matters. Our hopes and dreams have come true. We in Government decide what matters. What we are doing on this Defense authorization bill matters. It matters to the men and women in uniform. It matters to everybody in the world because during these difficult times the world is facing, increasingly the world is turning to the American men and women, our fighting men and women, to make things right.

Imagine a world without the brave Armed Forces of the United States. What would that world look like? It would be a very dangerous place, more so than it is now. So I wish to say the one thing we have in common as Republicans and Democrats is admiration for those who are carrying the burden of fighting a worldwide global struggle called the war on terror.

Now to Iraq. We are going to have amendments this week that have one common theme to them. It would take the current strategy in Iraq and change it. General Petraeus was unanimously approved by this body to go to Iraq and do something different. He told us before he left: I need more troops. The reason I need more troops is because the mistakes we made in the past have caught up with us.

What is the biggest mistake America made right after the fall of Baghdad? Not having enough security to keep the country from spiraling out of control, not having enough security to suppress the militias. One thing I have learned in life, where there is lawlessness, people fill in the vacuum. If the Government cannot protect you, then you will find groups who will protect you.

What happened in Iraq is the security got out of control, and we had sectarian violence spawned by al-Qaida. The thing we have to realize as a nation is this organization called al-Qaida has one common goal. It is not about Sunni, Shia, and Kurds; it is about moderation. They hate moderation in any form. It doesn't matter if it is wearing a Sunni face, a Shia face, or a Kurdish face. They have come to Iraq to destroy this infant democracy.

The report card on the political progress in Iraq: It is about like here at home. I give it a very low grade. Unlike here at home—we do have a stable society, for the most part—in Iraq they have a very unstable society, so they need political leadership desperately.

After my sixth or seventh visit on the Fourth of July week past, I am here to say there is bad news. The bad news, from my point of view, is the Iraqi political leadership that exists today is paralyzed, very much like we are here at home. I don't see them anytime soon having a breakout when it comes to political reconciliation, but I do have hope for the future that they will do that, and it is not an unrealistic hope.

There is some emerging movements in Iraq politically that can bring about

reconciliation. But here is the good news. The strategy of additional combat power getting out from behind the walls, out of the fortresses, out into the hinterlands of Iraq to fight al-Qaida is working.

The one thing I can tell my colleagues with certainty is, for 3½ years, I went to Iraq and I came back every time despondent because I could see the security situation spiraling out of control and I was told time and time again: No, the training strategy is working. Our goal is to train the Iraqi Army and police forces, and we are doing a good job.

The first time I went to Iraq, I went rug shopping. The last time I went before the change in strategy, I was in a tank. It was clear to me, being a military lawyer, not a combat commander, that the situation on the ground was getting worse. This time around, after the new strategy has been in place, things are getting better on the ground when it comes to suppressing the No. 1 enemy of this Nation right now for the moment and that is called al-Qaida.

Al-Qaida in Iraq flourished under the old strategy. They were able to dominate different regions of Iraq. Sunni populations were being terrorized, and a lot of bad things happened when we were in Baghdad training and not fighting.

General Petraeus, when he got in charge, when he got in place said we are going to change strategy. What he has done is he has sent additional combat power into areas previously held by al-Qaida. He went to the tribal leaders in those areas and said: If you are fed up, we are here to help.

Here is the good news. To a person almost, the people who lived under al-Qaida's regime in Iraq said: No, thank you. That is not the life I want for myself or my family or my friends or my group.

Al-Qaida overplayed their hand. They were incredibly vicious and brutal and they overplayed their hand. What has happened in the last few months is this additional combat capability that now exists in Iraq has married up with a desire by the Sunnis, who have been oppressed by the al-Qaida elements in Iraq, to join forces.

It is undeniable that in Anbar, the situation has changed in the last 6 months in a dramatic way. The Sunni tribal leaders in Anbar have broken with al-Qaida, they have joined with General Petraeus and Iraqi security forces and literally that province has changed. There are areas in Anbar Province where you could not go before that you can go to now, where there is a new alliance in place. There has been a surge in police recruits, Sunnis joining the police force to protect their hometown against al-Qaida.

So the formula General Petraeus had in mind is not dependent upon central Government reconciliation. He went out into the troubled areas, and he told the people living under al-Qaida: If you choose to, we will help you, and you need to help yourselves. And they have chosen to help themselves. They have chosen to tell us where al-Qaida is operating. They have given us better intelligence than we have ever had in the past. They have joined the fight, and we are winning. Al-Qaida today is on the run. They are on the run because the Iraqi people have broken with their way of life.

The big question for a lot of Americans is: Is everybody in the Mideast committed to extremism? Is there any hope that people in the Mideast want a different way of life than bin Laden charted for them? The answer is yes, and the best evidence I can give is what is going on in Iraq. Where American combat power has been in place in sufficient numbers and levels, the Iraqis have chosen to side with us and reject al-Qaida. That should be heartening news. Given a choice, given the opportunity, those who have lived under the al-Qaida regime and ideology have said: No, thank you.

The permanent solution is political reconciliation, but if we can focus as a nation on defeating al-Qaida in Iraq, it would be a much better world. The political reconciliation yet to come in Iraq would be enhanced if we could destroy elements of al-Qaida in Iraq. The global war on terror would be enhanced if we destroy al-Qaida in Iraq. The way we do that is, again, by forming alliances with Sunnis who reject their ideology, and once we defeat al-Qaida in a neighborhood or city, we have gotten the local people to step up to the plate and become policemen.

The number of police in Anbar Province has gone up dramatically, and they are providing what was missing before: a stable law-and-order regime that is rejecting extremism.

The police forces in the Sunni areas in Anbar are doing very well. They have the trust of the people, and they are marrying up with Iraqi Army units, where most of the officers are Shias. But we found the Shia Iraqi Army leadership and the Sunni police forces have worked well together in Anbar.

What did the enemy do? They moved to Diyala. We are going to the Diyala Province, another Sunni area, more mixed than Anbar, and we are getting the same results. Extreme violence is the first thing we get, terrorism. This spectacular attack will continue for a long time to come, but the actual situation on the ground has changed dramatically in Anbar, and it is beginning to change in Diyala. Why? We never before had combat capability in the Diyala Province. The tribal leaders in that province have joined with us, as they did in Anbar. More people are joining the police and, again, al-Qaida is moving down the road.

The goal for us as a nation is to sustain this capability until we defeat al-Qaida in Iraq. I don't believe that is going to take much longer because what we have left behind in Anbar in a few months is going to be mature enough that we will not need that many troops. In a few months from now, we are going to have a mature police force and a well-trained Army to control areas in Anbar Province that previously were in the hands of al-Qaida. It is going to take some time.

When General Petraeus comes back in September, I think he will give us a mixed report. That will be the honest truth. There are still areas in Iraq very much in doubt. But where we go in force and where people have the choice to make, they are making the choice we hoped they would make.

Our choice in Congress is whether we change course. Do we, in July, adopt amendments that will destroy the Petraeus strategy and replace it with the old strategy? One thing my Democratic and Republican colleagues have in common is they are trying to do what is best for the country.

This is what I think is best. I think it is best not to do anything now that would give al-Qaida a second chance in life. I don't want the Senate to be the cavalry for al-Qaida. By that I mean, I don't want us to adopt an amendment that will destroy the ability of General Petraeus to go after the enemy in an aggressive fashion and continue forming these alliances by undercutting his ability to have the manpower he needs. The old strategy has failed. To go back to the old strategy is a godsend to al-Qaida and is a death blow to those who have come out of the shadows to say: I want a better way; I want a better Iraq.

We have a chance to give this general and the troops who have gone as part of this surge a chance to do something that I think is in our national security interest: Keep al-Qaida on the run and destroy it. I am convinced now more than ever that the ability to destroy al-Qaida in Iraq is within our grasp, and it is a combination of additional American military power and the will and the desire of the Iraqi people to reject al-Qaida.

Let's not be the cavalry for al-Qaida. Let's not do something politically in Washington that will put them back in the fight. We are going to be taking casualties as long as al-Qaida exists anywhere on the planet. My goal and the military's goal is to fight them over there, suppress them over there, bring out the best in the people in the Mideast, and we are seeing, slowly but surely, that the people in Iraq who have lived under al-Qaida are turning away. That is indeed good news. Are they turning to democracy and political unity? No, not yet. But the precondition, the forming of a new Iraq is to take those who wish to destroy this new democracy and isolate them and destroy them before they can destroy this idea called moderation.

The al-Qaida agenda is not limited to Iraq, but they see it as a central battlefront in the war on terror. We should see it as the central battlefront in the war on terror. Any amendment that is adopted in July that would undo the Petraeus strategy is shortsighted and, in the long run, very devastating to our national security interests.

I urge my colleagues to look closely and ask the questions that need to be asked, not for the next election but for the next generation of young Americans and people in the Mideast, and that question is: If we do not stay committed to this fight against an enemy who hates everything we stand for now, what are the consequences later? I can tell my colleagues, and I will close with this thought, that history tells us the answer to that question. Every time extremism has been appeased, good people die unnecessarily. We have good people in Iraq. The Iraqi people have good people among their population. Our men and women in uniform are the best we have to offer. This alliance between the good will defeat the evil, as it always has done, only if we have greater will than our enemy.

The votes we are about to take are about political will. I hope we will choose the path that history tells us we should take. Say no to extremism and yes to moderation.

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. 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. President, lobbying and ethics reform, the most significant change in the history of the country, has been passed by the House and the Senate. Why is it not signed into law? Because the Republicans are stopping us from going to it.

There are all kinds of excuses they are using. The latest excuse is they want the provision dealing with earmarks in this bill—the amendment passed 98 to nothing—they want that set out separately. But that is a ploy; it is a diversion. They do not want to go to the meat of this bill. They have blocked this now for weeks. The Senator from South Carolina, who was the last to come and block this important legislation from going forward, I know thinks earmarks are important. I do too. Earmark reform is important. But it is in this bill. Earmark reform is in it. It is hard to believe that his objection isn't anything more than a smokescreen to prevent us from making progress on the rest of the bill.

Here are the facts: No one has any intention of taking out the earmark disclosure provisions in the bill. It is a fantasy. Second, Senate Democrats have already imposed earmark provisions through the committees. Right now, anyone with an Internet connection can go on line to the Senate Web site and find earmarks and earmark sponsors in appropriations bills that the press has reported. I repeat: Anyone who can go on the Internet can find out what the earmarks are on any bill that has been reported out of any one of our committees. Every subcommittee that has reported a bill, an appropriations bill, has to have that in it. And we are even doing it with authorizing committees.

Right here I have the appropriations bill which is for the Department of Commerce, Justice, Science and Related Agencies for 2008. No secret. All the earmarks are herein listed in detail—the amounts, the Senator sponsoring the earmark—and they have to sign a disclosure in addition to this that they have no financial interest in the earmark. It is here. Every subcommittee in the appropriations process that has reported out a bill has the same information I have just presented to the Senate.

So it is really hard to believe the earmark complaint is genuine. Let us remember all the other provisions in this bill the Senate Republicans are blocking progress on—campaign expenses, campaign contributions. As we have read in the press, they feel it is important that we do something dealing with bundling. That is lobbyists who agree to raise money for Senators. There should be some disclosure of that. In this bill we have it—the one they won't let us go to conference on. Bans on gifts from lobbyists and corporations are in this bill. They have prevented us from going to conference on that. No more corporate jets.

One of the issues around here—and I don't think it was necessarily corrupting anyone, but it was corrupting—flying these beautiful corporate jets and paying first-class airfare, even though it cost 10 times that to fly on these airplanes. This is eliminated in our bill. But we can't eliminate it because they won't let us go with it. They have obstructed this.

The Abramoff situation, brought to the attention of the American people, this is the culture of corruption the Republicans brought to Washington, DC, when they controlled the Congress. For the first time in 121 years, someone who works in the White House has been indicted. That man has now been convicted, and his sentence has partially been commuted by the President of the United States.

In the House of Representatives, the former majority leader of the House of Representatives, a Republican, was convicted three times of ethics violations by the ethics committee. He was indicted twice in Texas. He still is under indictment. One Member of Congress is even serving time now as part of the Abramoff corruption program. Numerous staff people are either in jail or under probation or now being investigated. The American people think we should improve the situation, and we can do that with this legislation.

One of the problems the Abramoff program allowed was people flying all over the country. Let's go to Scotland and play golf, and then they flew on a corporate jet and played golf in Scotland. Under our legislation, this would not be permitted. We significantly improve disclosure of lobbying activities.

We also prevent stealth coalitions. What does that mean? It means there is a company—I will pick this out of the air—Americans for Health Care, and they run these ads. It is a stealth organization. It is a phony organization because it is paid for by, let's say the pharmaceutical industry, someone who has an interest in the health care industry. Pick any name you want. And if you look behind it, it is some large, usually multilevel corporation that is paying for this.

Our legislation would slow the revolving door by former Members of Congress. Our legislation would put an end to the pay-to-play K Street Project that was also part of the Republicans' culture of corruption.

The list goes on and on. They are stopping us from doing these things. I don't want to file cloture in order to appoint conferees, but I will if I have to. We cannot let the Senate action on something so important be held up by the minority. It is wrong. They send one person out to do it, but this is reflective upon the Republicans. They do not want us to complete this legislation, but we owe it to the American people to get this bill completed. We need to restore the faith the American people want to have in government. They want a government as good and honest as the people it represents.

I appreciate very much indeed the Washington Post's writing an editorial saying this has to be done, and they said to me in that editorial, if they continue to stop us from going to conference, I should make them filibuster so they have to come here and vote against completing ethics and lobbying reform.

Maybe the culture of corruption is something they want to maintain. Maybe they are still flying in corporate jets. Maybe they are still doing some of the things we are trying to prevent. I don't know the reasons, but it appears very evident that they do not want us—they, the Republicans—to complete this legislation, and that is too bad.

I repeat, the earmarking is a guise. Right now every committee reports out, under the Democratic leadership, the earmarks in detail. We are complying with this legislation even though it is not law now. So for someone to come here and say we are not going to allow the conference to go forward because we want earmarks to be separate and apart from this is a guise. They are diverting attention from the work of the American people and this Congress.

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

Mr. REID. I will be glad to answer a question of my distinguished friend from Illinois.

Mr. DURBIN. Mr. President, I would say to the Senate majority leader that this afternoon, as chairman of the Subcommittee on Appropriations for Financial Services, we reported out of subcommittee a bill, and that bill, page by page, specifies every earmark from

the White House, earmarks for Members of the Senate, and goes into detail as to each one and the specific name of the Senator or Senators requesting them, which I think complies with everything that has been asked for by those who were asking for earmark reform.

So I would say to the Senator from Nevada that if the Senator on the Republican side who has been objecting to our conference on this ethics bill would take some time to look at the appropriations bills, he would understand we have already accepted this reform. We already are making this change.

I would ask the Senator from Nevada, the majority leader, right now, what is stopping us from going to conference to pass these changes in ethics laws, these historic changes in ethics laws, so that once and for all we can have the kind of reform and changes that are needed here in Washington?

Mr. REID. I say to my friend, it is this. It is the Republicans who are stopping us from going to conference on this bill. They may send one person out, and it could be a rotating person, but they are stopping us from going forward. The ploy of the day is they want to take the work we have done in this bill dealing with earmarking out of the bill and set it up as a Senate rule.

This is what conferences are all about. We want to do all these things I have enumerated in this legislation. We want disclosure of bundling, bans on gifts from lobbyists and corporations, no more corporate jets, major limits on privately paid travel, significantly improved disclosure of lobbying activities, disclosure of stealth coalitions, slow the revolving door of former Members of Congress, put an end to the pay-to-play K Street Project. That is what is being held up, and it is being held up by the Republicans.

Mr. DURBIN. If the Senator will yield for a further question, today on this Defense authorization bill, while we are debating the war in Iraq and good treatment for our soldiers, the Republican leader comes to the floor and insists they cannot bring up for a vote the amendment that is pending by Senator WEBB of Virginia even though you offered a Republican amendment to be voted on at the same time. The Republican leader has said: No, we want to delay this. We want to delay this until tomorrow and then perhaps another 2 days beyond and to filibuster it during that period of time.

It would seem there is a pattern emerging, a very clear pattern where it comes to the important business. Whether it is ethics reform or changing the policy in Iraq, the Republican position is to stop the process, slow down the process, throw in every obstacle they can find.

I ask the majority leader if this pattern has been evidenced in terms of, for example, filibusters, delaying tactics on the part of the Republicans?

Mr. REID. I say to my friend, everything we have done for the past 7 months has been in spite of the roadblocks, the obstruction tactics the Republicans have put up. We have done it in spite of that. We have to this point 43 different cloture motions—43. We have never done that before, 43.

I say to my friend, on a Defense authorization bill—the bill that takes care of our troops around the world, in Iraq and Afghanistan, and the work we are doing with NATO forces, to get pay increases, get them the right equipment, the right medical care—this is being held up.

I would also, in a way of response, ask my friend, what has happened in the past dealing with Defense authorization bills? Has there ever been anything like this that you can imagine?

Mr. DURBIN. I say to the majority leader, for those who are trying to follow this debate and are not familiar with a cloture motion, what a cloture motion means is that those who are opposing a vote on an issue delay it as long as possible and then try to create a higher vote total that you need to bring this amendment to passage or defeat. So it is a delay tactic to slow down the Senate, slow down deliberation.

Today, when the Democratic majority leader offered to the Republicans that we would call up Senator WEBB's amendment to make sure our troops are rested and ready before they go into battle and allow Senator GRAHAM, a Republican Senator, to have his similar amendment up at the same time with the same vote, it was rejected. The Republicans rejected it. Then one of the Senators came to the floor and said that is the way it has always been around here. It has always been this way, this is not unusual. It takes 60 votes to agree to these amendments. Now we know what it is going to take.

We did a little research, I might say to the majority leader. We looked at the last two Defense authorization bills which were called up and considered in this Senate. Not a single amendment required a cloture vote, required this delay tactic, required the 60-vote margin, even those amendments specifically relating to the war in Iraq. What the Republican leadership is doing now has not happened in the last 2 years on this same bill. They have come up with a new slowdown, a new delay tactic, a new obstacle they have tossed in our path.

I think it is very clear. The Senator from Nevada will recall that the last time the Defense authorization bill was up, there were two very important amendments on the war on Iraq, one by Senator KERRY of Massachusetts and another by Senators LEVIN and REED. Both related to when the troops would come home. In each instance, cloture was not necessary, 60 votes were not required; the amendments were called on a simple majority vote.

So I say to the Senator from Nevada, it is very clear, the strategy the Republicans in the Senate are using. They are trying to avoid facing the tough issues America wants us to face. We were sent here to deal with cleaning up the mess in Washington, the culture of corruption. We were sent here to deal with the war in Iraq. Instead, day in and day out, week in and week out, every month for 43 different times now they have tossed an obstacle in front of us to stop the debate. The American people can see this, and today they can see it very graphically.

Mr. REID. Mr. President, I appreciate so much my friend from Illinois. I have such fond memories of our relationship. It seems now only yesterday, but it was 25 years ago that the Senator from Illinois and I came to the House of Representatives together. We were elected in the great class of 1982. At least I thought it was great, and I think, looking back, we have had some good experiences. I appreciate very much his laying out the facts.

The facts are that for Defense authorization bills, you should not have to file cloture on amendments. My counterpart, my friend from Kentucky, says this is the way we do business around here. That is not the way we have done business around here. This is the way we do business here because of the envy of the Republican minority, envious of our being in the majority, so they are making us jump through every procedural hoop, they are obstructing everything we are trying to do.

It is hurting, not the Democrats. It is hurting the American people. I say—I want it spread on the record—in spite of all of the obstacles we have had to jump through, we have been able to get things done. We have had to do it. It has been hard. We have had to fight with the White House. We have been able to get minimum wage passed, we have been able to get funding for Katrina, we have been able to get funding for homeland security, which we have never been able to do before, over the President's objections. We have been able to fund SCHIP through the first of the year, which was extremely difficult and hard to do. We have been able to do some things for farmers and ranchers. We have been able to do some good things. Disaster relief, 3 years overdue—we were able to get that done. That money is now out helping those people who desperately need it.

As I speak, all over the West, wildfires are burning. In Nevada, we have had 245 square miles burn. A 100-mile stretch of freeway in Utah has been shut down because of fires. We were able to get, over the President's objection, money for wildfires that burned last year and the year before that we have been trying to get.

In spite of all the hurdles we have had to jump through, we have been able to accomplish things for the American people. But the shame of it is we could be doing so much more but for the obstructions continually thrown up in our path by this minority.

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

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

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that there now be 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.

HONORING OUR ARMED FORCES

CORPORAL MATTHEW L. ALEXANDER

Mr. NELSON of Nebraska. Mr. President, I rise today to honor CPL Matthew L. Alexander, of Gretna, NE.

Corporal Alexander, age 21, was a recent graduate of Gretna High School. He married his high school sweetheart, Kara, on Valentine's Day this year. He is remembered by all who knew him as someone who believed deeply in what he fought for and someone who made it his life's work to care for his loved ones. Kara recalls her husband as ''the most gracious man I knew. He was a loving husband, devoted son, caring brother and the best friend you could ever ask for.''

Enlisting in the Army in the spring of 2004, Corporal Alexander was well decorated with awards, including the Army Achievement Medal, National Defense Service Medal, Global War on Terrorism Service Medal, Army Service Ribbon, and Expert Infantry Badge. He was stationed to A Company, 5th Batallion, 20th Infantry Regiment, 3rd Brigade, 2nd Infantry Division, based out of Fort Lewis, WA. He passed away on May 6, 2007, in Baqubah, Iraq, due to injuries sustained from an improvised explosive device detonated near his military vehicle. This was the corporal's first deployment.

Corporal Alexander is survived by his wife Kara, his parents Melvin and Monica, and his brother Marshall, all of Gretna. I offer my sincere condolences to CPL Matthew Alexander's family and friends. Our Nation will remember Corporal Alexander as a true hero for his selflessness and his passion as he made the ultimate sacrifice for the good of our Nation.

CHIEF WARRANT OFFICER THREE CHRISTOPHER M. ALLGAIER

Mr. President, I rise today to honor CWO3 Christopher M. Allgaier, of Omaha, NE.

Chief Warrant Officer Allgaier loved to fly. His father, Bob Allgaier of Omaha, said his son's love of flying arose in early childhood, as he was ''always picking up little model airplanes and aviation books when he was a kid.'' After graduating from Omaha Creighton Preparatory High School in 1991 with a 4.0 grade-point average, he studied aeronautical administration. In 1995 after graduating from college, he joined the Army to fly helicopters.

On May 30, 2007, while serving in support of Operation Enduring Freedom as a helicopter pilot with the 3rd Battalion, 82nd General Support Aviation, 82nd Airborne Division, based at Fort Bragg, NC, Chief Warrant Officer Allgaier passed away when his CH–47 Chinook transport helicopter received rocket-propelled grenade and small arms fire and crashed. Four other soldiers were killed in this attack. Allgaier's deployment to Afghanistan in January was his second tour of duty in the country and came about a year after he returned from a mission flying helicopters in Iraq. He had also previously served in South Korea. He was 33 years old.

In addition to his father, Chief Warrant Officer Allgaier is survived by his wife Jennie and three daughters, Natalie, Gina, and Joanna, of Spring Lake, NC, and his sister Sharon, of Omaha.

I would like to offer my sincere condolences to the family and friends of CWO3 Christopher Allgaier. His noble service to the United States of America and his leadership are to be respected and appreciated by all. And while the loss of this remarkable Airman is felt by all Nebraskans, his courage to follow his dreams will remain as an inspiration for his survivors.

SPECIALIST WILLIAM LEE BAILEY, III

Mr. President, I rise today to honor Army National Guard SPC William Lee Bailey, III, of Bellevue, NE.

A valued member of his community, Specialist Bailey served as a soldier, a medical dispatcher, and a volunteer firefighter. As a firefighter, he worked as a medical helicopter dispatcher in the metropolitan area. As a soldier, he served with the Nebraska National Guard's 755th Chemical Company based in O'Neill, NE.

As part of this chemical company within the Army National Guard, Specialist Bailey was involved in entering areas which may have been chemically infected and performing detection and evacuation in those areas. He was part of a group providing security convoys for Iraq; and his unit had been trained to perform security missions, according to MG Roger Lempke, commander of the Nebraska National Guard.

Specialist Bailey is remembered as a kind and caring member of his community and as someone who was eager for duty. He was a rugged outdoorsman who loved hunting, motorcycles, and firefighting, but loved his wife ''Dee'' the most. His friend and colleague from the fire department, Paul Prewitt, remarked, ''He loved his family and worked hard for them. He had a lot of integrity and was a real stand-up guy. He would go out of his way for his friends. He will be missed.''

Specialist Bailey passed away in Taji, Iraq, on May 25, 2007, due to injuries he sustained from an improvised explosive device. He had been serving in Operation Iraqi Freedom since November 2006 and was due for leave in June 2007. He was laid to rest with cherished firefighter funeral traditions, complementing his full military honors. There were more than 700 people in attendance at his funeral, including over 100 soldiers. His funeral procession included 35 fire trucks, ambulances, and utility trucks representing at least 11 area departments.

Specialist Bailey's wife Deanna accepted on his behalf his Purple Heart, his Bronze Star, and his Army National Guard meritorious service medal, in addition to other awards. His ''bunker'' gear—the fireproof clothing firefighters use as protection—was strapped to the rear of a firetruck in the procession. His coat, pants, and boots faced forward—his helmet, backward.

Specialist Bailey is survived by his wife Deanna; their five children, Cody, Maquala, Katlynn, Billy, and Logan; and his parents Terry and Margaret Denike, all of Bellevue. I offer my most sincere condolences to the family and friends of SPC William Bailey. He will be remembered as a compassionate member of his community, who had a real passion for serving his country. His bravery will inspire future generations of Americans to live a life of service.

SPECIALIST DAVID BEHRLE

Mr. President, I rise today to honor Army SPC David Behrle of Tipton, IA.

Specialist Behrle attended Tipton High School where he was elected senior class president and commencement speaker for the class of 2005. He was an active participant in athletics and had made a point to visit his school while he was on recent leave.

Teachers and coaches of Specialist Behrle describe him as a soft-spoken person who came prepared, asked questions, and worked hard in both athletics and academics. His friends acknowledge his determination in succeeding in the Army, that it was something he felt he needed to do.

While serving his country in Operation Iraqi Freedom, Specialist Behrle passed away on May 19, 2007, due to injuries he sustained when an improvised explosive device detonated near his vehicle in Baghdad, Iraq. He was assigned to the 1st Battalion, 5th Cavalry Regiment, 2nd Brigade Combat Team, 1st Cavalry Division, based at Fort Hood, TX.

Specialist Behrle is survived by his parents, Dixie Pelzer of Tipton, IA, and John Behrle, of Columbus, NE. He is the posthumous recipient of the Bronze Star, the Purple Heart, the Good Conduct Medal, and the Combat Infantryman's Badge. Tipton High School retired his school football jersey, which carried the number 65.

I join all Americans today in grieving the loss of a great soldier. SPC David Behrle's bravery and selflessness will undoubtedly inspire future generations of Americans. The family and friends of Specialist Behrle are in our thoughts and prayers.

SPECIALIST VAL JOHN BORM

Mr. President, I rise today to honor Army SPC Val John Borm of Sidney, NE.

Specialist Borm graduated from Sidney High School in 2005. In his free time, his father Larry Borm says he liked to play computer games and was an avid paintball competitor. After graduating from high school, Specialist Borm enlisted in the Army. He was serving as an infantryman in B Company, 2nd Battalion with the 35th Infantry Division, based at Fort Shafter, HI.

On Thursday, June 14, 2007, Specialist Borm passed away when a roadside bomb exploded near his vehicle during operations in Kirkuk province. Two other soldiers were killed, and one was injured in the same attack. He was posthumously awarded the Bronze Star Medal, the Purple Heart, and other military honors. Specialist Borm was 21 years old.

In addition to his father, Specialist Borm is survived by his mother Lolita and his sister Kimberly, both of Sidney. I offer my sincere condolences to SPC Val John Borm's family. He made the ultimate and most courageous sacrifice in the name of freedom and hope to defend liberty. Specialist Borm was a man of incredible bravery; he will be forever remembered as a hero who sacrificed everything for his fellow countrymen and -women.

SERGEANT ADAM G. HEROLD

Mr. President, I rise today to honor Army SGT Adam G. Herold of Omaha, NE.

Sergeant Herold attended St. Cecilia Elementary and Omaha Roncalli High School. He earned his high school equivalency certificate in 2004 and joined the Job Corps in Utah to learn a trade. In 2005, he enlisted in the Army and first served in Iraq in October 2006.

On Sunday, June 10, 2007, while serving in support of Operation Iraqi Freedom with the 2nd Battalion, 377th Parachute Field Artillery Regiment, 4th Brigade Combat Team (Airborne), 25th Infantry Division, based in Fort Richardson, AK, Sergeant Herold passed away from injuries received from the detonation of an improvised explosive device near Karbala. Two other soldiers were also killed in the attack. Then-Specialist Herold was posthumously promoted to sergeant and was awarded the Bronze Star, Purple Heart, and Good Conduct Award. He was 23 years old.

Sergeant Herold is survived by his parents, Lance and Debra Herold, and his brothers, Andy and Kyle Herold, all of Omaha. I offer my sincere condolences to the family and friends of SGT Adam Herold. He made the ultimate and most courageous sacrifice for our nation. I join all Americans in grieving the loss of this remarkable young man and know that Sergeant Herold's passion for serving, his leadership, and his selflessness will remain a source of inspiration for us all.

SPECIALIST JOSIAH HOLLOPETER

Mr. President, I rise today to honor SPC Josiah Hollopeter of Valentine, NE.

Specialist Hollopeter was born in Ainsworth and grew up in the Valentine area. He graduated from Valentine High School in 1998. Before joining the service, he worked construction jobs in Omaha, NE, and San Diego, CA. He also spent many summers working for a canoe outfitter along Nebraska's Niobrara River. Driven by a desire to join other troops fighting in Iraq after the September 11, 2001, terrorist attacks; to further his education; and to follow the example of his younger brother's service, 1LT Tyler Hollopeter, as an Army helicopter pilot in Iraq, Specialist Hollopeter enlisted in the Army in January 2006. But simply joining the Army was not all Specialist Hollopeter wanted to achieve; he also strived to become an Army sniper. According to his father, Ken Hollopeter, of Valentine, his skill as a hunter landed him on a sniper team. ''There's a 60 or 70 percent dropout rate in that program. It's a lot of emotional strength, the ability to concentrate and focus on one goal; he'd accomplished most of that in life,'' said his father.

Specialist Hollopeter completed basic training at Fort Knox, KY. He was assigned to the 6th Squadron, 9th Cavalry Regiment, 3rd Brigade Combat Team, 1st Cavalry Division, based in Fort Hood, TX. On Thursday, June 14, 2007, while serving in support of Operation Iraqi Freedom, Specialist Hollopeter passed away in Balad after suffering wounds when his four-man sniper team came under small-arms fire in al-Muqdadiyah. He was 27 years old and had been serving in Iraq since October.

In addition to his father and brother, Specialist Hollopeter is survived by his wife, Heather Hollopeter, of Killeen, Texas; and his mother, Kelly Hollopeter, sister, Anna Hollopeter, and nephew, Kalen, all of Valentine.

I offer my sincere condolences to SPC Josiah Hollopeter's family and friends. He gave his life to save and honor the liberties of America, and his selfless passion and relentless determination to achieve this end will not be forgotten. Specialist Hollopeter will be forever remembered as a hero who sacrificed everything for his fellow countrymen and women.

STAFF SERGEANT KENNETH E. LOCKER. JR.

Mr. President, I rise today to honor Army SSG Kenneth E. Locker, Jr., of Burwell, NE.

Staff Sergeant Locker enlisted for military service while he was still in high school. His father remembers that serving ''was probably the greatest joy in his life.'' He added that Locker viewed his military service as part of his responsibility as a father to not only his own children but to all children, remarking that ''I'm fighting for the children, Dad—mine, yours, theirs, everybody's—that they may have a safer world to grow up in.''

In January of this year, Locker made a trip back home after an injury he sustained the prior year when his humvee was struck by a land mine. His father remembered that during that visit, both he and his son felt it would be the last time they were together.

While serving with the 82nd Airborne Division, Staff Sergeant Locker passed away after a suicide bomb exploded on his base, northeast of Baghdad, on April 23, 2007. He was 28 years old.

Together with his father, Staff Sergeant Locker leaves behind three young sons, ages 7, 4, and 2; two sisters, a half-brother, and a half-sister. My sincere condolences go out to the family and friends of this brave servicemember. I join our Nation in grieving the loss of a true Nebraska hero and in celebrating his memory, his passion for service, his commitment to our Nation's future, and his love of our country.

MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Early in the morning of June 2, 2007, in Lowell, MA, three men severely beat 22-year-old James Nickola for being gay. Nickola, a transsexual, was walking alone on his way home from a nightclub when the three men began to follow him. When the men started to yell homophobic epithets, Nickola says he quickened his pace, but the men were able to catch up to him about 200 feet from a police substation. The men then attacked, hitting Nickola repeatedly in the face, knocking him down, and continuing to beat him. The assailants, whose attack partially severed Nickola's lip, allegedly continued to utter homophobic slurs and told him, ''we don't want your kind in this neighborhood.''

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

REMEMBERING CHARLES W. LINDBERG

Mr. CONRAD. Mr. President, I want to take a moment to remember a North Dakota hero who passed away last month.

About 3 miles straight west of this Senate Chamber lies the Iwo Jima memorial. Its centerpiece is a statue of six men raising an American flag to

symbolize the capture of Mount Suribachi and the ensuing U.S. military victory at Iwo Jima.

On February 23, 1945, a 24-year-old marine from North Dakota named Charles W. Lindberg played a key role in the events immortalized by the Iwo Jima memorial. On that day, he was part of the group that raised the first American flag to fly over Japanese soil in the Second World War. Many names from that war stand out in our memories: Normandy, Midway, the Battle of the Bulge. But perhaps none stands out like Iwo Jima.

The battle for Iwo Jima was one of the fiercest of the entire war. The American attack, planned to capture the two airfields on the island and provide a staging area for B–29 bombing runs on the Japanese home islands, was the first invasion of traditionally Japanese territory in the war. Fighting on the island lasted over a month. Over 20,000 Americans were injured and 6,825 more heroically made the ultimate sacrifice for their country.

And on Iwo Jima North Dakota's Marine Cpl. Charles Lindberg made his mark on history. The indelible image of the battle for Iwo Jima is of six men raising an American flag atop the island. But those six men were not the first group of men to claim Iwo Jima for the United States. That honor belongs to a patrol that included Corporal Lindberg. The distinction between the two was one he spent a lifetime explaining.

On February 23, Corporal Lindberg took his 72-pound flame-thrower to enemy pillboxes at the base of Mount Suribachi and set out for the top with five other marines, an old pipe to be used as a flagpole, and the American flag. They gained the summit and planted the flag. Lindberg recalled that the flag's raising created such a commotion of cheers and whistles that it brought the enemy back out. That threat drew Lindberg back to battle, and so he missed the raising of the second flag, which was captured for history and recreated at the Iwo Jima memorial.

Lindberg won a Silver Star for his bravery that day, and a Purple Heart for the injury that led to his evacuation from the island less than one week later. Thirty-six members of his 40-man patrol were killed or wounded while fighting on Iwo Jima, which would rage for a full month after the flag-raising. Lindberg was fortunate enough to return home, to marry, and to live out a somewhat quieter life as an electrician.

On June 24, at the age of 83, he passed away. He was the last surviving member of the group of heroes who had the honor of raising the first American flag to fly over Japanese territory.

What is it that makes a young man from a simple town like Grand Forks, ND, risk his life the way Corporal Lindberg did on Iwo Jima? Was it the fight for freedom and liberty? Was it his patriotism and his love of country? Was it his bravery and courage? Perhaps it was all those things. In fact, I would say that the story of Charles Lindberg presents the best of all that is American. Duty. Honor. Bravery. Sacrifice. I am proud to say that Corporal Lindberg comes from my home State of North Dakota. I am proud to call Corporal Lindberg an American.

Lindberg's passing serves as a reminder to be thankful for the heroic service of all those who answered the call to serve our country. The service of the millions of young men called to duty in World War II—and in all of our nation's wars—can never be forgotten. We are all touched in some way by heroes like Charles Lindberg, whether they are our family members, our loved ones, or our neighbors. Let us always remember the debt we owe these heroes, and always cherish the freedom they successfully fought to preserve.

TRIBUTE TO MICHAEL WAYNE BUTLER

Mr. GRAHAM. Mr. President, I would like to pay tribute to retired Colonel Michael Wayne Butler. On June 12, 2007, South Carolina lost a true patriot when Colonel Butler was killed while working for a contractor near Tikrit, Iraq. He is survived by his wife Joanne, sons Mike and Daniel, and grandson Da'Kori.

Colonel Butler's career in the Air Force began when he graduated from the U.S. Air Academy in 1976. Upon graduation, Colonel Butler was commissioned an aircraft maintenance officer. Colonel Butler's career in the Air Force was nothing less than distinguished. He had the opportunity to command the 50th Component Repair Squadron at Hahn AB, Germany, and later the 39th Logistics Group at Incirlik AB, Turkey. In many ways, Colonel Butler's final tour was one of his most complicated ones. Responsible for developing contingency plans and conducting air operations in a 25-nation area of responsibility covering a large swath of the globe, Colonel Butler served as CENTAF Director of Logistics at Shaw AFB in South Carolina. After 30 years of distinguished military service, earning a Bronze Star, a Meritorious Service Medal with six oak leaf clusters, and an Air Force Commendation Medal, Colonel Butler took a much deserved retirement from the Air Force in 2006.

Continuing his love of travel, Colonel Butler trekked around the world with his wife after retiring. Though Colonel Butler would soon be pursuing a new calling, the Butlers established a home in Rembert, SC. In December of 2006, Colonel Butler joined DynCorp International to be the senior deputy program manager for CIVPOL. His new occupation sent him to Iraq. Colonel Butler's experience in the region and his dedication to the cause of freedom was surely an asset in his new duties. On his final mission to advance our cause in Iraq, Colonel Butler was transporting prisoners in a five-vehicle convoy with the U.S. military and Iraqi police when his vehicle was hit by an IED and small arms fire. Colonel Butler and one American soldier lost their lives.

Colonel Butler's love of life extended beyond the battlefield. An avid runner, Colonel Butler competed in and completed the Marine Corps Marathon. Completing the marathon once is quite an accomplishment, but Colonel Butler embraced the challenge of the marathon and completed it multiple times. I was moved to hear that his family will run the marathon in Colonel Butler's absence this year.

Colonel Butler will be buried at Arlington Cemetery on August 22 with full honors. As he departs on his final mission, his memory and legacy will not fade from the hearts and minds of all of the people he came across in his life. He will be missed but this Nation will never forget.

ADDITIONAL STATEMENTS

2006 SLOAN AWARD WINNERS

• Mr. ALEXANDER. Mr. President, I congratulate the 2006 winners of the Alfred P. Sloan Award for Business Excellence in Workplace Flexibility, which recognizes companies that have successfully used flexibility to meet both business and employee goals.

As I did last year, I wish to draw attention to the Sloan Awards because I think these companies are to be commended for their excellence in providing workplace flexibility practices which benefit both employees and employers. Achieving greater flexibility in the workplace—to maximize productivity while attracting the highest quality employees—is one of the key challenges facing American companies in the 21st century.

For 2006, businesses in the following 17 cities were eligible for recognition: Boise, ID; Chandler, AZ; Chattanooga, TN; Chicago, IL; Greater Dallas/Fort Worth, TX; Dayton, OH; Detroit, MI; Durham, NC; Long Beach, CA; Long Island, NY; New Orleans, LA; Providence, RI; Richmond, VA; Salt Lake City, UT; Seattle, WA; Tampa, FL; and Washington, DC. The Chamber of Commerce in each city hosted an interactive business forum to share research on workplace flexibility as an important component of workplace effectiveness. In these same communities, businesses applied for, and winners were selected for, the Sloan Awards through a process that included employees' views as well as employer practices.

In Boise, ID, the winners were American Geotechnics, American Red Cross of Greater Idaho, Chatterbox, DJM Sales & Marketing Inc, Healthwise, Hewlett-Packard Company, Idaho Shakespeare Festival, the Ashley Inn, and the Cat Doctor.

In Chandler, AZ, the winners were Arizona Spine and Joint Hospital, Chandler Chamber of Commerce, Civil

Search International LLC, Clifton Gunderson LLP, Hacienda Builders, Henry & Home LLP, Intel Corporation, Jewish News of Greater Phoenix, Martinez & Shanken PLLC, RIESTER, State Mortgage, and Technology Providers Inc.

In Chattanooga, TN, the winners were Center for Community Career Education at the University of Tennessee: Chattanooga, Chattanooga's Kids on the Block, First Tennessee Bank, G.R. Rush & Company P.C., Jewish Community Federation of Greater Chattanooga, and Tricycle Inc.

In Chicago, IL, the winners are Association Forum of Chicagoland, Ernst & Young, KPMG LLP, and Maxil Technology Solutions Inc.

In Greater Dallas/Fort Worth, TX, the winners are Brinker International, Community Council of Greater Dallas, Fleishman-Hillard Dallas, Kaye/Bassman International, Lee Hecht Harrison, McQueary Henry Bowles Troy LLP, the Beck Group, and the Salvation Army Greater Dallas Metroplex Command.

In Detroit, MI, the winners are Albert Kahn Associates Inc., Amerisure Insurance Company, Brogan & Partners Convergence Marketing, Detroit Parent Network, Detroit Regional Chamber, Farbman Group, Menlo Innovations LLC, Rossetti, and Visteon Corporation.

In Durham, NC, the winners are Community Partners, Inc., Dow Reichhold Specialty Latex, Durham's Partnership for Children, Nortel, Shodor Education Foundation Inc., and the U.S. Environmental Protection Agency at Research Triangle Park.

In Long Beach, CA, the winners are Boys & Girls Clubs of Long Beach, Klaris Thomson & Schroeder Inc., Long Beach Chamber of Commerce, Office Furniture Group, Inc., and PeacePartners Inc.

In Long Island, NY, the winner is Atlantic HVACR Sales, Inc.

In Providence, RI, the winners are Clarendon Group Inc., Embolden Design Inc., Lefkowitz Garfinkel Champi & DeRienzo P.C., and Rhode Island Housing.

In Richmond, VA, the winners are Bon Secours Richmond Health System, Capital One Financial, and Lee Hecht Harrison.

In Salt Lake City, UT, the winners are Carter & Burgess Inc., Cooper Roberts Simonsen Associates, Creative Expresssions, Jones Waldo Holbrook & McDonough P.C., McKinnon-Mulherin Inc., Stayner Bates & Jensen P.C., and Utah Food Services.

In Seattle, WA, the winners were ColorsNW Magazine, DHI Technologies Inc., Macy's Northwest, National Court Appointed Special Advocate, CASA, Association, NRG::Seattle, Personnel Management Systems, Inc., Puget Sound Center for Teaching, Learning, and Technology, U.S. Government Accountability Office, and WithinReach.

In Tampa, FL, the winners were Kingery & Crouse, and Retail Merchandising Xpress.

In Washington, DC, the winners were Bailey Law Group P.C., Capital One Financial, Discovery Communications Inc., and KPMG LLP.

The Sloan Awards are presented by the When Work Works initiative, which is a project of the Families and Work Institute in partnership with the Institutefor a Competitive Workforce, an affiliate of the U.S. Chamber of Commerce, and the Twiga Foundation. The When Work Works initiative is sponsored by the Alfred P. Sloan Foundation.

Building on the success of the first 2 years, the next phase of the When Work Works initiative will extend the number of participating communities to 24 in 2007 to include Aurora, CO; Brockton, MA; Cincinnati, OH; Houston, TX; Morris County, NJ; Melbourne-Palm Bay, FL; Savannah, GA; and Winona, MN. Again, I congratulate the 2006 winners of the Sloan Awards, and I look forward to the continuing expansion of this exciting initiative.●

PRIVATE FIRST CLASS JONATHAN N. MC CART PETERSON

● Mr. NELSON of Nebraska. Mr. President, today I wish to honor Army PFC Jonathan N. McCart Peterson.

Private First Class Peterson was born September 11, 1987, in Liberal, KS. He graduated from McCook High School in May 2005 and joined the Army on July 26 of that year. He attended basic training at Fort Jackson, SC, and was then stationed at Fort Lewis, WA. He later transferred to Rose Barracks Army Base near Vilseck, Germany, where he was an information systems operator and maintainer and worked specifically as a local area network manager.

On Friday, May 25, 2007, Private First Class Peterson passed away at Good Samaritan Hospital in Kearney as a result of an automobile accident. He was 19 years old. He is survived by his mother, Valery A. McCart, of Cambridge; two sisters, Jessica M. Peterson and her son, Nikolas Malleck, of McCook, and Jayme L. Peterson of Kearney.

I offer my sincere condolences to the family and friends of PFC Jonathan Peterson during this time of heartbreak. Even in death, his selfless service to our country was evident. As an organ donor, he undoubtedly saved many lives. Few Americans ever achieve as much as Private First Class Peterson did in such a tragically short life. He will be forever remembered as a hero.●

FOLLANSBEE'S 101ST ANNIVERSARY

● Mr. ROCKEFELLER. Mr. President, I wish to commemorate the 101st anniversary of Follansbee, WV—a great community with great people and an important part of our State.

Follansbee is a town whose legacy was forged in steel. Its 3,000 residents are descendants of history and carry with them a proud tradition of tenacity and pride. While Follansbee sits in the northern panhandle of West Virginia, squeezed between Ohio and Pennsylvania on the banks of the Ohio River, it plays an integral role in West Virginia's economy.

Follansbee Steel was the first company to locate in this small Brooke County town, joining steel makers throughout the Ohio River Valley in firing the industrial revolution and feeding the Nation's voracious appetite for steel as it grew. Follansbee Steel's state-of-the-art roofing products also appeared in the early 19th century and played a major role in post–Civil War Reconstruction. Later, these materials became the products of choice for Frank Lloyd Wright, one of the world's most prominent architects.

In fact, when brothers John and Robert Follansbee bought the steel mill near the turn of the 20th century, not only did they rename the mill, they were the catalyst for forming what is now the city of Follansbee. Before that anyone traveling north of Wellsburg along the river would refer to Mahan's Junction—the name of the owners of the large orchard formerly on the site of Follansbee.

On this day, the 101st anniversary of its founding, it is appropriate to look to the future which, I am happy to note, looks bright for Follansbee, WV. As the years have passed, the tradition of Follansbee Steel remains through the town's reservoir of high-quality labor. Wheeling-Pittsburgh Steel, a successor of Follansbee Steel, continues to run one of the busiest coke plants in the country, feeding both its blast furnace and its electric arc furnace, while Wheeling-Nisshin is now one of the largest hot-dip coating mills in the world.

Wheeling Nisshin came to West Virginia in the early 1980s as our very first Japanese business. Since that time we have seen Japanese companies embrace West Virginia throughout the State. This joint venture between a Japanese steel company and Wheeling Pitt was years ahead of its time, taking advantage of the increasing globalization of the steel industry and using it to West Virginia's advantage.

With its large industry and its small businesses and local professionals, Follansbee is just the type of small American town we think of and in which we take pride. It is a community with strong roots and a tremendous sense of local pride. Each summer its residents gather for Follansbee Community Days, bringing residents, their families, and former residents together from far and wide to celebrate their shared sense of community.

Mr. President, I hope my colleagues in the Senate will join me in marking this 101st anniversary of the founding of Follansbee. The legacy of that town is long, its history rich—but it is the service it has provided the country that will be felt for a long, long time.

To mayor Tony Paesano and the people of Follansbee, may the next 101 years be as successful and peaceful as the first.●

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–2433. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Uninsured Secondary Capital'' (12 C.F.R. Parts 701 and 741) received on July 5, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2434. A communication from the Staff Attorney, Office of General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendments'' (RIN3133–AD36) received on July 5, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2435. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (Docket No. FEMA–B–7716) received on July 9, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2436. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (72 FR 31463) received on July 9, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2437. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (72 FR 31461) received on July 9, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2438. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (72 FR 31460) received on July 9, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2439. A communication from the Assistant to the Board, Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled ''Regulation E (Electronic Fund Transfers)'' (Docket No. R–1270) received on June 28, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2440. A communication from the Secretary, Division of Corporation Finance and Office of the Chief Accountant, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Rules Regarding Management's Report on Internal Control Over Financial Reporting; and Commission Guidance Regarding Management's Report on Internal Control Over Financial Reporting Under Section 13(a) or 15(d) of the Securities Exchange Act of 1934'' (RIN3235–AJ58) received on July 5, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2441. A communication from the Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Rule 10a–1; Rule 200 of Regulation SHO; Rule 201 of Regulations SHO'' (RIN3235–AJ76) received on July 5, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2442. A communication from the First Vice President and Controller, Federal Home Loan Bank of Boston, transmitting, pursuant to law, the Bank's 2006 management report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2443. A communication from the Controller, Federal Home Loan Bank of Des Moines, transmitting, pursuant to law, the Bank's 2006 management report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2444. A communication from the Secretary of Commerce, transmitting, pursuant to law, a six-month report on the national emergency with respect to the threat to the U.S. economy caused by the lapse of the Export Administration Act of 1979 that was declared in Executive Order 13222 of August 17, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2445. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month report on the national emergency with respect to the former Liberian regime of Charles Taylor that was declared in Executive Order 13222 of August 17, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2446. A communication from the Secretary of Housing and Urban Development, transmitting, proposed legislation intended to reauthorize the American Dream Down Payment Act; to the Committee on Banking, Housing, and Urban Affairs.

EC–2447. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA75) received on July 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2448. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less than 60 Feet LOA Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA70) received on July 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2449. A communication from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security , transmitting, pursuant to law, a report relative to the Administration's decision to enter into a contract with a private security screening company to provide screening services; to the Committee on Commerce, Science, and Transportation.

EC–2450. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule Implementing Amendment 13 to the Atlantic Sea Scallop Fishery Management Plan'' (RIN0648–AV39) received on July 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2451. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Quota Specifications and Effort Controls'' ((RIN0648–AU87)(I.D. 030507A)) received on July 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2452. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, (3) reports relative to vacancy announcements within the Department, received on July 9, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2453. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled ''International Energy Outlook 2007''; to the Committee on Energy and Natural Resources.

EC–2454. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Virginia Regulatory Program'' (Docket No. VA–123–FOR) received on July 5, 2007; to the Committee on Energy and Natural Resources.

EC–2455. A communication from the Assistant Director, Fisheries and Habitat Conservation, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Injurious Wildlife Species; Silver Carp and Largescale Silver Carp'' (RIN1018-AT29) received on July 9, 2007; to the Committee on Environment and Public Works.

EC–2456. A communication from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Subsistence Management Regulations for Public Lands in Alaska, Subpart C: Nonrural Determinations'' (RIN1018-AT99) received on July 9, 2007; to the Committee on Environment and Public Works.

EC–2457. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Administration's position on budgeting for the Unalaska, Alaska Navigation Improvement Project; to the Committee on Environment and Public Works.

EC–2458. 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 ''National Pollutant Discharge Elimination System—Suspension of Regulations Establishing Requirements for Cooling Water Intake Structures at Phase II Existing Facilities'' ((RIN2040-AD62)(FRL No. 8336-9)) received on July 5, 2007; to the Committee on Environment and Public Works.

EC–2459. 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 ''Withdrawal of Federal Marine Aquatic Life Water Quality Criteria for Toxic Pollutants Applicable to Washington State'' (FRL No. 8337-2) received on July 5, 2007; to the Committee on Environment and Public Works.

EC–2460. 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; Virginia; Redesignation of the Hampton Roads Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base-Year Inventory; Correction'' (FRL No. 8335-1) received on July 5, 2007; to the Committee on Environment and Public Works.

EC–2461. 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 Rules to Control Emissions from Hospital, Medical, and

Infectious Waste Management'' (FRL No. 8335-5) received on July 5, 2007; to the Committee on Environment and Public Works.

EC–2462. 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 and Designation of Areas for Air Quality Planning Purposes; Kentucky: Redesignation of the Kentucky Portion of the Louisville 8-Hour Ozone Nonattainment Area to Attainment for Ozone'' (FRL No. 8335-4) received on July 5, 2007; to the Committee on Environment and Public Works.

EC–2463. 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 ''Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Correction'' (FRL No. 8335-6) received on July 5, 2007; to the Committee on Environment and Public Works.

EC–2464. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, a copy of a document recently issued by the Agency entitled ''Estimation of Relative Bioavailability of Lead in Soil and Soil-Like Materials Using In Vivo and In Vitro Methods''; to the Committee on Environment and Public Works .

EC–2465. 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 ''Amendments to National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting and Secondary Copper Smelting Area Sources'' ((RIN2060-AO46)(FRL No. 8334-4)) received on June 28, 2007; to the Committee on Environment and Public Works.

EC–2466. 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; Pennsylvania; Redesignation of the Lancaster 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base-Year Inventory'' (FRL No. 8333-6) received on June 28, 2007; to the Committee on Environment and Public Works.

EC–2467. 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; Pennsylvania; Redesignation of the Tioga County Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory'' (FRL No. 8333-7) received on June 28, 2007; to the Committee on Environment and Public Works.

EC–2468. 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 ''Extension of the Deferred Effective Date for 8-Hour Ozone National Ambient Air Quality Standards for the Denver Early Action Compact'' (FRL No. 8332-2) received on June 28, 2007; to the Committee on Environment and Public Works.

EC–2469. 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 ''Pesticide Tolerance Nomenclature Changes; Technical Amendment'' (FRL No. 8131–3) received on June 28, 2007; to the Committee on Environment and Public Works.

EC–2470. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, a document recently issued by the Agency entitled ''Interpretation of 'Ambient Air' in Situations Involving Leased Land Under the Regulations for Prevention of Significant Deterioration''; to the Committee on Environment and Public Works.

EC–2471. 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 ''Safe Harbor Method of Accounting for Advance Trade Discounts'' (Rev. Proc. 2007-53) received on July 5, 2007; to the Committee on Finance.

EC–2472. 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 ''Elimination of Schedule P from Form 5500 Series'' (Announcement 2007-63) received on July 5, 2007; to the Committee on Finance.

EC–2473. 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 ''Revenue Ruling on Nonexempt Employees' Trusts'' (Rev. Rul. 2007-48) received on July 5, 2007; to the Committee on Finance.

EC–2474. 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 ''Fortuity and Insurance'' (Rev. Rul. 2007-47) received on July 5, 2007; to the Committee on Finance.

EC–2475. 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 ''Research Agreements'' (Rev. Proc. 2007-47) received on June 28, 2007; to the Committee on Finance.

EC–2476. 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 ''Rotable Spare Parts'' (Rev. Proc. 2007-48) received on June 28, 2007; to the Committee on Finance.

EC–2477. 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 ''Application of Section 83 When Post-Grant Restrictions are Imposed on Vested Stock'' (Rev. Rul. 2007-49) received on July 6, 2007; to the Committee on Finance.

EC–2478. 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 Regulations Under Section 6033(a)(2) Relating to Disclosure Obligations With Respect to Prohibited Tax Shelter Transactions'' ((RIN1545-BG19)(TD 9335)) received on July 6, 2007; to the Committee on Finance.

EC–2479. 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 ''Final and Temporary Regulations Relating to the Requirement of a Return to Accompany Payment of Excise Taxes Under Section 4695'' ((RIN1545-BG20)(TD 9334)) received on July 6, 2007; to the Committee on Finance.

EC–2480. 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 ''Employee Plans Compliance Resolution System'' (Rev. Proc. 2007-49) received on July 6, 2007; to the Committee on Finance.

EC–2481. A communication from the Acting Social Security Regulations Officer, Office of Disability and Income Security Programs, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Extension of the Expiration Date for Several Body System Listings'' (RIN0960-AG51) received on July 5, 2007; to the Committee on Finance.

EC–2482. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the continued compliance by certain countries with the 1974 Trade Act; to the Committee on Finance.

EC–2483. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled ''Report to the Congress: Promoting Greater Efficiency in Medicare''; to the Committee on Finance.

EC–2484. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the waiver of the application of subsections 402(a) and (b) of the Trade Act of 1974 with respect to Turkmenistan; to the Committee on Finance.

EC–2485. A communication from the Chairman, United States International Trade Commission, transmitting, pursuant to law, the Commission's Annual Report for fiscal year 2006; to the Committee on Finance.

EC–2486. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the use and effectiveness of funds appropriated to the Medicaid Integrity Program during fiscal year 2006; to the Committee on Finance.

EC–2487. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007-135-2007-142); to the Committee on Foreign Relations.

EC–2488. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007–126—2007–134); to the Committee on Foreign Relations.

EC–2489. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007–118—2007–125); to the Committee on Foreign Relations.

EC–2490. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, reports relative to agreements entered into with Taiwan; to the Committee on Foreign Relations.

EC–2491. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services relative to the co-development of

the Galaxy Express space launch vehicle upgrade program with Japan; to the Committee on Foreign Relations.

EC–2492. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the sale of materials related to F–5E/F fighter aircraft from the Government of Jordan to the Government of Kenya; to the Committee on Foreign Relations.

EC–2493. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services relative to the launch of satellites from the Pacific Ocean utilizing a modified oil platform to Russia, Ukraine, and Norway; to the Committee on Foreign Relations.

EC–2494. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Orthopedic Devices; Reclassification of the Intervertebral Body Fusion Device'' (Docket No. 2006N–0019) received on July 9, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2495. A communication from the Administrator, Office of Policy Development and Research, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Senior Community Service Employment Program; Performance Accountability; Interim Rule'' (RIN1205–AB47) received on July 6, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2496. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Listing of Color Additives Subject to Certification'' (Docket No. 1995C–0286) received on July 6, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2497. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Human Cells, Tissue, and Cellular and Tissue-Based Products; Donor Screening and Testing, and Related Labeling'' (Docket No. 1997N–0484T) received on July 9, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2498. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter Report: Responses to Specific Questions Regarding the District's Ballpark''; to the Committee on Homeland Security and Governmental Affairs.

EC–2499. A communication from the Director for Acquisition Management and Financial Assistance, Department of Commerce, transmitting, pursuant to law, a report relative to the Department's fiscal year 2006 inventory; to the Committee on Homeland Security and Governmental Affairs.

EC–2500. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter Report: Auditor's Preliminary Findings from Examination of Contract Between the Office of Contracting and Procurement and Venable, Baetjer and Howard, LLP''; to the Committee on Homeland Security and Governmental Affairs.

EC–2501. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–63, ''Fiscal Year 2008 Budget Support Act of 2007'' received on July 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2502. A communication from the Regulations Coordinator, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the Office of OMB Guidance on Nonprocurement Debarment and Suspension'' (45 CFR Parts 74 and 76) received on July 5, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2503. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–62, ''District of Columbia School Reform Property Disposition Clarification Temporary Amendment Act of 2007'' received on June 28, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2504. A communication from the Director, Office of Personnel Management, transmitting, a legislative proposal entitled ''Lump-Sum Payments for Annual Levee Simplification Act of 2007''; to the Committee on Homeland Security and Governmental Affairs.

EC–2505. A communication from the Deputy White House Liaison, Department of Justice, transmitting, pursuant to law, (11) reports relative to vacancy announcements within the Department, received on July 9, 2007; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2764. A bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes (Rept. No. 110–128).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1642. A bill to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes.

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 1762. An original bill to provide for reconciliation pursuant to section 602 of the concurrent resolution on the budget for fiscal year 2008 (S. Con. Res. 21).

EXECUTIVE REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of June 29, 2007, the following executive reports of nominations were submitted on July 3, 2007:

Mr. INOUYE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Coast Guard nomination of Jason D. Rimington, 8958, to be Lieutenant.

Coast Guard nomination of Jeffery J. Rasnake, 8595, to be Lieutenant.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. CASEY (for himself and Mr. SPECTER):

S. 1755. A bill to amend the Richard B. Russell National School Lunch Act to make permanent the summer food service pilot project for rural areas of Pennsylvania and apply the program to rural areas of every State; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. AKAKA, and Ms. MURKOWSKI) (by request):

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; to the Committee on Energy and Natural Resources.

By Mr. AKAKA (by request):

S. 1757. A bill to amend title 38, United States Code, to extend or make permanent certain authorities for veterans' benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KENNEDY (for himself, Mr. HARKIN, and Mr. DODD):

S. 1758. A bill to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. KOHL, and Mr. THUNE):

S. 1759. A bill to provide for the review of agricultural mergers and acquisitions by the Department of Justice, and for other purposes; to the Committee on the Judiciary.

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

S. 1760. A bill to amend the Public Health Service Act with respect to the Healthy Start Initiative; to the Committee on Health, Education, Labor, and Pensions.

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

S. 1761. A bill to authorize the Secretary of Transportation to contract with an independent engineer to review the construction methods of certain Federal highway projects, to require States to submit a project management plan for each highway project financed with Federal funds, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KENNEDY:

S. 1762. An original bill to provide for reconciliation pursuant to section 602 of the concurrent resolution on the budget for fiscal year 2008 (S. Con. Res. 21); from the Committee on Health, Education, Labor, and Pensions; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MCCONNELL:

S. Res. 266. A resolution making minority party appointments for the 110th Congress; considered and agreed to.

By Mrs. HUTCHISON (for herself, Mr. CORNYN, and Mr. BINGAMAN):

S. Res. 267. A resolution honoring the life of renowned painter and writer Tom Lea on

the 100th anniversary of his birth and commending the City of El Paso for recognizing July 2007 as ''Tom Lea Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 329

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

S. 396

At the request of Mr. DORGAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 396, a bill to amend the Internal Revenue Code of 1986 to treat controlled foreign corporations in tax havens as domestic corporations.

S. 399

At the request of Mr. BUNNING, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 404

At the request of Mr. WYDEN, his name was added as a cosponsor of S. 404, a bill to amend the Agricultural Marketing Act of 1946 to require the implementation of country of origin labeling requirements by September 30, 2007.

S. 456

At the request of Mrs. FEINSTEIN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 458

At the request of Mr. VITTER, his name was added as a cosponsor of S. 458, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 579

At the request of Mr. REID, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 651

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 651, a bill to help promote the national recommendation of physical activity to kids, families, and communities across the United States.

S. 742

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 742, a bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes.

S. 746

At the request of Mr. ALLARD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 860

At the request of Mr. SMITH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 860, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 881

At the request of Mrs. LINCOLN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 921

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

S. 960

At the request of Mrs. CLINTON, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 960, a bill to establish the United States Public Service Academy.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 1038

At the request of Mr. CORNYN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1038, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 1070

At the request of Mrs. LINCOLN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1213

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1213, a bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the Medicaid and State Children's Health Insurance Programs through better linkages with programs providing nutrition and related assistance to low-income families.

S. 1233

At the request of Mr. CRAIG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1233, a bill to provide and enhance intervention, rehabilitative treatment, and services to veterans with traumatic brain injury, and for other purposes.

S. 1258

At the request of Ms. CANTWELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1258, a bill to amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities.

S. 1322

At the request of Mrs. LINCOLN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1322, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 1450

At the request of Mr. KOHL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1450, a bill to authorize appropriations for the Housing Assistance Council.

S. 1451

At the request of Mr. WHITEHOUSE, the name of the Senator from Ohio

(Mr. BROWN) was added as a cosponsor of S. 1451, a bill to encourage the development of coordinated quality reforms to improve health care delivery and reduce the cost of care in the health care system.

S. 1478

At the request of Ms. CANTWELL, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1478, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 1494

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. TESTER) 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.

At the request of Mr. DOMENICI, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1494, supra.

S. 1545

At the request of Mr. SALAZAR, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 1545, a bill to implement the recommendations of the Iraq Study Group.

S. 1555

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. OBAMA) 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. 1603

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Mr. COLEMAN) 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. 1607

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1607, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1649

At the request of Mr. FEINGOLD, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1649, a bill to provide for 2 programs to authorize the use of leave by caregivers for family members of certain individuals performing military service, and for other purposes.

S. 1705

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1705, a bill to prevent nuclear terrorism, and for other purposes.

S. 1711

At the request of Mr. BIDEN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1711, a bill to target cocaine kingpins and address sentencing disparity between crack and powder cocaine.

S. 1714

At the request of Mr. KERRY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1714, a bill to establish a multiagency nationwide campaign to educate small business concerns about health insurance options available to children.

S. 1717

At the request of Mr. CASEY, his name was added as a cosponsor of S. 1717, a bill to require the Secretary of Agriculture, acting through the Deputy Chief of State and Private Forestry organization, to provide loans to eligible units of local government to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located on land under the jurisdiction of the eligible units of local government and within the borders of quarantine areas infested by the emerald ash borer, and for other purposes.

S. 1747

At the request of Mr. SPECTER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1747, a bill to regulate the judicial use of presidential signing statements in the interpretation of Act of Congress.

S. 1748

At the request of Mr. COLEMAN, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Nevada (Mr. ENSIGN) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 1748, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

AMENDMENT NO. 2000

At the request of Mr. NELSON of Florida, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of amendment No. 2000 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2006

At the request of Mr. SESSIONS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 2006 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. 2009

At the request of Ms. CANTWELL, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of amendment No. 2009 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. 2012

At the request of Mr. WEBB, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Oregon (Mr. WYDEN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Hawaii (Mr. INOUYE) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 2012 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. 2014

At the request of Mr. HAGEL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 2014 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. 2019

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2019 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. 2020

At the request of Mr. COLEMAN, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Nevada (Mr. ENSIGN) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of amendment No. 2020 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. 2021

At the request of Mr. SPECTER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of

amendment No. 2021 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. 2022

At the request of Mr. LEAHY, the names of the Senator from West Virginia (Mr. BYRD), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Illinois (Mr. OBAMA) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 2022 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. SPECTER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 2022 intended to be proposed to H.R. 1585, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CASEY (for himself and Mr. SPECTER):

S. 1755. A bill to amend the Richard B. Russell National School Lunch Act to make permanent the summer food service pilot project for rural areas of Pennsylvania and apply the program to rural areas of every State; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CASEY. Mr. President, I rise today to introduce the Summer Food Service Rural Expansion Act. This bill will provide critical meals to children living in poverty in rural areas. I am pleased to introduce this bill with Senator SPECTER. Congressman PLATTS is introducing companion legislation in the House of Representatives.

During the summer, low-income children lose their access to regular daily school meals. The Summer Food Service Program is intended to help fill this nutritional gap by providing summer meals to children from low-income families who receive school meals.

For those of my colleagues who do not know much about the Summer Food Service Program, it was authorized through the National School Lunch Act of 1968. The program allows the U.S. Department of Agriculture to provide grants to nonprofit food service programs that in turn provide meals for children from low-income families through sites such as nonprofit schools, local governments, and nonprofit summer camps. Yet, despite the best efforts of this program, only 2 in 10 low-income children who receive school lunch also receive summer food when school is out. So where do these children get food? Sadly, the answer is that many of them go hungry.

Traditionally, the majority of sponsors and sites participating in the Summer Food Service Program have tended to be located in urban areas. As we know, however, hunger is not just an urban issue. Thanks to the tremendous effort by Congressman PLATTS, the Child Nutrition Act of 2004 recognized the void of such programs in predominantly rural areas and established a 2-year pilot program to increase participation rates in rural communities.

The existing Summer Food Service Program is available to areas in which at least 50 percent of the children are eligible for free or reduced price school meals. However, to encourage more sponsors and more sites to participate in the program, the pilot allowed that threshold to be reduced to 40 percent in rural communities.

The pilot, which ran in my home state during calendar years 2005 and 2006, was a tremendous success. During the first year of the pilot program, 20 sponsors offered 40 meal sites in rural areas. Of the sponsors, 8 were new sponsors of the program and 12 were sponsors in the prior years who added meal sites. During the first year of the program, the total numbers of meals served in rural communities increased by 73,000 meals, or 11 percent over the previous year. By the second year, there were 9 new sponsors, 16 returning sponsors, and 77 pilot sites; and the number of meals served increased over the previous year by an additional 4.3 percent, or 31,000 meals.

Unfortunately, because of the expiration of the pilot program, 37 of the sites established under the pilot will not be able to participate this summer. That means nearly half of the children who participated in this program over the past 2 years will no longer be able to count on receiving nutritious meals during the summer months.

For this reason, I am introducing legislation to help not only the children of Pennsylvania, but also the needy children in rural areas of every single State who deserve access to nutritious lunches during the summer months.

Through this bill, the Summer Food Service Pilot Program for rural areas would become a permanent program and would apply to rural areas of every State beginning in calendar year 2007 and each calendar year thereafter. Through this bill, the numbers of children participating in the program will dramatically increase, and needy children in rural areas throughout the country will receive nutritious meals they might not otherwise get during the summer months.

I urge all of my colleagues to join in the effort to combat childhood hunger in rural areas by cosponsoring the Summer Food Service Rural Expansion Act.

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. 1755

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 ''Summer Food Service Rural Expansion Act''.

SEC. 2. SUMMER FOOD SERVICE PILOT PROGRAM FOR RURAL AREAS OF PENNSYLVANIA MADE PERMANENT AND APPLIED TO RURAL AREAS OF EVERY STATE.

Section 13(a)(9) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)(9)) is amended—

(1) in the paragraph heading by striking ''EXEMPTION'' and inserting ''APPLICABILITY TO RURAL AREAS''; and

(2) in subparagraph (A), by striking ''For each of calendar years 2005 and 2006 in rural areas of the State of Pennsylvania'' and inserting ''For calendar year 2007 and each calendar year thereafter, in rural areas of a State''.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. AKAKA, and Ms. MURKOWSKI) (by request):

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; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today, I am pleased to introduce the Republic of the Marshall Islands Supplemental Nuclear Compensation Act at the request of the President of the Republic of the Marshall Islands, the Honorable Kessai Note. For over 50 years, the Committee on Energy and Natural Resources, and its predecessor committees, have worked with the government of the Marshall Islands to respond to the tragic consequences of the U.S. nuclear weapons tests that were conducted in the islands from 1946 to 1958, when the islands were a district of the U.S.-administered, U.N. Trust Territory of the Pacific Islands.

The U.S. nuclear testing program raises powerful emotions, and difficult legal and political issues which complicate discussion. Of particular concern to some is that the question of the adequacy of the compensation paid by the U.S. is now before the U.S. Court of Claims. On May 10, I met with President Note during his trip to Washington and we discussed our shared desire to move forward on several issues. We agreed that is it important for our nations to continue to work together on other matters which are not in litigation, such as possible adjustments to programs that are important to the communities affected by the tests.

I compliment President Note for his leadership, and for his thoughtful recommendation on how to approach these sensitive issues. The President proposed the introduction of legislation, at his request, that would propose solutions on several issues that are not before the court. This would allow the

committee to hear formally from the administration and from the RMI government on whether the proposals should be adopted, or whether to consider alternatives. I concur in this approach along with several of my colleagues on the committee and we are committed to working with the RMI and the administration to seek agreement.

It is important to note that any further compensation provided by the U.S. under this act would be made on an ex gratia basis. U.S. administration of the RMI ended in 1986 when the RMI gained sovereign self-government pursuant to the Compact of Free Association, as approved by the Compact Act, P.L. 99–239. The compact provides two methods of compensation, under the legal settlement and under an authorization for ex gratia assistance. Section 177 of the compact approved a legal settlement which provided: a $150 million Nuclear Claims Trust Fund; the establishment of the Nuclear Claims Tribunal to adjudicate claims and pay awards; and it allows the RMI to request additional compensation if there are ''changed circumstances,'' that is, if information and injuries come to light after the settlement date which renders compensation under the settlement inadequate. Congress also included an authorization, under subsection 105(c) of the Compact Act, for additional ex gratia compensation to the communities of the northern atolls of Bikini, Enewetak, Rongelap and Utrik, and for supplemental health care.

In 2000, the RMI submitted a petition to Congress contending that there have been ''changed circumstances'' and requesting some $3 billion for payment of the Tribunal's personal injury awards, replenishment of the Trust Fund, payment of the Tribunal's property damage awards, funding for national health care infrastructure and operations, and monitoring of Runit Island in Enewetak Atoll by a U.S. agency.

In 2005, the Committee on Energy and Natural Resources held a hearing on the petition, S. Hrg. 109–178, and the administration testified in opposition to additional compensation on the basis that the requests did not meet the necessary legal tests: that injuries or damage must be a result of the nuclear tests; that they have arisen or been discovered after the effective date of the settlement; and that they could not reasonably have been identified as of the effective date of the settlement. The administration and other witnesses also questioned the RMI's contention that radiation affected an area beyond the four northern atolls of the Marshall Islands, and questioned the policies and methodologies used by the Tribunal in determining eligibility for compensation and the amount of awards. Nevertheless, the report by the administration on the RMI petition noted that, while certain requests do not qualify as changed circumstances, ''such programs might be desirable''.

The legislation being introduced today has provisions regarding four such requests for assistance that I agree with President Note should be given consideration by the Congress.

Runit Island: Between 1977 and 1980, the U.S. conducted a cleanup of some of the contaminated areas of Enewetak Atoll where 43 tests were conducted. Some of the contaminated soil and debris was relocated to Runit Island, mixed with concrete, and placed in Cactus crater that had been formed by one of the tests. Under the compact's nuclear claims settlement, the Marshall Islands accepted full legal responsibility for, and control over the utilization of areas in the Marshall Islands affected by the testing. In addition, however, the 1986 Compact Act, P.L. 99–239, reaffirmed the 1980 authorization, under P.L. 96–205, for a program now operated by the U.S. Department of Energy, DOE, for medical care and environmental monitoring relating to the testing program. Since then, the people of Enewetak Atoll have from time-to-time asked DOE to include monitoring of conditions at Runit within the scope of DOE's environmental monitoring program in order to assure the people living on other islands in Enewetak Atoll that there is no health risk from the material at Runit. DOE's whole body measurements of people living in the atoll shows that there is no increased risk and DOE has indicated that additional surveys should be carefully considered by Congress. Section 2 of this act would direct the Secretary of Energy, as a part of the existing monitoring program, to periodically survey radiological conditions regarding Runit and report to the Congress.

Energy Employees Occupational Illness Compensation Program, EEOICPA: This program was enacted in 2001 to provide compensation for DOE and contractor employees associated with the Nation's nuclear weapons program. During Senate debate, I submitted a list of facilities intended to be covered which included ''Marshall Islands Test Sites, but only for the period after December 31, 1958.'' However, the 75 Marshall Islands citizens who applied to the program were denied on the basis that Congress did not intend the law to cover those who were not U.S. citizens. I believe that this was an incorrect reading of Congressional intent and I can find nothing in the statute or legislative history that supports this conclusion. It is important to recognize that during the testing and clean-up period the Marshall Islands was a district of the U.S.-administered, U.N. Trust Territory of the Pacific Islands, and that the U.S. and its contractors employed workers from the Marshall Islands and from neighboring Districts in the Trust Territory.

Section 3 of this act would clarify that former Trust Territory citizens are eligible, and it would coordinate benefits with the Compact of Free Association so that if a person received compensation under the compact, that amount would be deducted from any award received under the EEOICPA.

Four Atoll Health Care Program: Section 177 of the Compact approved the legal settlement of claims resulting from the nuclear testing program and provided $150 million to capitalize the Trust Fund. Among the uses for these funds was an allocation of $2 million annually to provide health care for those communities most affected by the tests: Enewetak, Bikini, Rongelap and Utrik. However, practical problems developed with the program. First, enrollment was expanded beyond those members of the communities who were likely to have been exposed to radiation, so that the funds available for each beneficiary was significantly reduced. Second, the Fund became depleted and the $2 million annual payment was terminated in 2003. To continue some level of service under the program, the RMI and the U.S. Congress continued to contribute funds on a discretionary basis until a longer-term solution could be developed. During a trip to the RMI in the summer of 2006, Senate staff met with officials of the RMI Ministry of Health and of the 177 Healthcare Program and outlined a possible new approach for supplemental health care. Instead of providing benefits to a pool of enrolled beneficiaries, the funding would be targeted geographically to support a primary care clinic in each of the affected communities. This approach has the advantage of assuring primary health care in these remote outer island communities and of avoiding the problem of over-subscription of the program in the urban centers where hospital facilities are available.

Section 4 of the bill would authorize $2 million annually through 2023 for the continuation of this approach of supporting health care clinics in the outer island communities most affected by the tests. I believe that this proposal is an appropriate place to continue the discussion with the RMI and U.S. officials on how supplemental health care assistance to the RMI could most effectively be used in the future to meet the needs of affected communities.

Impact Assessment: Underlying the debate between the U.S. and the RMI regarding compensation for injuries resulting from the testing program is a fundamental dispute over the extent of the affected area. The U.S. believes that the effects were practically limited to the four northern atolls of Rongelap, Utrik, Bikini, and Enewetak. However, the RMI and the Nuclear Claims Tribunal took the position that all 1958 residents of the RMI would be eligible to file claims for injuries resulting from the tests. Section 5 of the bill is intended to resolve this dispute by having the National Academy of Sciences conduct an assessment of the health impacts of the testing program.

It is my intention to hold a hearing on the bill later this year. I look forward to continuing to work with President Note, my colleagues, and the administration on these proposals to respond, in part, to the legacy of our Nation's nuclear testing program in the Islands.

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. 1756

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 ''Republic of the Marshall Islands Supplemental Nuclear Compensation Act of 2007''.

SEC. 2. CONTINUED MONITORING ON RUNIT ISLAND.

Section 103(f)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(f)(1)) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(A) IN GENERAL.—Notwithstanding''; and

(2) by adding at the end the following:

''(B) CONTINUED MONITORING ON RUNIT ISLAND.—

''(i) IN GENERAL.—Effective beginning January 1, 2008, the Secretary of Energy shall, as a part of the Marshall Islands program conducted under subparagraph (A), periodically (but not less frequently than every 4 years) survey radiological conditions on Runit Island.

''(ii) REPORT.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives, a report that describes the results of each survey conducted under clause (i), including any significant changes in conditions on Runit Island.''.

SEC. 3. CLARIFICATION OF ELIGIBILITY UNDER ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000.

(a) DEFINITIONS FOR PROGRAM ADMINISTRATION.—Section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384*l*) is amended by adding at the end the following:

''(18) The terms 'covered employee', 'atomic weapons employee', and 'Department of Energy contractor employee' (as defined in paragraphs (1), (3), and (11), respectively) include a citizen of the Trust Territory of the Pacific Islands who is otherwise covered by that paragraph.''.

(b) DEFINITION OF COVERED DOE CONTRACTOR EMPLOYEE.—Section 3671(1) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s(1)) is amended by inserting before the period at the end the following: '', including a citizen of the Trust Territory of the Pacific Islands who is otherwise covered by this paragraph''.

(c) COORDINATION OF BENEFITS WITH RESPECT TO THE COMPACT OF FREE ASSOCIATION.—Subtitle E of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s et seq.) is amended by inserting after section 3682 (42 U.S.C. 7385s–11) the following:

''SEC. 3682a. COORDINATION OF BENEFITS WITH RESPECT TO THE COMPACT OF FREE ASSOCIATION.

''(a) DEFINITION OF COMPACT OF FREE ASSOCIATION.—In this section, the term 'Compact of Free Association' means—

''(1) the Compact of Free Association between the Government of the United States of America and the Governments of the Marshall Islands and the Federated States of Micronesia (48 U.S.C. 1901 note); and

''(2) the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note).

''(b) COORDINATION.—Subject to subsection (c), an individual who has been awarded compensation under this subtitle, and who has also received compensation benefits under the Compact of Free Association by reason of the same covered illness, shall receive the compensation awarded under this subtitle reduced by the amount of any compensation benefits received under the Compact of Free Association, other than medical benefits and benefits for vocational rehabilitation that the individual received by reason of the covered illness, after deducting the reasonable costs (as determined by the Secretary) of obtaining those benefits under the Compact of Free Association.

''(c) WAIVER.—The Secretary may waive the application of subsection (b) if the Secretary determines that the administrative costs and burdens of applying subsection (b) to a particular case or class of cases justifies the waiver.''.

SEC. 4. FOUR ATOLL HEALTH CARE PROGRAM.

Section 103(h) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(h)) is amended by adding at the end the following:

''(4) SUPPLEMENTAL HEALTH CARE FUNDING.—

''(A) IN GENERAL.—In addition to amounts provided under section 211 of the U.S.-RMI Compact (48 U.S.C. 1921 note), the Secretary of the Interior shall annually use the amounts made available under subparagraph (B) to supplement health care in the communities affected by the nuclear testing program of the United States, including capital and operational support of outer island primary healthcare facilities of the Ministry of Health of the Republic of the Marshall Islands in the communities of—

''(i) Enewetak Atoll,

''(ii) Kili (until the resettlement of Bikini);

''(iii) Majetto Island in Kwajalein Atoll (until the resettlement of Rongelap Atoll); and

''(iv) Utrik Atoll.

''(B) FUNDING.—As authorized by section 105(c), there is appropriated to the Secretary of the Interior, out of funds in the Treasury not otherwise appropriated, to carry out this paragraph $2,000,000 for each of fiscal years 2007 through 2023, as adjusted for inflation in accordance with section 218 of the U.S.-FSM Compact and the U.S.-RMI Compact, to remain available until expended.''.

SEC. 5. ASSESSMENT OF HEALTH CARE NEEDS OF THE MARSHALL ISLANDS.

(a) IN GENERAL.—The Secretary of the Interior shall enter into an agreement with the National Academy of Sciences under which the National Academy of Sciences shall conduct an assessment of the health impacts of the United States nuclear testing program conducted in the Republic of the Marshall Islands on the residents of the Republic of the Marshall Islands.

(b) REPORT.—On completion of the assessment under subsection (a), the National Academy of Sciences shall submit to Congress, the Secretary, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives, a report on the results of the assessment.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

By Mr. KENNEDY (for himself, Mr. HARKIN, and Mr. DODD):

S. 1758. A bill to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes; to the Committee on Finance.

Mr. KENNEDY. Mr. President, I rise today to introduce the Community Living Assistance Services and Supports Act, the CLASS Act. This important piece of legislation builds on the promise and possibilities of the Americans with Disabilities Act by helping the large numbers of Americans who struggle every day to live productive lives in their communities.

Too many Americans are perfectly capable of living a life in the community, but are denied the supports they need.

They languish in needless circumstances with no choice about how or where to obtain these services.

Too often, they have to give up the American Dream, the dignity of a job, a home, and a family, so they can qualify for Medicaid, the only program that will support them.

The bill we propose is a long overdue effort to offer greater dignity, greater hope, and greater opportunity.

It makes a simple pact with all Americans—''If you work hard and contribute, society will take care of you when you fall on hard times.''

The concept is clear, everyone can contribute and everyone can win. We all benefit when no one is left behind.

For only $30 a month, a person who pays into the program will receive either $50 or $100 a day, based on their ability to carry out basic daily activities.

They themselves will decide how this assistance will be spent, on transportation so they can stay employed, or on a ramp to make their home more accessible, or to cover the cost of a personal care attendant or a family caregiver.

It will help keep families together, instead of being torn apart by obstacles that discourage them from staying at home.

The bill will strengthen job opportunities for people with disabilities at a time when 70 percent are unemployed. They have so much to contribute and the bill will help them do it.

It will save on the mushrooming health care costs for Medicaid, the Nation's primary insurer of long-term care services, which also forces beneficiaries to give up their jobs and live in poverty before they become eligible for assistance.

The CLASS Act is a hopeful new approach to restoring independence and choice for millions of these persons and enabling them to take greater control of their lives.

It is time to respect the rights and dignity of all Americans, and I look

forward to working with my colleagues to see this bill enacted into law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 266—MAKING MINORITY PARTY APPOINTMENTS FOR THE 110TH CONGRESS

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 266

Resolved, That the following be the minority membership on the following committees for the remainder of the 110th Congress, or until their successors are appointed:

The Committee on Energy and Natural Resources: Mr. Domenici, Mr. Craig, Ms. Murkowski, Mr. Burr, Mr. DeMint, Mr. Corker, Mr. Barrasso, Mr. Sessions, Mr. Smith, Mr. Bunning, and Mr. Martinez;

The Committee on Environment and Public Works: Mr. Inhofe, Mr. Warner, Mr. Voinovich, Mr. Isakson, Mr. Vitter, Mr. Barrasso, Mr. Craig, Mr. Alexander and Mr. Bond;

The Committee on Finance: Mr. Grassley, Mr. Hatch, Mr. Lott, Ms. Snowe, Mr. Kyl, Mr. Smith, Mr. Bunning, Mr. Crapo, Mr. Roberts and Mr. Ensign;

The Committee on Indian Affairs: Ms. Murkowski, Mr. McCain, Mr. Coburn, Mr. Barrasso, Mr. Domenici, Mr. Smith and Mr. Burr.

SENATE RESOLUTION 267—HONORING THE LIFE OF RENOWNED PAINTER AND WRITER TOM LEA ON THE 100TH ANNIVERSARY OF HIS BIRTH AND COMMENDING THE CITY OF EL PASO FOR RECOGNIZING JULY 2007 AS ''TOM LEA MONTH''

Mrs. HUTCHISON (for herself, Mr. CORNYN, and Mr. BINGAMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 267

Whereas Tom Lea was born on July 11, 1907 in El Paso, Texas;

Whereas Tom Lea attended El Paso public schools before continuing his education at the Art Institute of Chicago and working as an apprentice to muralist John Warner Norton;

Whereas Tom Lea painted Texas Centennial murals at the Dallas State Fairgrounds Hall of State in 1936;

Whereas Tom Lea won many commissions for murals from the Section of Fine Arts of the Department of the Treasury, including commissions for ''The Nesters'' at the Benjamin Franklin Post Office in Washington, D.C.; ''Pass of the North'' at the Federal Courthouse in El Paso, Texas; ''Stampede'' at the Post Office in Odessa, Texas; ''Comancheros'' at the Post Office in Seymour, Texas; and ''Back Home, April 1865'' at the Post Office in Pleasant Hill, Missouri;

Whereas Tom Lea was an accredited World War II artist correspondent for Life magazine who traveled over 100,000 miles with United States military forces and reported from places such as the North Atlantic, China, and on board the Hornet in the South Pacific;

Whereas Tom Lea landed with the First Marines at Peleliu;

Whereas many of the war paintings of Tom Lea are displayed at the United States Army Center for Military History in Washington, D.C. and others have been loaned to exhibitions worldwide;

Whereas Texas A&M University Press plans to publish the war diaries of Tom Lea in 2008;

Whereas Tom Lea wrote and illustrated 4 novels and 2 nonfiction works, including The Brave Bulls (1948) and The Wonderful Country (1952), both of which were adapted as screenplays for motion pictures, and a 2-volume annotated history of the King Ranch;

Whereas Tom Lea excelled at painting portraits for public buildings in Washington, D.C. and at capturing the likenesses of individuals as diverse as Sam Rayburn, Benito Juarez, Claire Chennault, Madame Chiang Kai-shek, and the bullfighter Manolete;

Whereas Tom Lea was honored with numerous awards, including the Navy Distinguished Public Service Award, the United States Marine Corps' Colonel John W. Thomason, Jr. Award, and the National Cowboy and Western Heritage Museum's Great Westerners Award;

Whereas the paintings of Tom Lea hang in the Oval Office of the White House, the Smithsonian American Art Museum, the United States Army Center for Military History, the Dallas Museum of Art, the El Paso Museum of Art, the University of Texas at El Paso, Texas A&M University, and the University of Texas at Austin;

Whereas Tom Lea enjoyed living on the east side of Mount Franklin in El Paso because it was the ''side to see the day that is coming, not the side to see the day that is gone''; and

Whereas Tom Lea lived on the east side of Mount Franklin with his wife, Sarah, until he died on January 29, 2001: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and accomplishments of Tom Lea on the 100th anniversary of his birth; and

(2) commends the City of El Paso, Texas for recognizing July 2007 as ''Tom Lea Month''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2026. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2027. Mr. PRYOR 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 2028. Mr. BYRD 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 2029. Mr. GREGG (for himself and Mr. ROBERTS) 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 2030. Mr. GREGG (for himself and Mrs. BOXER) 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 2031. Mr. GREGG 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 2032. Mr. HAGEL (for himself, Mr. LEVIN, Ms. SNOWE, Mr. WEBB, and Mr. REID) 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 2033. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2034. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2035. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2036. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2037. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2038. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) 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 2039. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) 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 2040. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) 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 2041. Mrs. CLINTON (for herself and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2042. Mr. DURBIN (for himself, Mr. HAGEL, and Mrs. FEINSTEIN) 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 2043. Mr. DURBIN (for himself, Mr. INHOFE, Mr. INOUYE, Mr. OBAMA, Mr. MENENDEZ, and Mr. BIDEN) 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 2044. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2045. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2046. Mrs. CLINTON (for herself, Mr. COLEMAN, and Mr. SANDERS) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2047. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2048. Mr. HAGEL 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 2049. Mr. CHAMBLISS (for himself and Mr. PRYOR) 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 2050. Mr. CHAMBLISS (for himself and Mr. PRYOR) 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 2051. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) 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 2052. Mrs. FEINSTEIN (for herself and Mr. SPECTER) submitted an amendment intended to be proposed by her to the bill H.R.

1585, supra; which was ordered to lie on the table.

SA 2053. Mr. CONRAD (for himself, Mr. DORGAN, Ms. LANDRIEU, and Mr. VITTER) 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 2054. Mr. LIEBERMAN (for himself and Mrs. BOXER) 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 2055. Mr. LIEBERMAN (for himself and Mrs. BOXER) 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 2056. Mr. HARKIN (for himself, Ms. COLLINS, Mr. KERRY, Ms. KLOBUCHAR, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2057. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2058. Mr. HAGEL 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 2059. Mr. CORNYN 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 2060. Mr. SANDERS (for himself, Mr. BYRD, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2061. Mr. McCONNELL (for himself, Mr. SALAZAR, Mr. ALLARD, and Mr. BUNNING) 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 2062. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2063. Mr. SALAZAR (for himself, Mr. ALEXANDER, Mr. PRYOR, Mr. BENNETT, Mr. CASEY, Mr. GREGG, Mrs. LINCOLN, Mr. SUNUNU, Mr. DOMENICI, Ms. COLLINS, Mr. NELSON of Florida, Ms. LANDRIEU, and Mrs. McCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2064. Mr. GRAHAM (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2026. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 583. EXPANSION AND EXTENSION OF JOINT FAMILY ASSISTANCE PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) LOCATIONS.—Subsection (b) of section 675 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2273; 10 U.S.C. 1781 note) is amended—

(1) by striking ''not more than six''; and

(2) by striking the second sentence.

(b) PERMANENT AUTHORITY.—Such section is further amended by striking subsection (h).

SA 2027. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1535. REST AND RECUPERATION LEAVE FOR MEMBERS OF THE ARMED FORCES WHOSE PERIOD DEPLOYMENT IN OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM IS INVOLUNTARILY EXTENDED TO 15 MONTHS.

(a) ADDITIONAL REST AND RECUPERATION LEAVE.—A member of the Armed Forces whose period of deployment to Iraq under Operation Iraqi Freedom, or to Afghanistan under Operation Enduring Freedom, is involuntarily extended from 12 months to 15 months is entitled for the extension of such period of deployment to a period of rest and recuperation of an additional 5 days and round-trip transportation at Government expense from the location of duty in Iraq or Afghanistan, as the case may be, to the nearest port in the 48 contiguous States and return, or to an alternative destination and return at a cost not to exceed the cost of round-trip transportation from such location of duty to such nearest port.

(b) CONSTRUCTION.—Leave to which a member of the Armed Forces is entitled under subsection (a) is in addition to any other leave to which the member is entitled under any other provision of law.

SA 2028. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 1535. CONTINGENCY PLAN FOR RAPID REDEPLOYMENT AND PLAN FOR PHASED REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.

(a) SUBMITTAL OF PLANS TO CONGRESS.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to Congress a comprehensive, current plan for each of the following:

(1) The rapid redeployment of United States forces from Iraq.

(2) The phased redeployment of United States forces from Iraq, with such redeployment to be completed not later than 180 days after its commencement.

(b) PLAN ELEMENTS.—Each plan on redeployment under subsection (a) shall include elements as follows:

(1) A comprehensive description of the redeployment as currently proposed.

(2) A comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq during and after the redeployment.

(3) Plans for United States basing rights in the region after the redeployment.

(4) Plans for United States military access to Iraq to protect United States citizens, personnel, and infrastructure in Iraq during and after the redeployment.

(5) Plans for United States and other allied and international assistance to the Government of Iraq during and after the redeployment to support its security needs (including the training and equipping of Iraqi forces) and its economic and humanitarian needs.

(6) Plans for efforts to prevent a refugee flow from Iraq that would destabilize the region.

(7) An estimate of the costs of replacing United States military equipment left in Iraq after the redeployment, or otherwise depleted, including equipment of the regular components of the Armed Forces and equipment of the National Guard.

(8) An estimate of the costs of the redeployment and of any support of the Government of Iraq after the redeployment.

(c) FORM.—Each plan on a redeployment under subsection (a) shall be submitted in both classified and unclassified form in order to permit the complete articulation of the plan.

SEC. 1536. AVAILABILITY OF FUNDS FOR THE SAFE AND ORDERLY REDUCTION OF UNITED STATES FORCES IN IRAQ.

Notwithstanding any other provision of law, funds appropriated or otherwise made available by any Act for the Department of Defense are available for obligation and expenditure to plan and execute a safe and orderly reduction of United States forces in Iraq.

SA 2029. Mr. GREGG (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1070. 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) RESTRICTION 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 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 under subsection (a), 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:

''208. Child custody protection.''.

SA 2030. Mr. GREGG (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 594. LIMITATION ON SIMULTANEOUS DEPLOYMENT TO COMBAT ZONES OF DUAL-MILITARY COUPLES WHO HAVE MINOR DEPENDENTS.

In the case of a member of the Armed Forces with minor dependents who has a spouse who is also a member of the Armed Forces, and the spouse is deployed in an area for which imminent danger pay is authorized under section 310 of title 37, United States Code, the member may request a deferment of a deployment to such an area until the spouse returns from such deployment.

SA 2031. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 583. STUDY ON IMPROVING SUPPORT SERVICES FOR CHILDREN, INFANTS, AND TODDLERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE UNDERGOING DEPLOYMENT.

(a) STUDY REQUIRED.—

(1) STUDY.—The Secretary of Defense shall conduct a study to evaluate the feasibility and advisability of entering into a contract or other agreement with a private sector entity having expertise in the health and well-being of families and children, infants, and toddlers in order to enhance and develop support services for children of members of the National Guard and Reserve who are deployed.

(2) TYPES OF SUPPORT SERVICES.—In conducting the study, the Secretary shall consider the need—

(A) to develop materials for parents and other caretakers of children of members of the National Guard and Reserve who are deployed to assist such parents and caretakers in responding to the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children, including the role such parents and caretakers can play in addressing and mitigating such implications;

(B) to develop programs and activities to increase awareness throughout the military and civilian communities of the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children and their families and to increase collaboration within such communities to address and mitigate such implications;

(C) to develop training for early child care and education, mental health, health care, and family support professionals to enhance the awareness of such professionals of their role in assisting families in addressing and mitigating the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children; and

(D) to conduct research on best practices for building psychological and emotional resiliency in such children in coping with the deployment of such members.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the study conducted under subsection (a).

SEC. 584. STUDY ON ESTABLISHMENT OF PILOT PROGRAM ON FAMILY-TO-FAMILY SUPPORT FOR FAMILIES OF DEPLOYED MEMBERS OF THE NATIONAL GUARD AND RESERVE.

(a) STUDY.—The Secretary of Defense shall carry out a study to evaluate the feasibility and advisability of establishing a pilot program on family-to-family support for families of deployed members of the National Guard and Reserve. The study shall include an assessment of the following:

(1) The effectiveness of a family-to-family support programs in—

(A) providing peer support for families of deployed members of the National Guard and Reserve;

(B) identifying and preventing family problems in such families;

(C) reducing adverse outcomes for children of such families, including poor academic performance, behavioral problems, stress, and anxiety; and

(D) improving family readiness and post-deployment transition for such families.

(2) The feasibility and advisability of utilizing spouses of members of the Armed Forces as counselors for families of deployed members of the National Guard and Reserve, in order to assist such families in coping throughout the deployment cycle.

(3) Best practices for training spouses of members of the Armed Forces to act as counselors for families of deployed members of the National Guard and Reserve.

(b) REPORT.—The Secretary of Defense shall submit to Congress a report containing the results of the study conducted under subsection (a) not later than 180 days after the date of the enactment of this Act.

SA 2032. Mr. HAGEL (for himself, Mr. LEVIN, Ms. SNOWE, Mr. WEBB, and Mr. REID) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1535. LIMITATION ON LENGTH OF DEPLOYMENTS FOR OPERATION IRAQI FREEDOM.

(a) LIMITATION.—Commencing 120 days after the date of the enactment of this Act, the deployment of a unit or individual of the Armed Forces for Operation Iraqi Freedom shall be limited as follows:

(1) In the case of a unit or individual of the Army (including a unit or individual of the Army National Guard or the Army Reserve), the unit or individual may not be deployed, or continued or extended on deployment, for more than 12 consecutive months.

(2) In the case of a unit or individual of the Marine Corps (including a unit or individual of the Marine Corps Reserve), the unit or individual may not be deployed, or continued or extended on deployment, for more than 7 consecutive months.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply to designated key command headquarters personnel or other members of the Armed Forces who are required to maintain continuity of mission and situational awareness between rotating forces.

(c) WAIVER AUTHORITY.—The President may waive the applicability of the limitation in subsection (a) in the event of a requirement for the use of military force in time of national emergency following consultation with the congressional defense committees.

(d) DEPLOYMENT DEFINED.—In this section, the term ''deployment'' has the meaning given that term in subsection 991(b) of title 10, United States Code.

SA 2033. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 106. NATIONAL GUARD AND RESERVE EQUIPMENT.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2008 for National Guard and Reserve Equipment in the amount of $500,000,000, with the amount to be available for equipment reset for the Army National Guard.

(b) OFFSET.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, is hereby reduced by $500,000,000, with the amount of the reduction allocated so that—

(1) the amount available for European missile defense is reduced by $225,000,000; and

(2) the amount available for the Airborne Laser is reduced by $275,000,000.

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

SEC. 358. ASSESSMENT OF THE DEFENSE INDUSTRIAL BASE FOR CRITICAL NATIONAL SECURITY PROGRAMS.

(a) REPORT ON ASSESSMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of

Congress a report setting for the assessment of the Secretary of the capacity of the defense industrial base of the United States (including the industrial resource and critical technology production capacity of the defense industrial base) to achieve, during the five-year period beginning on October 1, 2007, each of the following:

(1) To address equipment shortfalls of the National Guard as identified by the National Guard Bureau.

(2) To meet the requirements of the Critical Items List of the commanders in chief of the unified and specified combatant commands and to produce other items within the inventory of weapon systems and defense equipment identified as critical under an assessment conducted pursuant to section 113(i) of title 10, United States Code, or by a Presidential determination as a result of a petition filed under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) in accordance with the Defense Production Act of 1950 (50 U.S.C. App. 2077 et seq.).

(b) RECOMMENDATIONS.—If the assessment required by subsection (a) includes a determination that the industrial resource and critical technology production capacity of the defense industrial base of the United States cannot achieve the matters specified in that subsection, or that the authorities provided by the Defense Production Act of 1950 or other laws are insufficient to address the shortfalls and meet requirements described in that subsection, the report shall include such recommendations as the Secretary considers appropriate for actions, including investments and modifications to the Defense Production Act of 1950, necessary to develop that capacity.

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

(1) the Committees on Armed Services and Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committees on Armed Services and Financial Services of the House of Representatives.

SA 2034. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 583. MILITARY FAMILY LEAVE.

(a) GENERAL REQUIREMENTS FOR LEAVE.—

(1) DEFINITIONS.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended by adding at the end the following:

''(14) ACTIVE DUTY.—The term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

''(15) QUALIFIED MEMBER.—The term 'qualified member' means a member of the reserve components on active duty for a period of more than 30 days.''.

(2) ENTITLEMENT TO LEAVE.—Section 102(a)(1) of such Act (29 U.S.C. 2612(a)) is amended by adding at the end the following:

''(E) Because the spouse, son, daughter, or parent of the employee is a qualified member.''.

(3) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: ''Leave under subsection (a)(1)(E) may be taken intermittently or on a reduced leave schedule.''.

(4) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by striking ''(A), (B), or (C)'' and inserting ''(A), (B), (C), or (E)''.

(5) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

''(3) NOTICE FOR MILITARY FAMILY LEAVE.—In any case in which an employee seeks leave under subsection (a)(1)(E), the employee shall provide such notice as is practicable.''.

(6) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

''(f) CERTIFICATION FOR MILITARY FAMILY LEAVE.—An employer may require that a request for leave under section 102(a)(1)(E) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.''.

(b) MILITARY FAMILY LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(7) the term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code; and

''(8) the term 'qualified member' means a member of the reserve components on active duty for a period of more than 30 days.''.

(2) ENTITLEMENT TO LEAVE.—Section 6382(a) of such title is amended by adding at the end the following:

''(E) Because the spouse, son, daughter, or parent of the employee is a qualified member.''.

(3) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: ''Leave under subsection (a)(1)(E) may be taken intermittently or on a reduced leave schedule.''.

(4) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by striking ''(A), (B), (C), or (D)'' and inserting ''(A), (B), (C), (D), or (E)''.

(5) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

''(3) In any case in which an employee seeks leave under subsection (a)(1)(E), the employee shall provide such notice as is practicable.''.

(6) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

''(f) An employing agency may require that a request for leave under section 6382(a)(1)(E) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.''.

SA 2035. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 583. CHILD CARE ASSISTANCE FOR MILITARY DEPENDENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended—

(1) by striking ''There is'' and inserting ''(a) in general.—There is'';

(2) in subsection (a), as so designated, by inserting ''(except section 658T)'' after ''this subchapter''; and

(3) by adding at the end the following:

''(b) CHILD CARE FOR CERTAIN MILITARY DEPENDENTS.—There is authorized to be appropriated to carry out section 658T $200,000,000 for each of fiscal years 2008 through 2012.''.

(b) CHILD CARE ASSISTANCE.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended by adding at the end the following:

''SEC. 658T. CHILD CARE ASSISTANCE FOR MILITARY DEPENDENTS.

''(a) IN GENERAL.—The Secretary shall make grants to eligible spouses to assist the spouses in paying for the cost of child care services provided to dependents by eligible child care providers. In making the grants, the Secretary shall give priority to eligible spouses of qualified members on active duty for a period of more than 6 months.

''(b) DEFINITIONS.—In this section:

''(1) ACTIVE DUTY.—The term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

''(2) ACTIVE DUTY FOR A PERIOD OF MORE THAN 30 DAYS.—The term 'active duty for a period of more than 30 days' has the meaning given the term in section 101(d)(2) of title 10, United States Code.

''(3) DEPENDENT.—The term 'dependent' means an individual who is—

''(A) a dependent, as defined in section 401 of title 37, United States Code, except that such term does not include a person described in paragraph (1) or (3) of subsection (a) of such section; and

''(B) an individual described in subparagraphs (A) and (B) of section 658P(4).

''(4) ELIGIBLE SPOUSE.—The term 'eligible spouse' means a person who—

''(A) is a parent of one or more dependents of a qualified member; and

''(B) has the primary responsibility for the care of one or more such dependents.

''(5) QUALIFIED MEMBER.—The term 'qualified member' means a member of the reserve components of the Armed Forces on active duty for a period of more than 30 days.

''(c) APPLICATIONS.—To be eligible to receive a grant under this section, a spouse shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require, including a description of the eligible child care provider who provides the child care services assisted through the grant.

''(d) RULE.—The provisions of this subchapter, other than section 658P and provisions referenced in section 658P, that apply to assistance provided under this subchapter shall not apply to assistance provided under this section.''.

(c) CONFORMING AMENDMENTS.—Section 658O of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''appropriated under this subchapter'' and inserting ''appropriated under section 658B(a)''; and

(B) in paragraph (2), by striking ''appropriated under section 658B'' and inserting ''appropriated under section 658(a)''; and

(2) in subsection (b)(1), by striking ''appropriated under section 658B'' and inserting ''appropriated under section 658(a)''.

SA 2036. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 683. PLAN FOR PARTICIPATION OF MEMBERS OF THE NATIONAL GUARD AND THE RESERVES IN THE BENEFITS DELIVERY AT DISCHARGE PROGRAM.

(a) PLAN TO MAXIMIZE PARTICIPATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a plan to maximize access to the benefits delivery at discharge program for members of the reserve components of the Armed Forces who have been called or ordered to active duty at any time since September 11, 2001.

(b) ELEMENTS.—The plan submitted under subsection (a) shall include a description of efforts to ensure that services under the benefits delivery at discharge program are provided, to the maximum extent practicable—

(1) at each military installation;

(2) at each armory and military family support center of the National Guard;

(3) at each military medical care facility at which members of the Armed Forces are separated or discharged from the Armed Forces; and

(4) in the case of a member on the temporary disability retired list under section 1202 or 1205 of title 10, United States Code, who is being retired under another provision of such title or is being discharged, at a location reasonably convenient to the member.

(c) BENEFITS DELIVERY AT DISCHARGE PROGRAM DEFINED.—In this section, the term ''benefits delivery at discharge program'' means a program administered jointly by the Secretary of Defense and the Secretary of Veterans Affairs to provide information and assistance on available benefits and other transition assistance to members of the Armed Forces who are separating from the Armed Forces, including assistance to obtain any disability benefits for which such members may be eligible.

SA 2037. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 416. INCREASE IN AUTHORIZED VARIANCE IN END STRENGTHS FOR ACTIVE DUTY AND NATIONAL GUARD PERSONNEL PAYABLE FROM FUNDS FOR RESERVE PERSONNEL.

(a) INCREASE.—Section 115(f)(2) of title 10, United States Code, is amended by striking ''2 percent'' and inserting ''3 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to fiscal years beginning on or after that date.

SA 2038. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 325. CONVEYANCE OF A–12 BLACKBIRD AIRCRAFT TO THE MINNESOTA AIR NATIONAL GUARD HISTORICAL FOUNDATION.

(a) CONVEYANCE REQUIRED.—The Secretary of the Air Force shall convey, without consideration, to the Minnesota Air National Guard Historical Foundation, Inc. (in this section referred to as the ''Foundation''), a non-profit entity located in the State of Minnesota, A–12 Blackbird aircraft with tail number 60–6931 that is under the jurisdiction of the National Museum of the United States Air Force and, as of January 1, 2007, was on loan to the Foundation and display with the 133rd Airlift Wing at Minneapolis-St. Paul International Airport, Minnesota.

(b) CONDITION.—The conveyance required by subsection (a) shall be subject to the requirement that Foundation utilize and display the aircraft described in that subsection for educational and other appropriate public purposes as jointly agreed upon by the Secretary and the Foundation before the conveyance.

(c) RELOCATION OF AIRCRAFT.—As part of the conveyance required by subsection (a), the Secretary shall relocate the aircraft described in that subsection to Minneapolis-St. Paul International Airport and undertake any reassembly of the aircraft required as part of the conveyance and relocation. Any costs of the Secretary under this subsection shall be borne by the Secretary.

(d) MAINTENANCE SUPPORT.—The Secretary may authorize the 133rd Airlift Wing to provide support to the Foundation for the maintenance of the aircraft relocated under subsection (a) after its relocation under that subsection.

(e) REVERSION OF AIRCRAFT.—

(1) REVERSION.—In the event the Foundation ceases to exist, all right, title, and interest in and to the aircraft conveyed under subsection (a) shall revert to the United States, and the United States shall have immediate right of possession of the aircraft.

(2) ASSUMPTION OF POSSESSION.—Possession under paragraph (1) of the aircraft conveyed under subsection (a) shall be assumed by the 133rd Airlift Wing.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance required by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 2039. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 625. PAYMENT OF ASSIGNMENT INCENTIVE PAY FOR RESERVE MEMBERS SERVING IN COMBAT ZONE FOR MORE THAN 22 MONTHS.

(a) PAYMENT.—The Secretary of a military department may pay assignment incentive pay under section 307a of title 37, United States Code, to a member of a reserve component under the jurisdiction of the Secretary for each month during the eligibility period of the member determined under subsection (b) during which the member served for any portion of the month in a combat zone associated with Operating Enduring Freedom or Operation Iraqi Freedom in excess of 22 months of qualifying service.

(b) ELIGIBILITY PERIOD.—The eligibility period for a member extends from January 1, 2005, through the end of the active duty service of the member in a combat zone associated with Operating Enduring Freedom or Operation Iraqi Freedom if the service on active duty during the member's most recent period of mobilization to active duty began before January 19, 2007.

(c) AMOUNT OF PAYMENT.—The monthly rate of incentive pay payable to a member under this section is $1,000.

(d) QUALIFYING SERVICE.—For purposes of this section, qualifying service includes cumulative mobilized service on active duty under sections 12301(d), 12302, and 12304 of title 10, United States Code, during the period beginning on January 1, 2003, through the end of the member's active duty service during the member's most recent period of mobilization to active duty beginning before January 19, 2007.

SA 2040. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 416. INCREASE IN AUTHORIZED VARIANCE IN END STRENGTHS FOR ACTIVE DUTY AND NATIONAL GUARD PERSONNEL PAYABLE FROM FUNDS FOR RESERVE PERSONNEL.

(a) INCREASE.—Section 115(f)(2) of title 10, United States Code, is amended by striking ''2 percent'' and inserting ''3 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to fiscal years beginning on or after that date.

SA 2041. Mrs. CLINTON (for herself and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

SEC. 1205. REPORTS ON PLANNING AND IMPLEMENTATION OF UNITED STATES ENGAGEMENT AND POLICY TOWARD DARFUR.

(a) REQUIREMENT FOR REPORTS.—Not later than 120 days after the date of the enactment

of this Act and annually thereafter until December 31, 2011, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report on the policy of the United States to address the crisis in Darfur, in eastern Chad, and in north-eastern Central African Republic, and on the contributions of the Department of Defense to the North Atlantic Treaty Organization (NATO), the United Nations, and the African Union in support of the current African Union Mission in Sudan (AMIS) or any covered United Nations mission.

(b) ELEMENTS.—Each report under subsection (a) shall include the following:

(1) An assessment of the extent to which the Government of Sudan is in compliance with its responsibilities and commitments under international law and as a member of the United Nations, including under United Nations Security Council Resolutions 1706 (2006) and 1591 (2005), and a description of any violations of such responsibilities and commitments, including violations relating to the denial of or delay in facilitating access by AMIS and United Nations peacekeepers to conflict areas, failure to implement responsibilities to demobilize and disarm the Janjaweed militias, obstruction of the voluntary safe return of internally displaced persons and refugees, and degradation of security of and access to humanitarian supply routes.

(2) A comprehensive explanation of the policy of the United States to address the crisis in Darfur, including the activities of the Department of Defense in coordination with the Department of State.

(3) A comprehensive assessment of the impact of a no-fly zone for Darfur, including an assessment of the impact of such a no-fly zone on humanitarian efforts in Darfur and the region and a plan to minimize any negative impact on such humanitarian efforts during the implementation of such a no-fly zone.

(4) A description of contributions made by the Department of Defense in support of NATO assistance to AMIS and any covered United Nations mission.

(5) An assessment of the extent to which additional resources are necessary to meet the obligations of the United States to AMIS and any covered United Nations mission.

(c) FORM AND AVAILABILITY OF REPORTS.—

(1) FORM.—Each report submitted under this section shall be in an unclassified form, but may include a classified annex.

(2) AVAILABILITY.—The unclassified portion of any report submitted under this section shall be made available to the public.

(d) REPEAL OF SUPERSEDED REPORT REQUIREMENT.—Section 1227 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2426) is repealed.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) COVERED UNITED NATIONS MISSION.—The term ''covered United Nations mission'' means any United Nations-African Union hybrid peacekeeping operation in Darfur, and any United Nations peacekeeping operating in Darfur, eastern Chad, or northern Central African Republic, that is deployed on or after the date of the enactment of this Act.

SA 2042. Mr. DURBIN (for himself, Mr. HAGEL, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. NATIONAL INTELLIGENCE ESTIMATE ON GLOBAL CLIMATE CHANGE.

(a) REQUIREMENT FOR NATIONAL INTELLIGENCE ESTIMATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 270 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a National Intelligence Estimate (NIE) on the anticipated geopolitical effects of global climate change and the implications of such effects on the national security of the United States.

(2) NOTICE REGARDING SUBMITTAL.—If the Director of National Intelligence determines that the National Intelligence Estimate required by paragraph (1) cannot be submitted by the date specified in that paragraph, the Director shall notify Congress and provide—

(A) the reasons that the National Intelligence Estimate cannot be submitted by such date; and

(B) an anticipated date for the submittal of the National Intelligence Estimate.

(3) CONTENT.—The Director of National Intelligence shall prepare the National Intelligence Estimate required by this subsection using the mid-range projections of the fourth assessment report of the Intergovernmental Panel on Climate Change—

(A) to assess the political, social, agricultural, and economic risks during the 30-year period beginning on the date of the enactment of this Act posed by global climate change for countries or regions that are—

(i) of strategic economic or military importance to the United States and at risk of significant impact due to global climate change; or

(ii) at significant risk of large-scale humanitarian suffering with cross-border implications as predicted on the basis of the assessments;

(B) to assess other risks posed by global climate change, including increased conflict over resources or between ethnic groups, within countries or transnationally, increased displacement or forced migrations of vulnerable populations due to inundation or other causes, increased food insecurity, and increased risks to human health from infectious disease;

(C) to assess the capabilities of the countries or regions described in clause (i) or (ii) of subparagraph (A) to respond to adverse impacts caused by global climate change; and

(4) to make recommendations for further assessments of security consequences of global climate change that would improve national security planning.

(5) COORDINATION.—In preparing the National Intelligence Estimate under this subsection, the Director of National Intelligence shall consult with representatives of the scientific community, including atmospheric and climate studies, security studies, conflict studies, economic assessments, and environmental security studies, the Secretary of Defense, the Secretary of State, the Administrator of the National Oceanographic and Atmospheric Administration, the Administrator of the National Aeronautics and Space Administration, the Administrator of the Environmental Protection Agency, the Secretary of Energy, and the Secretary of Agriculture, and, if appropriate, multilateral institutions and allies of the United States that have conducted significant research on global climate change.

(b) RESPONSE TO THE NATIONAL INTELLIGENCE ESTIMATE.—

(1) REPORT BY THE SECRETARY OF DEFENSE.—Not later than 270 days after the date that the National Intelligence Estimate required by subsection (a) is submitted to Congress, the Secretary of Defense shall submit to the Committee on Appropriations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate and the Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives a report on—

(A) the projected impact on the military installations and capabilities of the United States of the effects of global climate change as assessed in the National Intelligence Estimate;

(B) the projected impact on United States military operations of the effects of global climate change described in the National Intelligence Estimate; and

(C) recommended research and analysis needed to further assess the impacts on the military of global climate change.

(2) SENSE OF CONGRESS ON THE NEXT QUADRENNIAL DEFENSE REVIEW.—It is the sense of Congress that the Secretary of Defense should address the findings of the National Intelligence Estimate required by subsection (a) regarding the impact of global climate change and potential implications of such impact on the Armed Forces and for the size, composition, and capabilities of Armed Forces in the next Quadrennial Defense Review.

(c) AUTHORIZATION OF RESEARCH.—

(1) IN GENERAL.—The Secretary of Defense is authorized to carry out research on the impacts of global climate change on military operations, doctrine, organization, training, material, logistics, personnel, and facilities and the actions needed to address those impacts. Such research may include—

(A) the use of war gaming and other analytical exercises;

(B) analysis of the implications for United States defense capabilities of large-scale Arctic sea-ice melt and broader changes in Arctic climate;

(C) analysis of the implications for United States defense capabilities of abrupt climate change;

(D) analysis of the implications of the findings derived from the National Intelligence Estimate required under subsection (a) for United States defense capabilities;

(E) analysis of the strategic implications for United States defense capabilities of direct physical threats to the United States posed by extreme weather events such as hurricanes; and

(F) analysis of the existing policies of the Department of Defense to assess the adequacy of the Department's protections against climate risks to United States capabilities and military interests in foreign countries.

(2) REPORT.—Not later than 2 years after the date that the National Intelligence Estimate required by subsection (a) is submitted to Congress, the Secretary of Defense shall submit to Congress a report on the results of the research, war games, and other activities carried out pursuant to paragraph (1).

(d) ASSISTANCE.—

(1) AGENCIES OF THE UNITED STATES.—In order to produce the National Intelligence Estimate required by subsection (a), the Director of National Intelligence may request

any appropriate assistance from any agency, department, or other entity of the United State Government and such agency, department, or other entity shall provide the assistance requested.

(2) OTHER ENTITIES.—In order to produce the National Intelligence Estimate required by subsection (a), the Director of National Intelligence may request any appropriate assistance from any other person or entity.

(3) REIMBURSEMENT.—The Director of National Intelligence is authorized to provide appropriate reimbursement to the head of an agency, department, or entity of the United States Government that provides support requested under paragraph (1) or any other person or entity that provides assistance requested under paragraph (2).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of National Intelligence such sums as may be necessary to carry out this subsection.

(e) FORM.—The National Intelligence Estimate required by subsection (a) shall be submitted in unclassified form, to the extent consistent with the protection of intelligence sources and methods, and include unclassified key judgments of the National Intelligence Estimate. The National Intelligence Estimate may include a classified annex.

(f) DUPLICATION.—If the Director of National Intelligence determines that a National Intelligence Estimate has been prepared that includes the content required by subsection (a) prior to the date of the enactment of this Act, the Director of National Intelligence shall not be required to produce the National Intelligence Estimate required by such subsection.

SA 2043. Mr. DURBIN (for himself, Mr. INHOFE, Mr. OBAMA, Mr. MENENDEZ, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 555. NURSE MATTERS.

(a) IN GENERAL.—The Secretary of Defense shall provide for the carrying out of each of the programs described in subsections (b) through (f), with each of the military departments to carry out at least one such program.

(b) SERVICE OF NURSE OFFICERS AS FACULTY IN EXCHANGE FOR COMMITMENT TO ADDITIONAL SERVICE IN THE ARMED FORCES.—

(1) IN GENERAL.—One of the programs required under this section shall be a program in which covered commissioned officers with a graduate degree in nursing or a related field who are in the nurse corps of the Armed Force concerned serve a tour of duty of two years as a full-time faculty member of an accredited school of nursing.

(2) COVERED OFFICERS.—A commissioned officer of the nurse corps of the Armed Forces described in this paragraph is a nurse officer on active duty who has served for more than nine years on active duty in the Armed Forces as an officer of the nurse corps at the time of the commencement of the tour of duty described in paragraph (1).

(3) BENEFITS AND PRIVILEGES.—An officer serving on the faculty of an accredited school or nursing under this subsection shall be accorded all the benefits, privileges, and responsibilities (other than compensation and compensation-related benefits) of any other comparably situated individual serving a full-time faculty member of such school.

(4) AGREEMENT FOR ADDITIONAL SERVICE.—Each officer who serves a tour of duty on the faculty of a school of nursing under this subsection shall enter into an agreement with the Secretary to serve upon the completion of such tour of duty for a period of four years for such tour of duty as a member of the nurse corps of the Armed Force concerned. Any service agreed to by an officer under this paragraph is in addition to any other service required of the officer under law.

(c) SERVICE OF NURSE OFFICERS AS FACULTY IN EXCHANGE FOR SCHOLARSHIPS FOR NURSE OFFICER CANDIDATES.—

(1) IN GENERAL.—One of the programs required under this section shall be a program in which commissioned officers with a graduate degree in nursing or a related field who are in the nurse corps of the Armed Force concerned serve while on active duty a tour of duty of two years as a full-time faculty member of an accredited school of nursing.

(2) BENEFITS AND PRIVILEGES.—An officer serving on the faculty of an accredited school of nursing under this subsection shall be accorded all the benefits, privileges, and responsibilities (other than compensation and compensation-related benefits) of any other comparably situated individual serving as a full-time faculty member of such school.

(3) SCHOLARSHIPS FOR NURSE OFFICER CANDIDATES.—(A) Each accredited school of nursing at which an officer serves on the faculty under this subsection shall provide scholarships to individuals undertaking an educational program at such school leading to a degree in nursing who agree, upon completion of such program, to accept a commission as an officer in the nurse corps of the Armed Forces.

(B) The amount of funds made available for scholarships by an accredited school of nursing under subparagraph (A) for each officer serving on the faculty of that school under this subsection shall be not less than the amount equal to an entry-level full-time faculty member of that school for each year that such officer so serves on the faculty of that school.

(C) The total number of scholarships provided by an accredited school of nursing under subparagraph (A) for each officer serving on the faculty of that school under this subsection shall be such number as the Secretary of Defense shall specify for purposes of this subsection.

(d) SCHOLARSHIPS FOR CERTAIN NURSE OFFICERS FOR EDUCATION AS NURSES.—

(1) IN GENERAL.—One of the programs required under this section shall be a program in which the Secretary provides scholarships to commissioned officers of the nurse corps of the Armed Force concerned described in paragraph (2) who enter into an agreement described in paragraph (4) for the participation of such officers in an educational program of an accredited school of nursing leading to a graduate degree in nursing.

(2) COVERED NURSE OFFICERS.—A commissioned officer of the nurse corps of the Armed Forces described in this paragraph is a nurse officer who has served not less than 20 years on active duty in the Armed Forces and is otherwise eligible for retirement from the Armed Forces.

(3) SCOPE OF SCHOLARSHIPS.—Amounts in a scholarship provided a nurse officer under this subsection may be utilized by the officer to pay the costs of tuition, fees, and other educational expenses of the officer in participating in an educational program described in paragraph (1).

(4) AGREEMENT.—An agreement of a nurse officer described in this paragraph is the agreement of the officer—

(A) to participate in an educational program described in paragraph (1); and

(B) upon graduation from such educational program—

(i) to serve not less than two years as a full-time faculty member of an accredited school of nursing; and

(ii) to undertake such activities as the Secretary considers appropriate to encourage current and prospective nurses to pursue service in the nurse corps of the Armed Forces.

(e) TRANSITION ASSISTANCE FOR RETIRING NURSE OFFICERS QUALIFIED AS FACULTY.—

(1) IN GENERAL.—One of the programs required under this section shall be a program in which the Secretary provides to commissioned officers of the nurse corps of the Armed Force concerned described in paragraph (2) the assistance described in paragraph (3) to assist such officers in obtaining and fulfilling positions as full-time faculty members of an accredited school of nursing after retirement from the Armed Forces.

(2) COVERED NURSE OFFICERS.—A commissioned officer of the nurse corps of the Armed Forces described in this paragraph is a nurse officer who—

(A) has served an aggregate of at least 20 years on active duty or in reserve active status in the Armed Forces;

(B) is eligible for retirement from the Armed Forces; and

(C) possesses a doctoral or master degree in nursing or a related field which qualifies the nurse officer to discharge the position of nurse instructor at an accredited school of nursing.

(3) ASSISTANCE.—The assistance described in this paragraph is assistance as follows:

(A) Career placement assistance.

(B) Continuing education.

(C) Stipends (in an amount specified by the Secretary).

(4) AGREEMENT.—A nurse officer provided assistance under this subsection shall enter into an agreement with the Secretary to serve as a full-time faculty member of an accredited school of nursing for such period as the Secretary shall provide in the agreement.

(f) BENEFITS FOR RETIRED NURSE OFFICERS ACCEPTING APPOINTMENT AS FACULTY.—

(1) IN GENERAL.—One of the programs required under this section shall be a program in which the Secretary provides to any individual described in paragraph (2) the benefits specified in paragraph (3).

(2) COVERED INDIVIDUALS.—An individual described in this paragraph is an individual who—

(A) is retired from the Armed Forces after service as a commissioned officer in the nurse corps of the Armed Forces;

(B) holds a graduate degree in nursing; and

(C) serves as a full-time faculty member of an accredited school of nursing.

(3) BENEFITS.—The benefits specified in this paragraph shall include the following:

(A) Payment of retired or retirement pay without reduction based on receipt of pay or other compensation from the institution of higher education concerned.

(B) Payment by the institution of higher education concerned of a salary and other compensation to which other similarly situated faculty members of the institution of higher education would be entitled.

(C) If the amount of pay and other compensation payable by the institution of higher education concerned for service as an associate full-time faculty member is less than the basic pay to which the individual was entitled immediately before retirement from the Armed Forces, payment of an amount

equal to the difference between such basic pay and such payment and other compensation.

(g) DEFINITIONS.—In this section, the terms ''school of nursing'' and ''accredited'' have the meaning given those terms in section 801 of the Public Health Service Act (42 U.S.C. 296).

SA 2044. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 131, add the following:

(c) SHIPBUILDER TEAMING REQUIREMENTS.—Paragraphs (2)(A), (3), and (4) of section 121(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1648) shall apply in the exercise of authority under subsection (a) to enter into multiyear contracts described in that subsection.

SA 2045. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1215 and insert the following:

SEC. 1215. SENSE OF CONGRESS ON MILITARY ASSISTANCE AND THE RETURN TO DEMOCRATIC RULE IN THAILAND.

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

(1) Thailand is an important strategic ally and economic partner of the United States.

(2) The United States strongly supports the prompt restoration of democratic rule in Thailand.

(3) While it is in the interest of the United States to have a robust defense relationship with Thailand, it is appropriate that the United States has curtailed certain military-to-military cooperation and assistance programs until democratic rule has been restored in Thailand.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Thailand should continue on the path to restore democratic rule as quickly as possible, and should hold free and fair national elections as soon as possible and no later than December 2007; and

(2) once Thailand has fully reestablished democratic rule, it will be both possible and desirable for the United States to reinstate a full program of military assistance to the Government of Thailand, including programs such as International Military Education and Training (IMET) and Foreign Military Financing (FMF) that were appropriately suspended following the military coup in Thailand in September 2006.

SA 2046. Mrs. CLINTON (for herself, Mr. COLEMAN, and Mr. SANDERS) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table, as follows:

At the end subtitle F of title VI, add the following new section:

SEC. 683. POSTAL BENEFITS PROGRAM FOR MEMBERS OF THE ARMED FORCES SERVING IN IRAQ OR AFGHANISTAN.

(a) AVAILABILITY OF POSTAL BENEFITS.—The Secretary of Defense, in consultation with the United States Postal Service, shall provide for a program under which postal benefits are provided to qualified individuals in accordance with this section.

(b) QUALIFIED INDIVIDUAL.—In this section, the term ''qualified individual'' means a member of the Armed Forces on active duty (as defined in section 101 of title 10, United States Code) who—

(1) is serving in Iraq or Afghanistan; or

(2) is hospitalized at a facility under the jurisdiction of the Department of Defense as a result of a disease or injury incurred as a result of service in Iraq or Afghanistan.

(c) POSTAL BENEFITS DESCRIBED.—

(1) VOUCHERS.—The postal benefits provided under the program shall consist of such coupons or other similar evidence of credit, whether in printed, electronic, or other format (in this section referred to as a ''voucher''), as the Secretary of Defense, in consultation with the Postal Service, shall determine, which entitle the bearer or user to make qualified mailings free of postage.

(2) QUALIFIED MAILING.—In this section, the term ''qualified mailing'' means the mailing of a single mail piece which—

(A) is first-class mail (including any sound- or video-recorded communication) not exceeding 13 ounces in weight and having the character of personal correspondence or parcel post not exceeding 10 pounds in weight;

(B) is sent from within an area served by a United States post office; and

(C) is addressed to a qualified individual.

(3) COORDINATION RULE.—Postal benefits under the program are in addition to, and not in lieu of, any reduced rates of postage or other similar benefits which might otherwise be available by or under law, including any rates of postage resulting from the application of section 3401(b) of title 39, United States Code.

(d) NUMBER OF VOUCHERS.—A member of the Armed Forces shall be eligible for one voucher for every second month in which the member is a qualified individual.

(e) LIMITATIONS ON USE; DURATION.—A voucher may not be used—

(1) for more than a single qualified mailing; or

(2) after the earlier of—

(A) the expiration date of the voucher, as designated by the Secretary of Defense; or

(B) the end of the one-year period beginning on the date on which the regulations prescribed under subsection (f) take effect.

(f) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense (in consultation with the Postal Service) shall prescribe such regulations as may be necessary to carry out the program, including—

(1) procedures by which vouchers will be provided or made available in timely manner to qualified individuals; and

(2) procedures to ensure that the number of vouchers provided or made available with respect to any qualified individual complies with subsection (d).

(g) TRANSFERS TO POSTAL SERVICE.—

(1) BASED ON ESTIMATES.—The Secretary of Defense shall transfer to the Postal Service, out of amounts available to carry out the program and in advance of each calendar quarter during which postal benefits may be used under the program, an amount equal to the amount of postal benefits that the Secretary estimates will be used during such quarter, reduced or increased (as the case may be) by any amounts by which the Secretary finds that a determination under this section for a prior quarter was greater than or less than the amount finally determined for such quarter.

(2) BASED ON FINAL DETERMINATION.—A final determination of the amount necessary to correct any previous determination under this section, and any transfer of amounts between the Postal Service and the Department of Defense based on that final determination, shall be made not later than six months after the end of the one-year period referred to in subsection (e)(2)(B).

(3) CONSULTATION REQUIRED.—All estimates and determinations under this subsection of the amount of postal benefits under the program used in any period shall be made by the Secretary of Defense in consultation with the Postal Service.

(h) FUNDING.—

(1) ADDITIONAL AMOUNT FOR MILITARY PERSONNEL.—The aggregate amount authorized to be appropriated by section 421 for military personnel is hereby increased by $10,000,000.

(2) AVAILABILITY.—Of the amount authorized to be appropriated by section 421 for military personnel, as increased by paragraph (1), $10,000,000 may be available for postal benefits as provided in this section.

(3) OFFSET.—The aggregate amount authorized to be appropriated by titles I, II, III, IV (other than the amounts authorized to be appropriated and made available by this subsection), XV, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXVIII is hereby reduced by $10,000,000, with the amount of the reduction to be allocated among such titles in a manner determined appropriate by the Secretary of Defense.

SA 2047. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table, as follows:

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

SEC. 656. ADDITIONAL INDIVIDUALS ELIGIBLE FOR TRANSPORTATION FOR SURVIVORS OF DECEASED MEMBERS TO ATTEND THE MEMBER'S BURIAL CEREMONIES.

Section 411f(c) of title 37, United States Code, is amended—

(1) in paragraph (1) by adding at the end the following new subparagraphs:

''(D) Any child of the parent or parents of the deceased member who is under the age of 18 years if such child is attending the burial ceremony of the memorial service with the parent or parents and would otherwise be left unaccompanied by the parent or parents.

''(E) The person who directs the disposition of the remains of the deceased member under section 1482(c) of title 10, or, in the case of a deceased member whose remains are commingled and buried in a common grave in a national cemetery, the person who have been designated under such section to direct the

disposition of the remains if individual identification had been made.''; and

(2) in paragraph (2), by striking ''may be provided to—'' and all that follows through the end and inserting ''may be provided to up to two additional persons closely related to the deceased member who are selected by the person referred to in paragraph (1)(E).''.

SA 2048. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 1535. MODIFICATIONS TO UNITED STATES POLICY IN IRAQ.

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

(1) The President and Congress must now focus on developing a viable new strategy in Iraq that the American people can support and that protects and advances United States interests in the Middle East.

(2) Political accommodation in Iraq can only be achieved within a constructive regional framework supported by the international community. The role of the regional and international community must be enhanced.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the primary objective of United States policy on Iraq should be to help achieve Iraqi political accommodation that will begin to move Iraq toward political reconciliation;

(2) the United States Government must refocus its policy, leadership, and resources on directly helping the people of Iraq establish an inclusive political framework to begin to defuse the violence in that country; and

(3) United States policy on Iraq should be one element of a new strategic direction for the United States in the Middle East region that includes—

(A) engaging countries in the Middle East to develop a sustainable and constructive comprehensive regional security framework;

(B) making a renewed commitment to addressing the Arab-Israeli conflict.

(c) APPOINTMENT OF INTERNATIONAL MEDIATOR IN IRAQ.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process.

(d) PHASED REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.—

(1) TRANSITION OF MISSION.—The Secretary of Defense shall promptly transition the mission of United States forces in Iraq to the limited purposes set forth in paragraph (2).

(2) COMMENCEMENT OF PHASED REDEPLOYMENT.—The President shall commence the phased redeployment of United States forces from Iraq not later than 120 days after the date of the enactment of this Act, with the goal of redeploying, by March 31, 2008, all United States combat forces from Iraq except for a limited number that are essential for the following purposes:

(A) Protecting diplomatic facilities and citizens of the United States, including members of the Armed Forces.

(B) Serving in roles consistent with customary diplomatic positions.

(C) Training and equipping members of the Iraqi Security Forces.

(D) Engaging in targeted actions against members of al-Qaeda and allied parties and other terrorist organizations with global reach.

(3) WAIVER AUTHORITY.—

(A) IN GENERAL.—The President may waive the redeployment requirements of this subsection if he submits to Congress a written certification setting forth a detailed justification for the waiver. The certification shall be submitted in unclassified form, but may include a classified annex.

(B) DURATION.—A waiver under subparagraph (A) shall be effective for 90 days beginning on the date of the submittal of the certification under such subparagraph.

(C) RENEWAL.—A waiver under subparagraph (A) may be renewed if, before the end of the expiration of the waiver under subparagraph (B), the President submits to Congress a certification meeting the requirements of subparagraph (A). Any waiver so renewed may be further renewed as provided in this subparagraph.

(e) REPORTING REQUIREMENT.—The President shall include in each report required under section 1227(c) of the National Defense Authorization Act for Fiscal Year 2006 (50 U.S.C. 1541 note) the following:

(1) A comprehensive update on the diplomatic and political measures undertaken by the President pursuant to this section.

(2) A description of the progress made in transitioning the mission of the United States forces in Iraq and implementing the phased redeployment of United States forces from Iraq as required under subsection (d).

SA 2049. Mr. CHAMBLISS (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 155, beginning on line 18, strike ''the date of the enactment of this subsection'' and insert ''September 11, 2001''.

SA 2050. Mr. CHAMBLISS (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 703. REPORT ON PATIENT SATISFACTION SURVEYS.

(a) REPORT REQUIRED.—Not later than March 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the ongoing patient satisfaction surveys taking place in Department of Defense inpatient and outpatient settings at military treatment facilities.

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

(1) The types of survey questions asked.

(2) How frequently the surveying is conducted.

(3) How often the results are analyzed and reported back to the treatment facilities.

(4) To whom survey feedback is made available.

(5) How best practices are incorporated for quality improvement.

(6) An analysis of the impact and effect of inpatient and outpatient surveys quality improvement and a comparison of patient satisfaction survey programs with patient satisfaction survey programs used by other public and private health care systems and organizations.

(c) USE OF REPORT INFORMATION.—The Secretary shall use information in the report as the basis for a plan for improvements in patient satisfaction surveys at health care at military treatment facilities in order to ensure the provision of high quality healthcare and hospital services in such facilities.

SA 2051. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 536. SATISFACTION OF PROFESSIONAL LICENSURE AND CERTIFICATION REQUIREMENTS BY MEMBERS OF THE NATIONAL GUARD AND RESERVE ON ACTIVE DUTY.

(a) ADDITIONAL PERIOD BEFORE RE-TRAINING OF NURSE AIDES REQUIRED UNDER MEDICARE AND MEDICAID PROGRAMS.—

(1) MEDICARE.—Section 1819(b)(5)(D) of the Social Security Act (42 U.S.C. 1395i–3(b)(5)(D)) is amended—

(A) by striking ''For purposes of'' and inserting the following:

''(i) IN GENERAL.—Subject to clause (ii), for purposes of''; and

(B) by inserting after clause (i), as added by subparagraph (A), the following new clause:

''(ii) EXCEPTION FOR ACTIVE DUTY MILITARY SERVICE.—For purposes of clause (i), if, since an individual's most recent completion of a training and competency evaluation program, the individual was ordered to active duty in the Armed Forces or was engaged in employment outside the United States essential to the prosecution of a war or to national defense, the 24-consecutive-month period described in clause (i) shall begin on the date on which the individual completes the active duty service or employment. The preceding sentence shall not apply to an individual who had already reached such 24-consecutive-month period on the date on which such individual was ordered to such active duty service or was engaged in such employment.''.

(2) MEDICAID.—Section 1919(b)(5)(D) of the Social Security Act (42 U.S.C. 1396r(b)(5)(D)) is amended—

(A) by striking ''For purposes of'' and inserting the following:

''(i) IN GENERAL.—Subject to clause (ii), for purposes of''; and

(B) by inserting after clause (i), as added by subparagraph (A), the following new clause:

''(ii) EXCEPTION FOR ACTIVE DUTY MILITARY SERVICE.—For purposes of clause (i), if, since an individual's most recent completion of a training and competency evaluation program, the individual was ordered to active

duty in the Armed Forces or was engaged in employment outside the United States essential to the prosecution of a war or to national defense, the 24-consecutive-month period described in clause (i) shall begin on the date on which the individual completes the active duty service or employment. The preceding sentence shall not apply to an individual who had already reached such 24-consecutive-month period on the date on which such individual was ordered to such active duty service or was engaged in such employment.''.

(b) REPORT ON RELIEF FROM REQUIREMENTS FOR NATIONAL GUARD AND RESERVE ON LONG-TERM ACTIVE DUTY.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth recommendations for such legislative action as the Secretary considers appropriate (including amendments to the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.)) to provide for the exemption or tolling of professional or other licensure or certification requirements for the conduct or practice of a profession, trade, or occupation with respect to members of the National Guard and Reserve who are on active duty in the Armed Forces for an extended period of time.

SA 2052. Mrs. FEINSTEIN (for herself and Mr. SPECTER) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 824.

SA 2053. Mr. CONRAD (for himself, Mr. DORGAN, Ms. LANDRIEU, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table, as follows:

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

SEC. 143. MODIFICATION OF LIMITATIONS ON RETIREMENT OF B–52 BOMBER AIRCRAFT.

(a) MAINTENANCE OF PRIMARY AND BACKUP INVENTORY OF AIRCRAFT.—Subsection (a)(1) of section 131 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2111) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph (C):

''(C) shall maintain in a common configuration a primary aircraft inventory of not less than 63 such aircraft and a backup aircraft inventory of not less than 11 such aircraft.''.

(b) NOTICE OF RETIREMENT.—Subsection (b)(1) of such section is amended by striking ''until'' and all that follows and inserting the following: ''until the later of the following:

''(A) The date that is 45 days after the date on which the Secretary of the Air Force submits the report specified in paragraph (2).

''(B) The date of the completion by the Secretary of written notification of such retirement to the congressional defense committees in accordance with established procedures.''.

SA 2054. Mr. LIEBERMAN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table, as follows:

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

SEC. 703. REVIEW OF MENTAL HEALTH SERVICES AND TREATMENT FOR FEMALE MEMBERS OF THE ARMED FORCES AND FOR FEMALE VETERANS.

(a) COMPREHENSIVE REVIEW.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a comprehensive review of—

(1) the need for mental health treatment and services for female members of the Armed Forces and for female veterans;

(2) the efficacy and adequacy of existing mental health treatment programs and services for female members of the Armed Forces; and

(3) the efficacy and adequacy of existing mental health treatment programs and services for female veterans.

(b) ELEMENTS.—The review required by subsection (a) shall include an assessment of the following:

(1) The need for mental health outreach, prevention, and treatment services specifically for female members of the Armed Forces.

(2) The need for mental health outreach, prevention, and treatment services specifically for female veterans.

(3) The access to and efficacy of existing mental health outreach, prevention, and treatment services and programs (including substance abuse programs) for female veterans who served in a combat zone.

(4) The access to and efficacy of services and treatment for female members of the Armed Forces who experience post-traumatic stress disorder (PTSD).

(5) The access to and efficacy of services and treatment for female veterans who experience post-traumatic stress disorder.

(6) The availability of services and treatment for female members of the Armed Forces who experienced sexual assault or abuse.

(7) The availability of services and treatment for female veterans who experienced sexual assault or abuse.

(8) The access to and need for treatment facilities focusing on the mental health care needs of female members of the Armed Forces.

(9) The access to and need for treatment facilities focusing on the mental health care needs of female veterans.

(10) The need for further clinical research on the unique needs of female veterans who served in a combat zone.

SA 2055. Mr. LIEBERMAN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table, as follows:

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

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

Upon the separation of a member of the Armed Forces from the Armed Forces, the Secretary of Defense shall, upon the consent 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 veteran will first reside after separation.

SA 2056. Mr. HARKIN (for himself, Ms. COLLINS, Mr. KERRY, Ms. KLOBUCHAR, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 583. FAMILY SUPPORT FOR FAMILIES OF MEMBERS OF THE ARMED FORCES UNDERGOING DEPLOYMENT, INCLUDING NATIONAL GUARD AND RESERVE PERSONNEL.

(a) FAMILY SUPPORT.—

(1) IN GENERAL.—The Secretary of Defense shall enhance and improve current programs of the Department of Defense to provide family support for families of deployed members of the Armed Forces, including deployed members of the National Guard and Reserve, in order to improve the assistance available for families of such members before, during, and after their deployment cycle.

(2) SPECIFIC ENHANCEMENTS.—In enhancing and improving programs under paragraph (1), the Secretary shall enhance and improve the availability of assistance to families of members of the Armed Forces, including members of the National Guard and Reserve, including assistance in—

(A) preparing and updating family care plans;

(B) securing information on health care and mental health care benefits and services and on other community resources;

(C) providing referrals for—

(i) crisis services; and

(ii) marriage counseling and family counseling; and

(D) financial counseling.

(b) POST-DEPLOYMENT ASSISTANCE FOR SPOUSES AND PARENTS OF RETURNING MEMBERS.—

(1) IN GENERAL.—The Secretary of Defense shall provide spouses and parents of members of the Armed Forces, including members of the National Guard and Reserve, who are returning from deployment assistance in—

(A) understanding issues that arise in the readjustment of such members—

(i) for members of the National Guard and Reserve, to civilian life; and

(ii) for members of the regular components of the Armed Forces, to military life in a non-combat environment;

(B) identifying signs and symptoms of mental health conditions; and

(C) encouraging such members and their families in seeking assistance for such conditions.

(2) INFORMATION ON AVAILABLE RESOURCES.—In providing assistance under paragraph (1), the Secretary shall provide information on local resources for mental health services, family counseling services, or other appropriate services, including services available from both military providers of such services and community-based providers of such services.

(3) TIMING.—The Secretary shall provide resources under paragraph (1) to a member of the Armed Forces approximately six months after the date of the return of such member from deployment.

SEC. 584. SUPPORT SERVICES FOR CHILDREN, INFANTS, AND TODDLERS OF MEMBERS OF THE ARMED FORCES UNDERGOING DEPLOYMENT, INCLUDING NATIONAL GUARD AND RESERVE PERSONNEL.

(a) ENHANCEMENT OF SUPPORT SERVICES FOR CHILDREN.—The Secretary of Defense shall—

(1) provide information to parents and other caretakers of children, including infants and toddlers, who are deployed members of the Armed Forces to assist such parents and caretakers in responding to the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children, including the role such parents and caretakers can play in addressing and mitigating such implications;

(2) develop programs and activities to increase awareness throughout the military and civilian communities of the potential adverse implications of such deployment (including the death or injury of such members during such deployment) for such children and their families and to increase collaboration within such communities to address and mitigate such implications;

(3) develop training for early childhood education, child care, mental health, health care, and family support professionals to enhance the awareness of such professionals of their role in assisting families in addressing and mitigating the potential adverse implications of such deployment (including the death or injury of such members during such deployment) for such children; and

(4) conduct or sponsor research on best practices for building psychological and emotional resiliency in such children in coping with the deployment of such members.

(b) REPORTS.—

(1) REPORTS REQUIRED.—At the end of the 18-month period beginning on the date of the enactment of this Act, and at the end of the 36-month period beginning on that date, the Secretary of Defense shall submit to Congress a report on the services provided under subsection (a).

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) An assessment of the extent to which outreach to parents and other caretakers of children, or infants and toddlers, as applicable, of members of the Armed Forces was effective in reaching such parents and caretakers and in mitigating any adverse effects of the deployment of such members on such children or infants and toddlers.

(B) An assessment of the effectiveness of training materials for education, mental health, health, and family support professionals in increasing awareness of their role in assisting families in addressing and mitigating the adverse effects on children, or infants and toddlers, of the deployment of deployed members of the Armed Forces, including National Guard and Reserve personnel.

(C) A description of best practices identified for building psychological and emotional resiliency in children, or infants and toddlers, in coping with the deployment of deployed members of the Armed Forces, including National Guard and Reserve personnel.

(D) A plan for dissemination throughout the military departments of the most effective practices for outreach, training, and building psychological and emotional resiliency in the children of deployed members.

SA 2057. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military 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. TERMINATION OR SUSPENSION OF CONTRACTS FOR CELLULAR TELEPHONE SERVICE FOR SERVICEMEMBERS UNDERGOING DEPLOYMENT OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Title III of the Servicemembers Civil Relief Act (50 U.S.C. App. 531 et seq.) is amended by inserting after section 305 the following new section:

"SEC. 305A. TERMINATION OR SUSPENSION OF CONTRACTS FOR CELLULAR TELEPHONE SERVICE.

''(a) IN GENERAL.—A servicemember who receives orders to deploy outside of the continental United States for not less than 90 days may request the termination or suspension of any contract for cellular telephone service entered into by the servicemember before that date if the servicemember's ability to satisfy the contract or to utilize the service will be materially affected by that period of deployment. The request shall include a copy of the servicemember's military orders.

''(b) RELIEF.—Upon receiving the request of a servicemember under subsection (a), the cellular telephone service contractor concerned shall, at the election of the contractor—

''(1) grant the requested relief without imposition of an early termination fee for termination of the contract or a reactivation fee for suspension of the contract; or

''(2) permit the servicemember to suspend the contract at no charge until the end of the deployment without requiring, whether as a condition of suspension or otherwise, that the contract be extended.''.

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 305 the following new item:

''Sec. 305A. Termination or suspension of contracts for cellular telephone service.''.

SA 2058. Mr. HAGEL 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 strengths for such fiscal year, and for other purposes; which was ordered to lie on the table, as follows:

At the end of title XV, add the following:

SEC. 1535. MODIFICATIONS TO UNITED STATES POLICY IN IRAQ.

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

(1) The President and Congress must now focus on developing a viable new strategy in Iraq that the American people can support and that protects and advances United States interests in the Middle East.

(2) Political accommodation in Iraq can only be achieved within a constructive regional framework supported by the international community. The role of the regional and international community must be enhanced.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the primary objective of United States policy on Iraq should be to help achieve Iraqi political accommodation that will begin to move Iraq toward political reconciliation;

(2) the United States Government must refocus its policy, leadership, and resources on directly helping the people of Iraq establish an inclusive political framework to begin to defuse the violence in that country; and

(3) United States policy on Iraq should be one element of a new strategic direction for the United States in the Middle East region that includes—

(A) engaging countries in the Middle East to develop a sustainable and constructive comprehensive regional security framework; and

(B) making a renewed commitment to addressing the Arab-Israeli conflict.

(c) APPOINTMENT OF INTERNATIONAL MEDIATOR IN IRAQ.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process.

(d) PHASED REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.—

(1) TRANSITION OF MISSION.—The Secretary of Defense shall promptly transition the mission of United States forces in Iraq to the limited purposes set forth in paragraph (2).

(2) COMMENCEMENT OF PHASED REDEPLOYMENT.—The President shall commence the phased redeployment of United States forces from Iraq not later than 120 days after the date of the enactment of this Act, with the goal of redeploying, by March 31, 2008, all United States combat forces from Iraq except for a limited number that are essential for the following purposes:

(A) Protecting diplomatic facilities and citizens of the United States, including members of the Armed Forces.

(B) Serving in roles consistent with customary diplomatic positions.

(C) Training and equipping members of the Iraqi Security Forces.

(D) Engaging in targeted actions against members of al-Qaeda and allied parties and other terrorist organizations with global reach.

(E) Protecting the territorial integrity of Iraq.

(3) WAIVER AUTHORITY.—

(A) IN GENERAL.—The President may waive the redeployment requirements of this subsection if he submits to Congress a written certification setting forth a detailed justification for the waiver. The certification shall be submitted in unclassified form, but may include a classified annex.

(B) DURATION.—A waiver under subparagraph (A) shall be effective for 90 days beginning on the date of the submittal of the certification under such subparagraph.

(C) RENEWAL.—A waiver under subparagraph (A) may be renewed if, before the end of the expiration of the waiver under subparagraph (B), the President submits to Congress a certification meeting the requirements of subparagraph (A). Any waiver so renewed may be further renewed as provided in this subparagraph.

(e) REPORTING REQUIREMENT.—The President shall include in each report required under section 1227(c) of the National Defense Authorization Act for Fiscal Year 2006 (50 U.S.C. 1541 note) the following:

(1) A comprehensive update on the diplomatic and political measures undertaken by the President pursuant to this section.

(2) A description of the progress made in transitioning the mission of the United States forces in Iraq and implementing the phased redeployment of United States forces from Iraq as required under subsection (d).

SA 2059. Mr. CORNYN submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 594. PROHIBITION ON AVAILABILITY OF FEDERAL FUNDS TO LOCAL EDUCATIONAL AGENCIES THAT PREVENT ACCESS TO JROTC ON CAMPUSES OF SECONDARY SCHOOLS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by inserting after section 983 the following new section:

"§ 983a. Local educational agencies that prevent JROTC access on secondary school campuses

''(a) DENIAL OF FUNDS FOR PREVENTING JROTC ACCESS TO CAMPUS.—No funds described in subsection (c) may be provided by contract, grant, or cooperative agreement to a local educational agency (or any subelement of that agency) if the Secretary of Defense determines that that agency (or any subelement of that agency) has a policy or practice (regardless of whether implemented) that either prohibits, or in effect prevents—

''(1) the Secretary of a military department from maintaining, establishing or operating a unit of the Junior Reserve Officers' Training Corps (in accordance with chapter 102 of this title and other applicable Federal law) at any secondary school served by that agency; or

''(2) a student at any secondary school served by that agency from enrolling in a unit of the Junior Reserve Officers' Training Corps at another secondary school.

''(b) EXCEPTION.—The limitation in subsection (a) shall not apply to any local educational agency (or any subelement of that agency) if the Secretary of Defense determines that the agency (and each secondary school served by that agency) has ceased the policy or practice described in that subsection (a).

''(c) COVERED FUNDS.—The limitation in subsection (a) shall apply to the following:

''(1) Any funds made available to the Department of Defense.

''(2) Any funds made available for any department or agency for which regular appropriations are made in a Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

''(3) Any funds made available to the Department of Homeland Security.

''(4) Any funds made available for the National Nuclear Security Administration of the Department of Energy.

''(5) Any funds made available for the Department of Transportation.

''(d) NOTICE OF DETERMINATIONS.—Whenever the Secretary of Defense makes a determination under subsection (a) or (b), the Secretary—

''(1) shall transmit a notice of the determination to the Secretary of Education, to the head of each other department or agency the funds of which are subject to the determination, and to Congress; and

''(2) shall publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the local educational agency (and any subelement of that agency) for contracts and grants.

''(e) SEMIANNUAL NOTICE IN FEDERAL REGISTER.—The Secretary of Defense shall publish in the Federal Register once every six months a list of each local educational agency that is currently ineligible for contracts and grants by reason of a determination of the Secretary under subsection (a).

''(f) DEFINITIONS.—In this section:

''(1) The term 'local educational agency' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(2) The term 'secondary school' has the meaning that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of such title is amended by inserting after the item relating to section 983 the following new item:

''983a. Local educational agencies that prevent JROTC access on secondary school campuses.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007, and shall apply with respect to funds available for fiscal years beginning on or after that date.

SA 2060. Mr. SANDERS (for himself, Mr. BYRD, and Mr. FEINGOLD) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 703. PROGRAM OF RESEARCH ON DIAGNOSIS AND TREATMENT OF ILLNESSES INCURRED IN THE PERSIAN GULF WAR.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Army Medical Research and Materiel Command shall carry out, as part of its Medical Research Program, a program of research on the diagnosis and treatment of illnesses incurred by members of the Armed Forces during service in the Southwest Asia theater of operations in the early 1990s during the Persian Gulf War.

(2) DESIGNATION.—The program required by this section shall be known as the ''Gulf War Veterans' Illnesses Research Program''.

(3) PURPOSE.—The purpose of the program shall be to develop diagnostic markers and treatments for the complex of symptoms commonly known as ''Gulf War Illnesses (GWI)'', including widespread pain, cognitive impairment, and persistent fatigue in conjunction with diverse other symptoms and abnormalities, that are associated with service in the Southwest Asia theater of operations in the early 1990s during the Persian Gulf War.

(b) PROGRAM ACTIVITIES.—Activities under the program required by this section shall include the following:

(1) Research activities on the chronic effects of exposures to neurotoxins associated with service in the Southwest Asia theater of operations in the early 1990s during the Persian Gulf War, body functions underlying illnesses associated with exposure to such neurotoxins, and the identification of treatments for such illnesses.

(2) Pilot studies of treatments for the complex of symptoms described in subsection (a)(3) and comprehensive clinical trials of such treatments that have demonstrated effectiveness in previous past pilot studies, in the conduct of which treatments and trials—

(A) highest priority shall be afforded to studies and trials to identify and develop effective biological markers and treatments for such complex of symptoms;

(B) secondary priority shall be afforded to studies and trials that identify biological mechanisms underlying such complex of symptoms and can lead to the identification and development of such markers; and treatments; and

(C) no study shall be conducted on a psychiatric or psychological basis for such complex of symptoms (as is consistent with current research findings).

(c) SOLICITATION AND EVALUATION OF PROGRAM ACTIVITIES.—

(1) SOLICITATION.—In providing for the conduct of activities under the program required by this section, the Army Medical Research and Materiel Command shall distribute broad solicitations and announcements of requests for proposals for such activities among governmental and non-governmental entities.

(2) PEER REVIEW.—In selecting activities to be conducted under the program, the Army Medical Research and Materiel Command shall utilize a peer review process for the identification of activities having the most substantial scientific merit.

(3) UTILIZATION OF EXPERT SERVICES.—In preparing solicitations and announcements under paragraph (1), and in conducting peer review under paragraph (2), the Army Medical Research and Materiel Command shall, to the extent practicable, utilize the services of individuals with recognized expertise in the complex of symptoms described in subsection (a)(3).

(d) CONSULTATION.—The Army Medical Research and Materiel Command shall carry out the program required by this section in close consultation with the advisory committee established under section 707(b) of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102–585; 38 U.S.C. 527 note).

(e) FUNDING.—

(1) ADDITIONAL AMOUNT FOR DEFENSE HEALTH PROGRAM.—The amount authorized to be appropriated by section 1403 for Defense Health Program is hereby increased by $30,000,000.

(2) AVAILABILITY.—Of the amount authorized to be appropriated by section 1403 for Defense Health Program, as increased by paragraph (1), $30,000,000 may be available for the program required by this section.

SA 2061. Mr. MCCONNELL (for himself, Mr. SALAZAR, Mr. ALLARD, and Mr. BUNNING) submitted an amendment intended to be proposed by him to the

bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 470, after the table following line 22, add the following:

SEC. 2406. MUNITIONS DEMILITARIZATION FACILITIES, BLUE GRASS ARMY DEPOT, KENTUCKY, AND PUEBLO CHEMICAL ACTIVITY, COLORADO.

(a) INCREASE IN AMOUNT FOR CONSTRUCTION OF MUNITIONS DEMILITARIZATION FACILITY, BLUE GRASS ARMY DEPOT, KENTUCKY.—The amount authorized to be appropriated by section 2403(14) for the construction of increment 8 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, is hereby increased by $17,300,000.

(b) INCREASE IN AMOUNT FOR CONSTRUCTION OF MUNITIONS DEMILITARIZATION FACILITY, PUEBLO CHEMICAL ACTIVITY, COLORADO.—The amount authorized to be appropriated by section 2403(13) for the construction of increment 9 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, is hereby increased by $32,000,000.

(c) OFFSET.—The total amount authorized to be appropriated by this Act (excluding the amounts authorized to be appropriated by paragraphs (13) and (14) of section 2403, as amended by subsections (b) and (a), respectively) is hereby reduced by $49,300,000, with the amount of the reduction to be allocated to amounts available for purposes other than chemical demilitarization.

(d) DEADLINE FOR DESTRUCTION OF CHEMICAL AGENTS AND MUNITIONS STOCKPILE.—

(1) DEADLINE.—Notwithstanding any other provision of law, the Department of Defense shall complete work on the destruction of the entire United States stockpile of lethal chemical agents and munitions, including those stored at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, by the deadline established by the Chemical Weapons Convention, and in no circumstances later than December 31, 2017.

(2) REPORT.—

(A) IN GENERAL.—Not later than December 31, 2007, and every 180 days thereafter, the Secretary of Defense shall submit to the parties described in paragraph (2) a report on the progress of the Department of Defense toward compliance with this subsection.

(B) PARTIES RECEIVING REPORT.—The parties referred to in paragraph (1) are the Speaker of the House of the Representatives, the Majority and Minority Leaders of the House of Representatives, the Majority and Minority Leaders of the Senate, and the congressional defense committees.

(C) CONTENT.—Each report submitted under subparagraph (A) shall include the updated and projected annual funding levels necessary to achieve full compliance with this subsection. The projected funding levels for each report shall include a detailed accounting of the complete life-cycle costs for each of the chemical disposal projects.

(3) CHEMICAL WEAPONS CONVENTION DEFINED.—In this subsection, the term ''Chemical Weapons Convention'' means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103-21).

(4) APPLICABILITY; RULE OF CONSTRUCTION.—This subsection shall apply to fiscal year 2008 and each fiscal year thereafter, and shall not be modified or repealed by implication.

SA 2062. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1070. MODIFICATION OF AUTHORITIES ON COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE ATTACK.

(a) EXTENSION OF DATE OF SUBMITTAL OF FINAL REPORT.—Section 1403(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 50 U.S.C. 2301 note) is amended by striking ''June 30, 2007'' and inserting ''November 30, 2008''.

(b) COORDINATION OF WORK WITH DEPARTMENT OF HOMELAND SECURITY.—Section 1404 of such Act is amended by adding at the end the following new subsection:

''(c) COORDINATION WITH DEPARTMENT OF HOMELAND SECURITY.—The Commission and the Secretary of Homeland Security shall jointly ensure that the work of the Commission with respect to electromagnetic pulse attack on electricity infrastructure, and protection against such attack, is coordinated with Department of Homeland Security efforts on such matters.''.

(c) FUNDING FOR FISCAL YEAR 2008.—Of the amounts authorized to be appropriated for the Department of Defense by this division, $5,600,000 may be available for the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack during fiscal year 2008.

SA 2063. Mr. SALAZAR (for himself, Mr. ALEXANDER, Mr. PRYOR, Mr. BENNETT, Mr. CASEY, Mr. GREGG, Mrs. LINCOLN, Mr. SUNUNU, Mr. DOMENICI, Ms. COLLINS, Mr. NELSON of Florida, Ms. LANDRIEU, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

Subtitle D—Implementation of Iraq Study Group Recommendations

SEC. 1541. SHORT TITLE.

This subtitle may be cited as the ''Iraq Study Group Recommendations Implementation Act of 2007''.

SEC. 1542. FINDINGS.

Congress makes the following findings:

(1) On March 15, 2006, the Iraq Study Group was created at the request of a bipartisan group of members of Congress.

(2) The United States Institute of Peace was designated as the facilitating organization for the Iraq Study Group with the support of the Center for the Study of the Presidency, the Center for Strategic and International Studies, and the James A. Baker III Institute for Public Policy at Rice University.

(3) The Iraq Study Group was composed of a bipartisan group of senior individuals who have had distinguished careers in public service. The Group was co-chaired by former Secretary of State James A. Baker, III and former chairman of the House Foreign Affairs Committee Lee H. Hamilton, and the other members were former Secretary of State Lawrence S. Eagleburger; Vernon E. Jordan, Jr, the Senior Managing Director of Lazard, Freres and Company; former Attorney General Edwin Meese III; former Supreme Court Associate Justice Sandra Day O'Connor; former White House Chief of Staff Leon E. Panetta; former Secretary of Defense William J. Perry; United States Senator Charles S. Robb; and United States Senator Alan K. Simpson.

(4) On June 15, 2006, President George W. Bush signed into law the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234), which provided $1,000,000 to the United States Institute of Peace for activities in support of the Iraq Study Group.

(5) The Iraq Study Group consulted nearly 200 leading officials and experts, including the senior members of the Government of Iraq, the United States Government, and key coalition partners and received advice from more than 50 distinguished scholars and experts from a variety of fields who conducted working groups in the areas of economy and reconstruction, military and security, political development, and the strategic environment in Iraq and the Middle East.

(6) While the Iraq Study Group recommended shifting the primary mission of United States military forces in Iraq from combat to training, and while the Iraq Study Group described actions and conditions that could allow for a redeployment of troops not necessary for force protection out of Iraq by the first quarter of 2008, the Iraq Study Group did not set a fixed timetable for withdrawal and said it could support a short-term redeployment of United States combat forces, complemented by comprehensive political, economic, and diplomatic efforts, to stabilize Baghdad or to speed up the mission of training and equipping Iraqis if the United States commander in Iraq determines that such steps would be effective.

(7) The report of the Iraq Study Group includes a letter from the co-chairs of the Iraq Study Group, James A. Baker, III and Lee H. Hamilton, which states, ''Our political leaders must build a bipartisan approach to bring a responsible conclusion to what is now a lengthy and costly war. Our country deserves a debate that prizes substance over rhetoric, and a policy that is adequately funded and sustainable. The President and Congress must work together. Our leaders must be candid and forthright with the American people in order to win their support.''

(8) The Republicans and Democrats who comprised the Iraq Study Group reached compromise and consensus and unanimously concluded that their recommendations offer a new way forward for the United States in Iraq and the region, and are comprehensive and need to be implemented in a coordinated fashion.

SEC. 1543. SENSE OF CONGRESS ON IMPLEMENTATION OF IRAQ STUDY GROUP RECOMMENDATIONS.

It is the sense of Congress that the President and Congress should agree that the way forward in Iraq is to implement the comprehensive set of recommendations of the Iraq Study Group, particularly those specifically described in this Act, and the President should formulate a comprehensive plan to do so.

SEC. 1544. SENSE OF CONGRESS ON DIPLOMATIC EFFORTS IN IRAQ.

It is the sense of Congress that, consistent with the recommendations of the Iraq Study Group, the United States Government should—

(1) establish a ''New Diplomatic Offensive'' to deal with the problems of Iraq and of the region;

(2) support the unity and territorial integrity of Iraq;

(3) encourage other countries in the region to stop the destabilizing interventions and actions of Iraq's neighbors;

(4) secure the borders of Iraq, including through the use of joint patrols with neighboring countries;

(5) prevent the expansion of the instability and conflict beyond the borders of Iraq;

(6) promote economic assistance, commerce, trade, political support, and, if possible, military assistance for the Government of Iraq from non-neighboring Muslim nations;

(7) energize the governments of other countries to support national political reconciliation in Iraq;

(8) encourage the governments of other countries to validate the legitimate sovereignty of Iraq by resuming diplomatic relations, where appropriate, and reestablishing embassies in Baghdad;

(9) assist the Government of Iraq in establishing active working embassies in key capitals in the region;

(10) help the Government of Iraq reach a mutually acceptable agreement on the future of Kirkuk;

(11) assist the Government of Iraq in achieving certain security, political, and economic milestones, including better performance on issues such as national reconciliation, equitable distribution of oil revenues, and the dismantling of militias;

(12) encourage the holding of a meeting or conference in Baghdad, supported by the United States and the Government of Iraq, of the Organization of the Islamic Conference or the Arab League, both to assist the Government of Iraq in promoting national reconciliation in Iraq and to reestablish their diplomatic presence in Iraq;

(13) seek the creation of the Iraq International Support Group to assist Iraq in ways the Government of Iraq would desire, attempting to strengthen Iraq's sovereignty;

(14) engage directly with the Governments of Iran and Syria in order to obtain their commitment to constructive policies toward Iraq and other regional issues;

(15) provide additional political, economic, and military support for Afghanistan including resources that might become available as United States combat forces are redeployed from Iraq;

(16) remain in contact with the Iraqi leadership, conveying the clear message that there must be action by the Government of Iraq to make substantial progress toward the achievement of the milestones described in section 1551, and conveying in as much detail as possible the substance of these exchanges in order to keep the American people, the Iraqi people, and the people of countries in the region well informed of progress in these areas;

(17) make clear the willingness of the United States Government to continue training, assistance, and support for Iraq's security forces, and to continue political, military, and economic support for the Government of Iraq until Iraq becomes more capable of governing, defending, and sustaining itself;

(18) make clear that, should the Government of Iraq not make substantial progress toward the achievement of the milestones described in section 1551, the United States shall reduce its political, military, or economic support for the Government of Iraq;

(19) make clear that the United States Government does not seek to establish permanent military bases in Iraq;

(20) restate that the United States Government does not seek to control the oil resources of Iraq;

(21) make active efforts to engage all parties in Iraq, with the exception of al Qaeda;

(22) encourage dialogue between sectarian communities and press religious leaders inside and outside of Iraq to speak out on behalf of peace and reconciliation;

(23) support the presence of neutral international experts as advisors to the Government of Iraq on the processes of disarmament, demobilization, and reintegration of militias and other armed groups not under the control of the Government of Iraq; and

(24) ensure that reconstruction efforts in Iraq consist of great involvement by and with international partners that actively participate in the design and construction of projects.

SEC. 1545. STATEMENT OF POLICY ON SECURITY AND MILITARY FORCES.

It shall be the policy of the United States to formulate and implement with the Government of Iraq a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) gives the highest priority to the training, equipping, advising, and support for security and military forces in Iraq and to supporting counterterrorism operations in Iraq; and

(2) supports the providing of more and better equipment for the Iraqi Army by encouraging the Government of Iraq to accelerate its requests under the Foreign Military Sales program and, as United States combat brigades redeploy from Iraq, provides for the transfer of certain United States military equipment to Iraqi forces.

SEC. 1546. STATEMENT OF POLICY ON STRENGTHENING THE UNITED STATES MILITARY.

It shall be the policy of the United States to formulate and implement a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) directs the Secretary of Defense to build healthy relations between the civilian and military sectors, by creating an environment where senior military leaders feel free to offer independent advice to the civilian leadership of the United States Government;

(2) emphasizes training and education programs for the forces that have returned to the United States in order to restore the United States Armed Forces to a high level of readiness for global contingencies;

(3) provides sufficient funds to restore military equipment to full functionality over the next 5 years; and

(4) assesses the full future budgetary impact of the war in Iraq and its potential impact on—

(A) the future readiness of United States military forces;

(B) the ability of the United States Armed Forces to recruit and retain high-quality personnel;

(C) needed investments in military procurement and in research and development; and

(D) the budgets of other Federal agencies involved in the stability and reconstruction effort in Iraq.

SEC. 1547. STATEMENT OF POLICY ON POLICE AND CRIMINAL JUSTICE IN IRAQ.

It shall be the policy of the United States to formulate and implement with the Government of Iraq a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) transfers the Iraqi National Police to the Ministry of Defense, where the police commando units will become part of the new Iraqi Army;

(2) transfers the Iraqi Border Police to the Ministry of Defense, which would have total responsibility for border control and external security;

(3) establishes greater responsibility for the Iraqi Police Service to conduct criminal investigations and expands its cooperation with other elements in the judicial system in Iraq in order to better control crime and protect Iraqi civilians;

(4) establishes a process of organizational transformation, including efforts to expand the capability and reach of the current major crime unit, to exert more authority over local police forces, and to give sole authority to the Ministry of the Interior to pay police salaries and disburse financial support to local police;

(5) proceeds with efforts to identify, register, and control the Facilities Protection Service;

(6) directs the Department of Defense to continue its mission to train Iraqi National Police and the Iraqi Border Police, which shall be placed within the Iraqi Ministry of Defense;

(7) directs the Department of Justice to proceed with the mission of training the police forces remaining under the Ministry of the Interior;

(8) provides for funds from the Government of Iraq to expand and upgrade communications equipment and motor vehicles for the Iraqi Police Service;

(9) directs the Attorney General to lead the work of organizational transformation in the Ministry of the Interior and creates a strategic plan and standard administrative procedures, codes of conduct, and operational measures for Iraqis; and

(10) directs the Attorney General to establish courts, train judges, prosecutors, and investigators, and create strongly supported and funded institutions and practices in Iraq to fight corruption.

SEC. 1548. STATEMENT OF POLICY ON OIL SECTOR IN IRAQ.

It shall be the policy of the United States to formulate and implement with the Government of Iraq a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) provides technical assistance in drafting legislation to implement the February 27, 2007, agreement by Iraq's Council of Ministers on principles for the equitable sharing of oil resources and revenues;

(2) encourages the Government of Iraq to accelerate contracting for the comprehensive oil well work-overs in the southern fields needed to increase oil production, while ensuring that the United States no longer funds such infrastructure projects;

(3) supports the Iraqi military and private security forces in their efforts to protect oil infrastructure and contractors;

(4) implements metering at both ends of the oil supply line to immediately improve accountability in the oil sector;

(5) in conjunction with the International Monetary Fund, encourages the Government of Iraq to reduce subsidies in the energy sector;

(6) encourages investment in Iraq's oil sector by the international community and by international energy companies;

(7) assists Iraqi leaders to reorganize the national oil industry as a commercial enterprise, in order to enhance efficiency, transparency, and accountability;

(8) encourages the Government of Iraq to post all oil contracts, volumes, and prices on

the Internet so that Iraqis and outside observers can track exports and export revenues;

(9) supports the efforts of the World Bank to ensure that best practices are used in contracting; and

(10) provides technical assistance to the Ministry of Oil for enhancing maintenance, improving the payments process, managing cash flows, improving contracting and auditing, and updating professional training programs for management and technical personnel.

SEC. 1549. STATEMENT OF POLICY ON IMPROVING ASSISTANCE PROGRAMS IN IRAQ.

It shall be the policy of the United States to formulate and implement a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) provides for the United States to take the lead in funding assistance requests from the United Nations High Commissioner for Refugees and other humanitarian agencies;

(2) creates a new Senior Advisor for Economic Reconstruction in Iraq reporting to the President, with the authority to bring interagency unity of effort to the policy, budget, and implementation of economic reconstruction programs in Iraq and the authority to serve as the principal point of contact with United States partners in the overall reconstruction effort;

(3) gives the chief of mission in Iraq the authority to spend significant funds through a program structured along the lines of the Commander's Emergency Response Program, with the authority to rescind funding from programs and projects—

(A) in which the Government of Iraq is not demonstrating effective partnership; or

(B) that do not demonstrate substantial progress toward achievement of the milestones described in section 1551;

(4) authorizes and implements a more flexible security assistance program for Iraq, breaking down the barriers to effective interagency cooperation; and

(5) grants authority to merge United States assistance with assistance from international donors and Iraqi participants for the purpose of carrying out joint assistance projects.

SEC. 1550. STATEMENT OF POLICY ON BUDGET PREPARATION, PRESENTATION, AND REVIEW.

It shall be the policy of the United States to formulate and implement a plan, consistent with the recommendations of the Iraq Study Group, that—

(1) directs the President to include the costs for the war in Iraq in the annual budget request;

(2) directs the Secretary of State, the Secretary of Defense, and the Director of National Intelligence to provide United States military and civilian personnel in Iraq the highest possible priority in obtaining professional language proficiency and cultural training;

(3) directs the United States Government to provide for long-term training for Federal agencies that participate in complex stability operations like those in Iraq and Afghanistan;

(4) creates training for United States Government personnel to carry out civilian tasks associated with complex stability operations; and

(5) directs the Director of National Intelligence and the Secretary of Defense to devote greater analytic resources to understanding the threats and sources of violence in Iraq and institute immediate changes in the collection of data and violence and the sources of violence to provide a more accurate picture of events on the ground in Iraq.

SEC. 1551. CONDITIONS FOR CONTINUED UNITED STATES SUPPORT IN IRAQ.

(a) IN GENERAL.—It shall be the policy of the United States to condition continued United States political, military and economic support for Iraq upon the demonstration by the Government of Iraq of sufficient political will and the making of substantial progress toward achieving the milestones described in subsection (b), and to base the decision to transfer command and control over Iraqi security forces units from the United States to Iraq in part upon such factors.

(b) MILESTONES.—The milestones referred to in subsection (a) are the following:

(1) Promptly establishing a fair process for considering amendments to the constitution of Iraq that promote lasting national reconciliation in Iraq.

(2) Enacting legislation or establishing other mechanisms to revise the de-Baathification laws in Iraq to encourage the employment in the Government of Iraq of qualified professionals, irrespective of ethnic or political affiliation, including ex-Baathists who were not leading figures of the Saddam Hussein regime.

(3) Enacting legislation or establishing other binding mechanisms to ensure the sharing of all Iraqi oil revenues among all segments of Iraqi society in an equitable manner.

(4) Holding free and fair provincial elections in Iraq at the earliest date practicable.

(5) Enacting legislation or establishing other mechanisms to ensure the rights of women and the rights of all minority communities in Iraq are protected.

SEC. 1552. SENSE OF CONGRESS ON REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.

It is the sense of Congress that—

(1) with the implementation of the policies specified in sections 1545 through 1551 and the engagement in the increased diplomatic efforts specified in section 1544, and as additional Iraqi brigades are being deployed, and subject to unexpected developments in the security situation on the ground, all United States combat brigades not necessary for force protection could be redeployed from Iraq by the first quarter of 2008, except for those that are essential for—

(A) protecting United States and coalition personnel and infrastructure;

(B) training, equipping, and advising Iraqi forces;

(C) conducting targeted counterterrorism operations;

(D) search and rescue; and

(E) rapid reaction and special operations; and

(2) the redeployment should be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

SEC. 1553. REPORT ON POLICY IMPLEMENTATION.

Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to Congress a report on the actions that have been taken to implement the policies specified in sections 1544 through 1551.

SA 2064. Mr. GRAHAM (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1023.

AUTHORITY FOR COMMITTEES TO MEET

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. AKAKA. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery of the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, July 10, 2007, at 10 a.m. in order to conduct a hearing titled ''FEMA's Project Worksheets: addressing a prominent obstacle to the gulf coast rebuilding.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing on community services and supports for people with disabilities during the session of the Senate on Tuesday, July 10, 2007, at 10 a.m. in room 106 of the Dirksen Senate office building.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. AKAKA. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Tuesday, July 10, 2007, at 2:30 p.m. in order to conduct a hearing entitled, ''From Warehouse to Warfighter: an update on supply chain management at DoD.''

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

SUBCOMMITTEE ON TRANSPORTATION SAFETY, INFRASTRUCTURE SECURITY, AND WATER QUALITY

Mr. AKAKA. Mr. President, I ask unanimous consent that the Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality be authorized to meet during the session of the Senate on Tuesday, July 10, 2007, at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, ''Lessons Learned from Chemical Safety Board (CSB) Investigations including Texas City, TX.''

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

PRIVILEGES OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Senator MCCAIN's legislative fellow, Navy LTC Fitzhugh Lee, be granted floor privileges during the first session of the 110th Congress.

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

Mr. AKAKA. Mr. President, I ask unanimous consent that my Defense fellow, Mr. Rob Elliott, be given full floor privileges for the remainder of the debate on the fiscal year 2008 Defense authorization bill.

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

Mr. LEAHY. Mr. President, I ask unanimous consent that Jill Antonishak, a fellow in Senator HARKIN's office, be granted floor privileges for the duration of consideration of H.R. 1585, the National Defense Authorization Act for 2008.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that Nicholas Greenway and Eugene Lipkin, interns in Senator WARNER's office, be granted floor privileges for the period July 10 through August 3, 2007.

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

Mr. REED. Madam President, I ask unanimous consent that Mark Paolicelli, a fellow on my staff, be granted the privilege of the floor for the duration of consideration of the fiscal year 2008 Defense authorization bill.

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

MAKING MINORITY PARTY APPOINTMENTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 266, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 266) making minority party appointments for the 110th Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 266) was agreed to, as follows:

S. RES. 266

Resolved, That the following be the minority membership on the following committees for the remainder of the 110th Congress, or until their successors are appointed:

The Committee on Energy and Natural Resources: Mr. Domenici, Mr. Craig, Ms. Murkowski, Mr. Burr, Mr. DeMint, Mr. Corker, Mr. Barrasso, Mr. Sessions, Mr. Smith, Mr. Bunning, and Mr. Martinez;

The Committee on Environment and Public Works: Mr. Inhofe, Mr. Warner, Mr. Voinovich, Mr. Isakson, Mr. Vitter, Mr. Barrasso, Mr. Craig, Mr. Alexander and Mr. Bond;

The Committee on Finance: Mr. Grassley, Mr. Hatch, Mr. Lott, Ms. Snowe, Mr. Kyl, Mr. Smith, Mr. Bunning, Mr. Crapo, Mr. Roberts and Mr. Ensign;

The Committee on Indian Affairs: Ms. Murkowski, Mr. McCain, Mr. Coburn, Mr. Barrasso, Mr. Domenici, Mr. Smith and Mr. Burr.

HONORING TOM LEA

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 267, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 267) honoring the life of renowned painter and writer Tom Lea on the 100th anniversary of his birth and commending the City of El Paso for recognizing July 2007 as ''Tom Lea Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 267) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 267

Whereas Tom Lea was born on July 11, 1907 in El Paso, Texas;

Whereas Tom Lea attended El Paso public schools before continuing his education at the Art Institute of Chicago and working as an apprentice to muralist John Warner Norton;

Whereas Tom Lea painted Texas Centennial murals at the Dallas State Fairgrounds Hall of State in 1936;

Whereas Tom Lea won many commissions for murals from the Section of Fine Arts of the Department of the Treasury, including commissions for ''The Nesters'' at the Benjamin Franklin Post Office in Washington, D.C.; ''Pass of the North'' at the Federal Courthouse in El Paso, Texas; ''Stampede'' at the Post Office in Odessa, Texas; ''Comancheros'' at the Post Office in Seymour, Texas; and ''Back Home, April 1865'' at the Post Office in Pleasant Hill, Missouri;

Whereas Tom Lea was an accredited World War II artist correspondent for Life magazine who traveled over 100,000 miles with United States military forces and reported from places such as the North Atlantic, China, and on board the Hornet in the South Pacific;

Whereas Tom Lea landed with the First Marines at Peleliu;

Whereas many of the war paintings of Tom Lea are displayed at the United States Army Center for Military History in Washington, D.C. and others have been loaned to exhibitions worldwide;

Whereas Texas A&M University Press plans to publish the war diaries of Tom Lea in 2008;

Whereas Tom Lea wrote and illustrated 4 novels and 2 nonfiction works, including The Brave Bulls (1948) and The Wonderful Country (1952), both of which were adapted as screenplays for motion pictures, and a 2-volume annotated history of the King Ranch;

Whereas Tom Lea excelled at painting portraits for public buildings in Washington, D.C. and at capturing the likenesses of individuals as diverse as Sam Rayburn, Benito Juarez, Claire Chennault, Madame Chiang Kai-shek, and the bullfighter Manolete;

Whereas Tom Lea was honored with numerous awards, including the Navy Distinguished Public Service Award, the United States Marine Corps' Colonel John W. Thomason, Jr. Award, and the National Cowboy and Western Heritage Museum's Great Westerners Award;

Whereas the paintings of Tom Lea hang in the Oval Office of the White House, the Smithsonian American Art Museum, the United States Army Center for Military History, the Dallas Museum of Art, the El Paso Museum of Art, the University of Texas at El Paso, Texas A&M University, and the University of Texas at Austin;

Whereas Tom Lea enjoyed living on the east side of Mount Franklin in El Paso because it was the ''side to see the day that is coming, not the side to see the day that is gone''; and

Whereas Tom Lea lived on the east side of Mount Franklin with his wife, Sarah, until he died on January 29, 2001: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and accomplishments of Tom Lea on the 100th anniversary of his birth; and

(2) commends the City of El Paso, Texas for recognizing July 2007 as ''Tom Lea Month''.

ORDERS FOR WEDNESDAY, JULY 11, 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, July 11; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes, and the time equally divided and controlled between the two leaders or their designees, with the first half under the control of the majority and the final half under the control of the Republicans; that at 10:30, the Senate resume consideration of H.R. 1585, with the time until 11:30 a.m. for debate only with respect to the motion to invoke cloture on Webb amendment No. 2012, with the time equally divided and controlled between the chair and ranking member of the Armed Services Committee, or their designees; with the 20 minutes immediately prior to 11:30 a.m. equally divided between the two leaders, with the majority leader controlling the final 10 minutes; that at 11:30 a.m, without further intervening action or debate, the Senate proceed to vote on the motion to invoke cloture on the Webb amendment; further, that Members have until 10:30 a.m. to file any germane second-degree amendments to the Webb amendment.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:26 p.m., adjourned until Wednesday, July 11, 2007, at 9:30 a.m.

EXTENSIONS OF REMARKS

IN REMEMBRANCE OF AN EXTRAORDINARY VETERAN

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Ms. WILSON of New Mexico. Madam Speaker, on June 17, 2007, our nation lost a wonderful man and veteran: Agapito ''Gap'' Encinias Silva, from Albuquerque, New Mexico.

Gap was a man of extraordinary character. A World War II veteran, Gap was a member of the distinguished 200th Coastal Artillery, a unit from the New Mexico Army National Guard. Gap found himself stationed at Fort Stotsenberg on Clark Field in the Philippines when World War II broke out.

Along with his fellow soldiers, Gap became one of the ''Battling Bastards of Bataan'' who held out on the peninsula until they had nothing more to fight with. He survived the infamous Bataan Death March and was interned by the Japanese as a POW for 3½ years. For his service, Gap Silva earned the Bronze Star and three Purple Hearts, along with numerous other decorations. Gap's courage during those difficult years still stands as a testament to the strength and the resilience of the human spirit.

When he came back home, Gap continued to be active within the veteran community, choosing to be involved with organizations such as the Bataan Veterans organization, the American Ex-POWS, the Disabled American Veterans, the Veterans of Foreign Wars, the American Legion and the American Defenders of Bataan and Corregidor. Gap selflessly gave of himself to other veterans to help them with their needs, and to make a difference in their lives. Gap was indeed a leader for his fellow New Mexican veterans. He will be greatly missed.

I first met Gap through his son, whom I worked with in State government. I got to know him even better while working on veterans issues as a Member of Congress. There are a handful of people who really stand out and make an impression on you during the course of one's work. Gap was one of those. He brought dignity and grace to his community service.

Gap is survived by his wife, Socorro, and their seven children, Fred, Patricia, Michael, Agapito Jr., Maurice, Jerome and Erlinda Silva. Gap is also survived by twelve grandchildren: Reina Silva, Thomas Silva, Theresa Utash, Phillip Silva, Emma Gonzales, Danielle Gonzales, James Gonzales, Amanda Silva, Melanie Silva, Rachel Silva, and Emily Silva. Gap also had several great grandchildren, to help carry on his family legacy: Nyssa, Gianna, Jayden, Jude and Sophia. In addition, Gap is survived by his sister Jennie Noriega and by many nieces and nephews.

Madam Speaker, please join with me in paying tribute to Agapito ''Gap'' Encinias Silva; an unforgettable American hero.

IN TRIBUTE TO LARRY EPSTEIN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to Larry Epstein, a decorated veteran of the U.S. Army, whose long service and dedication to the country are deserving of special note. A man of great integrity and honor, Mr. Epstein has been a community leader and an activist on veterans' issues.

I came to know Mr. Epstein through his leadership in the veterans community. He is commander of the New York County Council of the Jewish War Veterans of the USA (JWV), commander of Florence Greenwald Manhattan Post 1 and a national service officer of the JWV.

Mr. Epstein was deeply involved in the effort to save the New York campus of the New York Harbor Healthcare System, located at 23rd Street and 1st Avenue in Manhattan. He devoted time and effort to organizing veterans to provide comments to the CARES Commission in support of the hospital. Thanks to the efforts of Mr. Epstein and all of those who rallied behind the hospital, we were able to preserve an institution that provides high quality care to thousands of New York veterans. Most recently, Mr. Epstein joined me and Congressman JOSEPH CROWLEY in calling for an overall increase in Federal assistance to provide adequate health care for America's wounded troops.

Mr. Epstein had a long and distinguished career in the U.S. military and Reserves that commenced in 1967 and spanned three decades. From the Vietnam era through Desert Shield, Mr. Epstein served our country honorably and with great distinction, demonstrating the highest caliber of dedication.

Mr. Epstein is a graduate of the National Defense University and the United States Army War College class of '92. He has served in the 101st Airborne and has been a staff officer at EUCOM, SOUTHCOM, and PACOM. Among his awards are the National Defense Service Medal with star, Army Commendation with 2 Oak leaves, Reserve Commendation Medal and the Legion of Merit for service in Panama. He has been awarded the Conspicuous Service Star by the New York State Department of Military Affairs. His badges include Air Assault and Israeli Airborne Wings.

In his civilian life, Mr. Epstein has been a computer consultant, private detective, and real estate developer. In Ocean County, New Jersey, he was chairman of the Planning Board of the Township of Ocean. He also served as the local Democratic County Committee chairman. Mr. Epstein ran for Ocean County Freeholder. Although he lost the race, he exceeded expectations by garnering 20,000 more votes than any Democratic candidate for the seat in the preceding decade. The support he received is a testament to his hard work, dedication to his community and effectiveness.

Tragically, Mr. Epstein is suffering from the fatal neurodegenerative disease ALS (amyotrophic lateral sclerosis), commonly referred to as Lou Gehrig's disease. Shockingly, a study conducted by the ALS Association found that men and women who have served in the Armed Forces have a 60 percent greater chance of contracting ALS. No one knows why. On the average, the survival rate is 2 to 5 years after diagnosis. Despite his grave illness, Mr. Epstein continues to work on behalf of his fellow veterans.

Madam Speaker, I ask my distinguished colleagues to join me in recognizing a true hero, Larry Epstein. He exemplifies the ideals of compassion, diligence and loyalty to his comrades.

TRIBUTE TO REAR ADMIRAL (SEL) EARL LENELL GAY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. SKELTON. Madam Speaker, let me take this means to recognize the outstanding military service and contributions to our country of Rear Admiral (Sel) Earl Lenell Gay, U.S. Navy, on the occasion of his completion of assignment as Director, Navy Congressional Liaison, U.S. House of Representatives.

A native of Atlanta, GA, RADM (Sel) Earl Gay is a 1980 graduate of the U.S. Naval Academy. After attending flight school, he earned his pilot wings of gold in 1981. During several tours, he commanded a fleet operational helicopter squadron and the Fleet Training Squadron for all SH–60 aircraft. Selected to major command, he served as Commanding Officer of the Amphibious Assault Carrier, USS *Belleau Wood* (LHA 3) from March 2003 to October 2004, participating in combat support operations during Operation Iraqi Freedom.

Rear Admiral (Sel) Gay was selected to serve as Director, Navy House Liaison in December 2004. In this highly visible tour, he assisted in the passage of critical Navy budget legislation during the 108th, 109th, and 110th Congresses. Additionally, he planned and led 29 Congressional Delegations (CODELs) across the globe that included meetings with various world leaders in support of America's national security policy. His counsel to me and other Members of the House has proved invaluable in articulating the Navy's vision to Congress.

Please join me and our colleagues in thanking Rear Admiral (Sel) Gay and his family for their tireless contributions to a grateful Nation and in wishing them the best in their future.

IN HONOR OF THE RETIREMENT OF A TRUE HERO, LIEUTENANT DAVID M. MAURO

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to pay tribute to a true hero upon his retirement from a long history of public service to his community and his country. On June 1st, Lt. David M. Mauro retired after 26 years of credited service with the Morris County, New Jersey Sheriff's Office. Though the Sheriff's Office will be losing a respected public servant and true expert in gang intelligence and crime prevention, I have little doubt that Lt. David Mauro will continue to be an active member of his community.

Lieutenant Mauro served his country with the U.S. Army Airborne for 6 years before joining the Sheriff's Office in 1984. During his law enforcement career, he served for 12 years as a diver and instructor with the Morris County Underwater Search and Recovery Task Force. Additionally, he served as chief firearms instructor for the Bureau of Corrections, emergency management coordinator, and aerosol instructor.

His true expertise, however, is with gang investigations, and it is there that Lt. Mauro leaves the most indelible mark on Morris County. In 2000, Lt. Mauro founded the Morris County Gang Intelligence Unit and he served as the Unit Commander until 2005. While with this unit, Lt. Mauro was directly responsible for training more than 10,000 people on the subject of gangs and for the validation of 250 gang members within the County and the identification of 15 gangs operating there. Under his command, the Gang Intelligence Unit was nominated for and received a number of commendations, including the Sheriff's/Chief Award in 2001 and a Unit Citation in 2002.

Lt. Mauro was the first member of the Morris County Sheriff's Office to be assigned to the U.S. Department of Homeland Security to serve with the Immigration and Customs Enforcement Gang Investigations Unit. He is also a member of the New Jersey Gang Investigator's Association, East Coast Gang Investigator's Association, National Major Gang Task Force, International Latino Gang Investigator's Association, and the Morris County Latino Peace Officer's Association. He regularly shares his experience by making presentations throughout the community to law enforcement and civic groups about gangs. In fact, he is the founder and Chief Instructor of G.I.U. Associates, a consulting and educational company dedicated to providing gang training to government, corporate, and civic groups.

I commend Lieutenant Mauro for his extraordinary commitment to the people of Morris County and the surrounding community.

HONORING NANCY OSBORNE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. RADANOVICH. Madam Speaker, I rise today to honor Nancy Osborne of Fresno, CA, an anchor and reporter with KFSN–TV, an ABC affiliate in Fresno, on the occasion of her 30th anniversary with the station.

After graduating from California State University, Fresno in 1976 with a bachelor's degree in speech communications and a year of graduate study, Nancy began reporting for ABC30 in 1977. At the time, she was one of only a handful of women in the local broadcast industry, and she later produced and anchored the San Joaquin Valley's first locally produced news magazine show.

Since joining the station, Nancy has become a familiar and trusted presence throughout the Fresno region. She is a first-rate reporter who has set a standard of excellence for her colleagues in the media. Nancy has treated people with respect and dignity and has a commitment to fairness that is appreciated by all who have come in contact with her.

Nancy's commitment to the San Joaquin Valley has been evident throughout the years, as she has shown time and again that she understands that the opportunity to work on behalf of the public interest is a unique privilege. Station officials have succinctly summed up Nancy's contributions, saying that she has spent 30 years ''anchoring, producing, and reporting stories that make a difference in the lives of people in the San Joaquin Valley.''

Madam Speaker, I rise today to honor Nancy Osborne. I invite my colleagues to join me in thanking her for her outstanding work and wishing Nancy many years of continued success.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. SULLIVAN. Madam Speaker, I rise to state for the record that I missed rollcall vote 541 to H.R. 2764 taken on June 22, 2007. Had I been present for this vote, I would have voted ''aye.''

I stand in strong support of H. Amdt. 390, which would prohibit the use of funds for travel by the Speaker of the House of Representatives to countries that are state sponsors of terrorism.

A TRIBUTE TO ANTHONY F. MARTIN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. TOWNS. Madam Speaker, I rise today in recognition of Anthony F. Martin who was born in the Bronx, NY. to parents Joseph and Sylvia in 1945. He is a product of the New York City Public School System, graduating from Thomas Jefferson High School in 1963.

Anthony Martin's family purchased a home in the Brownsville section of Brooklyn making them the first African-American family on their block. It was at the local recreation center where ''Tony'' learned to swim and play basketball.

Anthony Martin played basketball with many of the all-time greats including the Jackson brothers, Vaughn Harper and a host of other New York athletic powerhouses. After playing basketball in college he began playing in the summer leagues with the Brooklyn 76ers, Rucker and the WBLS Sure Shots.

Anthony Martin's athletic talents were recognized by the New York Institute of Technology where he was offered a full scholarship. As a member of the institute's first graduating class, he received a bachelor of science degree in accounting in 1967. His accomplishments at NYIT were many: captain of the basketball team; treasurer and vice president of the Varsity Club; vice president of the Finance Accounting Management Association and class representative of the Association of Computing Machinery. He also served as a member of the New York All Metropolitan College Team.

Anthony Martin joined the New York City Board of Education as an elementary school teacher after graduating from NYIT. He was also employed with the New York City Parks' Department as a recreation director. While working both jobs he managed to earn two master's degrees from Long Island University and City College. His career also included his current job as a guidance counselor at Erasmus Hall and Paul Roberson High School until his retirement in February of 2007.

Anthony Martin met the love of his life in 1973 on the campus of Medgar Evers College. He and Deborah Young formed a long lasting relationship which blossomed into love and holy matrimony.

Madam Speaker, I would like to recognize the accomplishments and achievements of Anthony F. Martin and his selfless and unwavering dedication to the children of New York City.

Madam Speaker, I ask my colleagues to join me in honoring Anthony F. Martin who has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

TRIBUTE TO MORGAN MCGINLEY

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. COURTNEY. Madam Speaker, I rise today to recognize Morgan McGinley on his retirement after four decades of service to the citizens of southeastern Connecticut as a writer and editorial page editor for the Day in New London, Connecticut.

Morgan began his distinguished career at the Day in 1965 and has been the editorial page editor since 1982. His accomplishments and contributions over the years have been recognized by his colleagues with awards from the New England Press Association, the New England Associated Press Executives Association and the Connecticut chapter of the Society of Professional Journalists. He was the first recipient of the James A. Clendinen Professorship of Editorial and Critical Writing at the University of South Florida in 1999 and in 2001, received the Yankee Quill Award for his career-long contributions to the betterment of New England journalism.

Morgan's service to the journalism industry has also furthered the cause of protecting our Nation's critical first amendment rights. His work as the chairman of the Connecticut Council on Freedom of information and as a

board member of the Foundation for Open Government in Connecticut helped to foster the public's right to an open and responsive government. In 2001, the Connecticut Council on Freedom of information awarded Morgan the Stephen A. Collins Freedom of Information Award. He also promoted diversity in newspaper publishing as a member of the Task Force on Minorities in the Newspaper Business. His commitment to the responsibility of the media has been felt in the State of Connecticut and beyond for decades and his contributions will resonate for years to come.

Morgan's passion for his job and dedication to the vital role of our Nation's print media has been of great service to the citizens of Connecticut. I ask all my colleagues to join with me and my constituents in thanking Morgan McGinley for his service and wishing him the best in his new endeavors.

IN SUPPORT OF BANNING THE TRANSPORT OF SILVER CARP

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. EMANUEL. Madam Speaker, I rise today in support of the addition of silver and largescale silver carp to the list of injurious species under the Lacey Act. The rule published in today's Federal Register by the U.S. Fish and Wildlife Service finally recognizes the threat that Asian Carp pose to our lakes and rivers. I applaud the Fish and Wildlife Service for responding to the pleas of the Great Lakes delegation and others in moving to ban the importation and interstate transport of silver carp.

The Great Lakes are a national treasure. Representing 95 percent of the United States' surface freshwater and providing drinking water to more than 30 million Americans, the Great Lakes are vital to the commercial, educational, and recreational interests of millions of Americans and Canadians.

Since my first day as a Congressman, I have been committed to restoring and protecting our Great Lakes. Invasive species have long been a serious threat and require a serious answer. We have seen the disastrous effect the zebra mussels have had on water quality and water treatment facilities in Chicago. The silver carp could be an even more severe threat to the Great Lakes, endangering fisheries, ecosystems, and even anglers.

Silver carp are native to Asia, but were brought to the United States as a means to control algae in sewage lagoons and fishery ponds. These fish have escaped into surrounding waters creating an imbalance in their ecosystems and posing a threat of injury due to the carps' ability to propel itself out of the water and into boats.

Today's decision to ban the importation of these two species is a breath of fresh air for the Great Lakes, and I will continue to work with my colleagues to make sure that other species of Asian Carp are included on the list. We cannot take the Great Lakes for granted, and we must remain vigilant in protecting them.

TRIBUTE TO MR. DAVID J. RIGBY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. SKELTON. Madam Speaker, let me take this means to recognize the exceptional service of Mr. David J. Rigby on the occasion of his retirement from the Defense Threat Reduction Agency.

Mr. Rigby is a graduate of the University of Tennessee, where he majored in journalism, and the University of Oklahoma, where he completed a graduate program in mass communication. He also attended the Defense Information School in Fort Benjamin Harrison, IN, and the Federal Executive Institute at Charlottesville, Virginia.

Mr. Rigby has a distinguished history of outstanding work and service to his country. A U.S. Air Force Public Affairs Officer, he saw combat duty in Vietnam as an advisor to the Vietnamese Air Force. He was also responsible for directing the news media relations for the Strategic Defense Initiative, also known as "Star Wars." Mr. Rigby has had multiple assignments in the Pentagon and also served on the Reagan White House transition team.

On October 1, 1998, Mr. Rigby began his most recent position as Chief of the Public Affairs Office in the Defense Threat Reduction Agency. From the office's inception, he played a central role in forging the agency's image, shaping its mission, and spreading its message around the world. His talent and leadership helped change what the U.S. Combatant Commands expect of the agency and better prepared U.S. military bases to respond to disaster.

Please join me in sincerely thanking Mr. Rigby for his unwavering service to this country, and in wishing him the best in the future.

IN HONOR OF THE RETIREMENT OF ROBERT WALKER, SUPERINTENDANT OF KITTATINNY REGIONAL HIGH SCHOOL

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise in honor of the public service of Robert Walker, who has spent the past 40 years in proud service to countless New Jersey students as a classroom teacher and school administrator.

A Wisconsin native known for his commitment to his family and his famed Harley Davidson motorcycle, Robert Walker leaves behind him a real sense of respect from the faculty and students with which he has worked. The more than 1,200 students who attend Kittatinny Regional have achieved an excellent reputation for being well-behaved, appropriately dressed, and safety conscious. They exude Robert Walker's sense of pride in their school community.

Furthermore, Robert Walker's message to students and faculty alike is "service above self," and it shows. Kittatinny students have traveled as far as South Carolina to work with Habitat for Humanity. They've raised money for school improvements. And, following the attacks on September 11, 2001, they bonded together to donate supplies needed by the rescue workers at ground zero, delivered personally by Robert Walker and other faculty.

When Robert Walker graduated from high school, he became a draftsman for Union Carbide in Newark. At the urging of a boss, he sought and achieved his college degree and took his first teaching job as a mechanical drawing teacher at Johnson Regional High School in Clark, New Jersey in 1967. The next year, he taught at Sussex County Vocational School, later serving as its assistant principal. In 1975, he moved to Kittatinny Regional High School, where he has been ever since, serving as superintendent for 23 of those years.

Having followed a somewhat non-traditional path to teaching himself, Robert Walker is a strong advocate for alternate-route teachers and has hired individuals from a wide variety of industries—from space engineers to reporters—to teach at his school. In fact, about a quarter of the school faculty are alternate-path teachers.

On July 1, Robert Walker retired from his lifetime of public service as an educator, but I am certain that in the years ahead he will continue to teach and lead all those around him, even if only by his good example. I commend him for his service to his community.

HONORING FRED R. RUIZ

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Mr. Fred R. Ruiz upon being honored with the 2007 Community Salute Award, a tribute given to remarkable individuals who have devoted service to California agriculture, the food service industry and their community. Mr. Ruiz will be receiving this honor from the Ag One Foundation at California State University-Fresno on June 29, 2007.

Mr. Ruiz is co-founder, chairman, and CEO of Ruiz Foods, Inc, the largest manufacturer and marketer of frozen Mexican foods in the Nation. It was in 1964 when the Ruiz family first began with only a mixer, a small freezer, and a willingness to work hard. Today, Ruiz Foods has risen to become one of the Nation's top Hispanic-owned manufacturing firms.

Ruiz Foods manufactures and markets the El Monterey brand of frozen Mexican food. As one of the largest manufacturers of its kind, Ruiz Foods contributes greatly to the consumption of California's beef, wheat, cheese, tomatoes, eggs and many other products. The positive effect on California agriculture and the surrounding community is extraordinary.

Fred Ruiz has demonstrated his dedication to the advocacy of education through his establishment of the Ag One—Fred Ruiz Scholarship Endowment Fund to benefit students pursuing a degree in the College of Agricultural Sciences and Technology.

Madam Speaker, I rise today to honor Mr. Fred R. Ruiz upon receiving the 2007 Community Salute Honor. I invite my colleagues to join me in wishing Mr. Ruiz many years of continued success.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. SULLIVAN. Madam Speaker, I rise to state for the record that I missed rollcall vote 542 to H.R. 2764 taken on June 21, 2007. Had I been present for this vote, I would have voted "nay."

As an ardent supporter of the rights of the unborn, I am strongly opposed to this legislation, which weakens existing Federal policies and laws on abortion.

A TRIBUTE TO THE LIFE AND WORK OF DR. ELIAS BLAKE, JR., FORMER PRESIDENT OF CLARK COLLEGE, ATLANTA, GA AND LIFELONG ADVOCATE FOR EDUCATION, CIVIL RIGHTS AND THE ADVANCEMENT OF JAZZ MUSIC, 1922–2007

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. TOWNS. Madam Speaker, I rise today to honor the life and work of Dr. Elias Blake, Jr., former president of Clark College in Atlanta, GA. Dr. Blake was an impassioned advocate for education, social justice and Historically Black Colleges and Universities. His passing is a profound loss to the struggle for higher education in the African-American community.

Dr. Blake led Clark College from 1977 until 1987. During that decade, he developed and implemented a plan that resulted in placing the college on a sound financial path, major improvements in faculty training and curriculum, securing national accreditations for many academic programs, seeking out and retaining the best and brightest minds to enhance their academic and life skills, and enhancing science, mathematics and musical scholarships while making jazz music a signature experience at Clark College.

Madam Speaker, I cannot in this short time do justice to the life and achievements of Dr. Elias Blake, Jr.; however, it is fitting that as his final accomplishment he was working on a study of Brown v. Board of Education, the landmark decision of the United States Supreme Court that overturned segregation in our Nation's public schools.

A lifelong advocate for jazz music, Dr. Blake worked with such notables as Dizzy Gillespie, Max Roach, Billy Taylor, and many others to encourage younger musicians in their musical pursuits. My heart goes out to the family of Elias Blake, Jr. and I want them to know that I appreciate the life and work of Dr. Blake and that he will be greatly missed.

Madam Speaker, I would like to recognize Dr. Elias Blake, Jr. for his continuing dedication to the world's children as well as those children in our community.

Madam Speaker, I urge my colleagues to join me in paying tribute to Dr. Elias Blake, Jr., former president of Clark College.

REGARDING THE SCORE ASSOCIATION

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. VAN HOLLEN. Madam Speaker, America's small businesses are among the most vital elements of the Nation's economy. Small businesses employ 50 percent of the Nation's workforce, produce 97 percent of all exports and generate the majority of innovations that come from U.S. companies.

Many times, an entrepreneur's dreams become a nightmare because they lack the necessary training to plan and evaluate a business proposal or they lack the proper funding or skills to be successful. That is why Madam Speaker I rise today to recognize the work and committed public service of employees and volunteers of SCORE.

SCORE is a vital source of free and confidential advice for existing and emerging small businesses and has become a trusted and valued partner of the U.S. Small Business Administration. SCORE has 389 chapters nationwide staffed with 10,500 volunteers comprised of working and retired small business owners, successful corporate executives and military veterans and professionals. These experienced business counselors share their knowledge and experience with entrepreneurs in the strictest confidence and without conflicts of interest.

In the past year, SCORE conducted more than 300,000 counseling sessions and held nearly 7,000 workshops with more than 125,000 attendees. SCORE volunteers have devoted more than one million hours to helping America's small business owners and entrepreneurs.

SCORE volunteers deserve to be recognized for their commitment to public service and for their efforts to build strong communities and strong small businesses.

CONGRATULATING SACRED HEART CATHOLIC CHURCH OF WACO ON THEIR 50TH ANNIVERSARY

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. EDWARDS. Madam Speaker, on June 24, 2007 the parishioners and community of Waco celebrated the 50th anniversary of the Sacred Heart Catholic Church, a cornerstone of our Central Texas community.

Like many Spanish Franciscan churches in this great nation, Sacred Heart Parish had a very humble beginning. In 1946, the priests of St. Francis Church established three catechetical centers: Hernandez at 2306 Bagby Avenue, Gonzalez at 2224 James Street, and Rosas at 2313 Bagby Avenue. On June 30, 1957, in what became known as a very moving ceremony, the Most Reverend Louis J. Reicher, Bishop of Austin dedicated the Sacred Heart Catholic Church.

Several outstanding and dedicated priests have demonstrated their devotion and commitment to the growth and development of the Sacred Heart Catholic Church over the past 50 years, including Father Francisco Dols, Father Miguel Rigo, Reverend Anthony Ferrer, Father Gonzalo Ferrer, and presently Father Lawrence Soler.

Under the leadership of Father Lawrence Soler, the Sacred Heart Church has impacted the lives of many people. Father Soler, recognized for over 50 years in the priesthood, has a history of unselfish devotion to others, a legacy of personal achievement, as well as, an unwavering commitment to his faith.

The profound words of Father Lawrence, spoken during the 25th anniversary of the Sacred Heart Catholic Church, best describe the impressive past, as well as the bright future of the Sacred Heart Catholic Church: "From a few scattered families it has grown into a closely knit community of faith, pooling its talents, coordinating its efforts for more effectiveness, so that God may be glorified and mankind served. Our greatest strength in the future will be, as it was in the past, our Faith, our Hope, and our Love."

With this compelling mission of faith and the spiritual message of serving others to guide them, the people of Sacred Heart Catholic Church of Waco have touched countless lives. On this 50th anniversary, I rise to honor the moral leadership, dedication to community, and generous spirit of Sacred Heart Catholic Church, and extend my warmest wishes for continued blessings in the years ahead.

IN RECOGNITION OF STAFF SERGEANT MATTHEW P. PATNAUDE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. WALSH of New York. Madam Speaker, I rise today in honor of SSgt Matthew P. Patnaude, 314th Civil Engineering Squadron, United States Air Force. SSgt Patnaude, an Explosive Ordnance Disposal, EOD, Technician, has been recognized by the Air Force Times as the 2007 Airman of the Year.

As an EOD Technician, SSgt Patnaude was deployed to Kirkuk, Iraq, to help protect our armed forces from various forms of enemy ordnance. During his time in Iraq SSgt Patnaude safeguarded over 16,000 coalition troops by executing 105 high-risk missions, neutralizing 45 IEDs, uncovering 9 weapons caches, and disposing of 40,000 pieces of enemy armaments. This exemplary service record alone is reason enough to recognize SSgt Patnaude, but his impressive resume stretches far beyond these black and white numbers.

While on a mission to neutralize a roadside bomb in Iraq, SSgt Patnaude was attacked by an enemy sniper. Although seriously injured by the sniper's bullet, he vectored his security team to the sniper's location, as well as kept the medic treating his wounds advised of the enemy's activities. The SSgt also exemplified courage under fire when wounded by an enemy IED during yet another high-risk mission. Always putting his team first, SSgt Patnaude checked on his chief, radioed security, and set up the area for medical personnel. As SSgt Patnaude's supervisor has previously stated: "his actions under fire are, simply put, heroic."

SSgt Patnaude is the recipient of two Purple Hearts, but praise from his command goes far beyond his service in Iraq. In addition to his impressive record while on-duty, SSgt Patnaude is also deeply involved in community service. SSgt Patnaude volunteers for both Air Force and local community projects, including his role as an Air Force ambassador to the Boy Scouts of America.

I wish to express my admiration and respect for such a fine example of the excellence and heroism that abounds in our Armed Forces. I am proud to have such an exemplary soldier and citizen come from my Congressional District. On behalf of the people of the 25th District of New York, I extend my sincere congratulations to SSgt Patnaude on his selection as the 2007 Airman of the Year.

IN RECOGNITION OF MR. JACK SPARROW

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. ROTHMAN. Madam Speaker, I rise to recognize Mr. Jack Sparrow, a resident of Englewood, NJ, for his work and devotion to the Hope and Heroes Children's Cancer Fund for the Children's Hospital of New York Presbyterian.

Jack Sparrow was born in Brooklyn, NY, on February 12th, 1948. He continued on to St. John's University on a full tennis scholarship. Following graduation, Mr. Sparrow worked in recreational athletics until founding his own home design and construction venture, Quintessence, about 26 years ago. Mr. Sparrow and his company's specialty is designing and building new homes, however his passion remains in historic preservation and restoration. Mr. Sparrow is responsible for numerous historical restoration projects in Bergen County, NJ. Most famously, Mr. Sparrow restored the Brayton Estate in Englewood, originally built in 1857, and his own former house on Franklin Street, built in 1860.

Mr. Sparrow is the proud father of three wonderful children, who have blessed him with four grandchildren. Mr. Sparrow has been very active in his community of Englewood for many years, as a parent, a resident, and a small business owner. He has also been involved in numerous philanthropic organizations as a premier philanthropist, including the American Cancer Society and, most notably, the Hope and Heroes Children's Cancer Fund for Children's Hospital of New York Presbyterian.

Today, I would like to recognize Jack Sparrow's dedication to the Hope and Heroes Children's Cancer Fund for Children's Hospital of New York Presbyterian and I congratulate him on his admirable philanthropic achievements. I send him my very best wishes and thank him for his dedication.

HONORING LARRY A. SHEHADEY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. RADANOVICH. Madam Speaker, I rise today to honor Larry Shehadey of Fresno, CA, the patriarch of Producers Dairy Foods and a generous supporter of California State University, Fresno, and its endeavors, on the occasion of his 100th birthday on July 2, 2007.

Larry was born July 2, 1907, in Pleasant Valley, near Yosemite National Park in California. In 1932, he married Nelly Elayne Maascant in San Francisco. He worked for Parr Soap Company and Ready Whip before buying interest in a company called Producers Dairy in Fresno, California. He moved to Fresno in 1950 to protect his interest in the company, and then purchased the company. His wife Elayne worked by his side, making collections and helping to get the company on its feet.

Since Larry took ownership of Producers, the company has been very successful, outlasting some 50 competitors. It has grown to include northern, central, and southern California. Its products include milk, flavored milk, cheese, butter, cottage cheese, buttermilk, orange juice, juice drinks, eggnog, ice cream, and many other products.

Lastly, Larry has donated to numerous local charities in the Central Valley, including Valley Children's Hospital, Saint Agnes Hospital, and California State University, Fresno. Larry made a major $3 million donation to the Save Mart Center in Fresno, and the Tower at the Center has been named Larry A. Shehadey Tower. Over the years, Larry also has supported numerous youth programs, including the Boy Scouts and Big Brothers and Big Sisters. His support of Fresno City College has helped hundreds of students through various scholarships.

Larry and Elayne have two children: John and Richard.

Madam Speaker, I rise today to honor Larry Shehadey. I invite my colleagues to join me in thanking Mr. Shehadey for his support of the Fresno community and wishing him many more years of happiness.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. SULLIVAN. Madam Speaker, I rise to state for the record that I missed rollcall vote No. 534 to H.R. 2764 taken on June 21, 2007. Had I been present for this vote, I would have voted "aye."

I am opposed to overturning the longstanding Mexico City policy which prohibits funding for foreign non-governmental organizations that perform or promote abortions as a method of family planning. I stand in strong support of H. Amdt. 368, which would remove the language overturning the Mexico City policy.

DECEPTIVE PRACTICES AND VOTER INTIMIDATION PREVENTION ACT OF 2007

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, recent elections have been marred by allegations of deceptive practices that are frequently centered in neighborhoods that have a large minority or low-income population. These communities are littered with inaccurate election information in a deliberate effort to prevent voters from casting their ballots on Election Day.

When most people think of violations of the Voting Rights Act they envision Dr. Martin Luther King, Jr. and the Freedom Riders. However, many don't realize that voter suppression still occurs today.

One example of recent voter suppression hits close to home. During the 2006 election, constituents of my sister, LORETTA, were targeted. Letters were sent to individuals with Spanish surnames, written in Spanish, informing them that immigrants voting in a federal election were committing a crime "that could result in incarceration and possible deportation..." These letters were false. Immigrants who have become naturalized citizens have as much a right to vote as citizens who are born here. In fact, many immigrants have told me that one of the great privileges that accompanies their naturalization is the right to vote in free elections. This letter disseminated false information and ignited fear in the Hispanic community. The clear intention was to suppress the Hispanic vote.

This is just one example—and sadly it is not an isolated incident. These types of practices still occur today, all over the country. That is why I rise in full support of H.R. 1281, the Deceptive Practices and Voter Intimidation Prevention Act of 2007 and applaud my colleagues for tackling this critical issue.

H.R. 1281 strengthens the prohibitions on and punishments for deceptive practices that aim to keep voters away from the polls. It also requires that the Justice Department prevent and end misinformation campaigns that mislead voters and prevent them from voting.

The right to vote is one of the most cherished rights granted to U.S. citizens. I am proud to support this bill that ensures that those who attempt to infringe on that right are stopped and punished.

HONORING THE 75TH ANNIVERSARY OF VFW PVT. HENRY OSTENDORF POST 1300

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in honoring the 75th anniversary of the Veterans of Foreign Wars Pvt. Henry Ostendorf Post 1300 in Granite City, IL.

In 1932, our Nation's veterans faced the same problems as the rest of their fellow citizens as the Nation was in the grips of the Great Depression. Many veterans, due to injuries received while on active duty, were at a greater disadvantage as medical bills continued and their ability to find work was compromised.

On May 24, 1932, VFW Post 1300 was instituted by Post 805 in East St. Louis to serve the veterans of Granite City. There were 58 charter members of the initial organization and 21 charter members of the Auxiliary that was formed on August 12 of the same year. Post

1300 was named in honor of Pvt. Henry Ostendorf, the first service member from Madison County, IL, to be killed in action during World War I.

The first Commander of Post 1300 was Pat Doyle. The first post colors were handmade and are still on display in the post's flag case today. The first Auxiliary President was Shirley Stanfill.

From its inception, Post 1300 was active in the community as well as in advocating for the benefit of veterans. Some early civic activities included an Independence Day fireworks extravaganza, begun in 1938, that thrilled the citizens of Granite City and the surrounding communities. During World War II, Post 1300 began sending cards and gift boxes to area service members who were on active duty.

As with many new organizations, Post 1300's first meeting was held in a private residence, the home of Larkin Conaway. The meetings rotated among the homes of members before moving to the Odd Fellows Hall in Granite City. After considerable fund-raising by the post and the auxiliary, the Wendel Bakery building was purchased and renovated for a post home and the first meeting was held there in April 1946. This served until the new post home was first occupied on May 1, 2006.

Although much has changed since 1932, Post 1300 has continued in its service to veterans and to its community. From raising money for veterans, visiting those sick and injured in the hospital and donating flags to area schools to promote patriotism, Post 1300 has been true to the mission of the Veterans of Foreign Wars.

Madam Speaker, I ask my colleagues to join me in congratulating the members of VFW Pvt. Henry Ostendorf Post 1300 both past and present on 75 years of serving veterans and the people of the Granite City, IL, area.

PERSONAL EXPLANATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. GEORGE MILLER of California. Madam Speaker, I inadvertently voted "aye" on rollcall No. 564, an amendment to the Interior and Environment Appropriations bill, H.R. 2643. I intended to vote "no" on the amendment, which would have imposed an unacceptable cut to the National Endowment for the Arts. I am pleased that my colleagues did not support this amendment, and I congratulate the gentleman from Washington, Interior Subcommittee Chairman NORM DICKS, who provided such important support for the arts and humanities in his subcommittee's legislation.

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2008

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2829) making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes:

Mr. VAN HOLLEN. Mr. Chairman, a funny thing happened during a routine security check on classified information in the Executive Branch. It was blocked by the Vice President of the United States. The fact that the Vice President refused to comply with a security requirement imposed by the President is deeply disturbing. However, what is more chilling is the fact is that he defended his action by maintaining that he is not really within the Executive branch and hence, not within the reach of the Executive Order. In classrooms throughout our country students are rightly taught that the American Constitution establishes three branches of government—the Executive, the Legislative and the Judicial. Despite his best efforts, there is no "Dick Cheney" branch of government.

So, I rise today in support of Mr. Emanuel's amendment to strip the funding for the Vice President's office within the executive branch based upon his assertion that it does not in fact exist. The Vice President's position that he is outside of the reach of the Executive Order adds another act in the Cheney Theater of the Absurd. The Vice President seems to believe that for every rule there is a "Cheney exception". He doesn't want to be bound by the same rules that apply to everyone else.

As highlighted by the ongoing Washington Post series on the Vice President, his worldview has infected the policies and practices of the entire Bush Administration. As a Federal Appeals Court noted, the Administration's attempt orchestrated by Mr. CHENEY to rewrite the Clean Air Act could be valid "only in a Humpty-Dumpty world" where everything is upside down. Nowhere has the Cheney approach had more impact and created more damage than in the area of national security policy. His blatant misrepresentation about the situation in Iraq before and during the war have weakened our national security and diminished our credibility around the world. After all it was DICK CHENEY who said: "Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt that he is amassing them to use against our friends, against our allies, and against us." This statement we now know to be wrong.

Regarding Sadam Hussein's connections with Al Qaeda, despite repeated findings to the contrary by Executive branch agencies, bipartisan Congressional Committee and the Baker Hamilton Commission that there is no evidence of collaboration between Al Qaeda and Sadam Hussein, the Vice President continues to repeat the erroneous claim.

Once the war started he was equally wrong in his assessment of the war claiming two years ago that the Iraqi insurgency was in its "last throws".

Following a report in January of this year where the President finally acknowledged deep troubles in Iraq, the Vice President indicated that the Administration has achieved "enormous successes" in Iraq and declared that critics and the media "are eager to write off this effort or declare it a failure."

Regarding the conditions for detaining the Bush Administration's "enemy combatants" at Guantanamo Bay the Vice President said: "They got a brand new facility down at Guantanamo. We spent a lot of money to build it. They're very well treated down there. They're living in the tropics. They're well fed. They've got everything they could possibly want."

It has been difficult to determine which of the Vice President's unique traits epitomizes his arrogance of power more, his belief that he is above the law or his complete and utter disregard for the facts. This week however, a more disturbing tendency has emerged, his complete abandonment of reality.

Still if the Vice President insists that he is not a part of the Executive Branch then his office in the Executive Branch must be unnecessary and is no longer in need of funding.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. SULLIVAN. Madam Speaker, I rise to state for the record that I missed roll call vote 532 to H.R. 2764 taken on June 21, 2007. Had I been present for this vote, I would have voted aye.

As an ardent supporter of the rights of the unborn, I stand in strong support of H. AMDT. 364, which would restore the President's emergency plan for AIDS relief authorization provision requiring 33 percent of HIV/AIDS prevention funding to be spent on abstinence and fidelity promotion programs.

IN HONOR OF JIM BOWMAN, UNITED STATES AIR FORCE

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. ROYCE. Madam Speaker, I rise in recognition of a great American, Mr. Jim Bowman, of the United States Air Force Academy.

After 49 years of service to the Academy, Mr. Bowman has announced his retirement from his position of Assistant Athletic Director in charge of recruiting support for 27 varsity sports teams. Throughout his tenure, Bowman has led numerous sports teams, and has held various positions within the athletic department.

Jim Bowman first came to the Air Force Academy in 1958 and was head junior varsity football coach for 4 years before becoming head freshman coach. He served as frosh coach until the 1975 season when he again assumed the J.V. program. In his five seasons as J.V. Head Coach, his teams compiled a 24–4–1 record and his 1963 and 1975 teams were undefeated. After the 1975 season, he retired as a coach to devote his full duties to the candidate counseling and admissions support program.

His successes as a coach stem from his own on-field prowess, as Jim Bowman was a successful high school and collegiate athlete. Bowman, an all-conference player for Charlevoix High School, went undefeated all 4 years he played. He later attended the University of Michigan, and received his varsity letter as a center in his senior year.

Over his tenure at the Air Force Academy, he was a member of the staff that participated

in 17 bowl games, including the 1959 Cotton Bowl and the 1971 Sugar Bowl. He coached over 1,000 Academy football players and helped over 11,000 athletes receive appointments to the Academy. Jim estimates that he has seen over 38,000 Cadets graduate. Indeed, his lifelong dedication is as commendable as it is astonishing.

While he will undoubtedly be missed on the Air Force Academy campus and among the scores that have worked with him to place cadets at the Academy, his legacy will live on.

RECOGNIZING IAN MORRISON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Ian Morrison of Oregon, Missouri. Ian recently won the Tar Wars Poster Competition for the state of Missouri. He will formally receive the award in Washington, DC on July 16th.

Tar Wars is the tobacco-free education program for children sponsored by the American Academy of Family Physicians. The Tar Wars Program was established to provide youth with the knowledge to make positive decisions regarding their health and well being by remaining tobacco free. Every year middle school students create posters with creative and encouraging messages representing the many benefits of staying tobacco free. From these entries a winner from each state is chosen.

Madam Speaker, I proudly ask you to join me in recognizing Ian Morrison of Oregon, Missouri. Ian's commitment to excellence is remarkable, and I am honored to represent him in the United States Congress.

HONORING FRANCISCO RAMON ANGONES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Ms. ROS-LEHTINEN. Madam Speaker, I would like to take this opportunity to offer my warmest congratulations to Francisco Ramon Angones on the occasion of his swearing in as the first Hispanic president of the Florida Bar and the first Cuban-American to hold this prestigious position in our State.

Francisco R. Angones was born in Havana, Cuba on July 21, 1950. He was the great grandson of Perucho Figueredo, lawyer and composer of the Cuban National Anthem, El Hymno De Bayamo, and came to the United States on June 13, 1961 as an unaccompanied minor in Operation Peter Pan to seek a better life under democracy and freedom. He attended my alma mater the University of Miami where he received a J.D. degree in June of 1976 and a B.A. degree, magna cum laude, in June of 1972.

Francisco Angones is a founding partner of the law firm of Angones, McClure & Garcia, P.A. that resides in my congressional district in Miami, FL. Frank opened the door for future Hispanic-Americans to succeed in our community by being the first Hispanic to serve as president of the Dade County Bar in 1994 and the youngest president of the Cuban American Bar Association in 1982. Frank Angones has had a long and successful career that has spanned many years of outstanding service, dedication, hard work, devotion, and love for the United States. His leadership throughout the past years has helped our community grow to become one of America's largest growing populations and the ideals that it stands for have become an intrinsic part of this country.

Recognizing the need to continue to provide service to those less fortunate, Francisco Angones gathered a group of lawyers together to represent Cuban refugees who suffered from less adequate legal representation at Guantanamo Bay. For this act, the group received the Florida Bar Pro Bono Service Award.

I have known the Angones family for over 20 years and I stand by his wife Georgie and son Frank, Jr. to celebrate their father's many accomplishments. He has left a legacy that others will continue to follow for years to come and I am proud to recognize Frank Angones for his tireless dedication to the judicial process and I ask my colleagues to join me in congratulating Frank on his wonderful service to the community.

HONORING DR. JAMES KING

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mrs. BLACKBURN. Madam Speaker, it is a privilege to rise today to honor James King, M.D., a family physician in Selmer, Tennessee and president-elect of the American Academy of Family Physicians (AAFP). King was elected to the position by the Congress of Delegates; the AAFP's governing body, in October 2006, where he previously served 3 years as a member of the AAFP board of directors.

Dr. King received his bachelor's degree from the University of Tennessee, Martin, and earned his medical degree at the University of Tennessee Center of Health Sciences, Memphis, in 1982. He completed his residency at the University of Tennessee Family Medicine Residency, Jackson-Madison County General Hospital, in 1985. King is board certified by the American Board of Family Medicine and is an AAFP fellow.

King is in private practice in the rural community of Selmer and serves as assistant clinical professor at the University of Tennessee Center for Health Sciences, Memphis. He is also on the medical staff of the McNairy Regional Hospital in Selmer and serves as medical director of Chester County Healthcare Services.

Prior to his service with the AAFP, he was an active member of the Tennessee Academy of Family Physicians (TAFP). King has served on the committees on public relations, finance, and legislation and governmental affairs. He also has served on the Long-Range Planning Committee, Nominating Committee and Membership Committee. As a member of the TAFP board of directors, King has served as vice president, president-elect, president and board chair.

King received the Outstanding Model Office Teaching Award from the University of Tennessee Family Medicine Residency, Jackson, in 1990 and the TAFP's Family Physician of the Year Award in 1997.

Active in his local community, King has presented the AAFP's Tar Wars tobacco-free education program to area fourth- and fifth-graders on behalf of the TAFP since 2000. He has also had many State and regional appointments, including serving as the chair of the McNairy County Board of Health, a member of the TennCare Steering Committee of the Tennessee Department of Health, a member and then chair of the Primary Health Care Liaison Committee, State of Tennessee.

Madam Speaker, I ask my colleagues to join me in thanking Dr. James King for his extraordinary contributions to medicine and for the profoundly positive impact he has on our community.

HONORING MARINE LANCE CPL. JEREMY L. TINNEL

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Marine Lance Corporal Jeremy L. Tinnel, who died the first of July 2007 in support of Operation Iraqi Freedom.

Lance Cpl. Jeremy L. Tinnel, 20, of Mechanicsville, Virginia, died of injuries sustained from a non-hostile accident during combat operations on the Euphrates River just off the shore of Al Anbar Province, Iraq. Tinnel was assigned to 1st Battalion, 2nd Marine Regiment, II Marine Expeditionary Force, Camp Lejeune, North Carolina.

Jeremy was promoted to Lance Corporal January 1, 2007. His military decorations include the Combat Action Ribbon, Iraq Campaign Medal, Global War on Terrorism Service Medal, National Defense Service Medal and the Sea Service Deployment Ribbon. Tinnel left for his second deployment to Iraq on March 7, 2007.

In May 2007, Marine Lance Cpl. Jeremy L. Tinnel was injured by an improvised explosive device. Lance Corporal Tinnel was a turret gunner on a Humvee during a routine patrol on May 14, 2007 when an IED detonated near the right side of the vehicle. The blast blew away the wheels, hood and engine block, and sent the wreckage screeching across the road. However, he remained in Iraq and returned to duty after about a week's recovery.

Born in Richmond, Virginia, Jeremy grew up in Highland Springs and Sandston, Virginia and was home-schooled. He lived in Mechanicsville, Virginia before joining the Marines in August 2004. While in North Carolina, Tinnel met "the love of his life." He and his wife, Angel Nichole Tinnel of Havre de Grace, Maryland, were married in December, 2006 during a small ceremony in Mechanicsville.

Before joining the Marine Corps, Tinnel volunteered for many summers in eastern Henrico County, Virginia at the New Bridge Baptist Church's summer camp ministry and created a puppet character for the church's children's ministry that had a pointy green head, red hair and an English accent.

In addition to his wife, survivors include his father, Herold Tinnel, and stepmother, Joyce

Tinnel, of Sandston, Virginia; two sisters, Christy Flowers of Charles City County, Virginia and Laura Tinnel of Sandston, Virginia; and a brother, James Tinnel of Sandston, Virginia.

Madam Speaker, today I ask that you join with me in honoring the life of a man truly dedicated to serving his country.

HONORING ART FINKELSTEIN

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to honor my friend Art Finkelstein from the Napa Valley, who is being honored with the first annual Al Brounstein Meritorious Award during the L'Chaim: To Life! Weekend. Mr. Finkelstein is receiving this high honor for his substantial contributions both to winemaking and to the Jewish community of the Napa Valley.

Mr. Finkelstein was born in Chicago and grew up in Rock Island, Illinois before he moved out west for college. In Los Angeles, where he was a student at the University of Southern California, Mr. Finkelstein became involved with amateur winemaking while pursuing a career as an architect. Having won numerous awards for his wines, he moved to the Napa Valley and opened Whitehall Lane Winery with his brother in 1979.

Mr. Finkelstein has a well-deserved reputation around the Napa Valley as a superb winemaker who enjoys crafting small lots and unique, individual wines. After selling Whitehall Lane in 1988, Mr. Finkelstein and his wife Bunny opened the smaller Judd's Hill Winery to focus on winemaking, not management. This hands-on setting allows him to concentrate on the art of winemaking, seeing the process through from planting to bottling. He has also founded Judd's Hill Microcrush, which allows customers to participate in the winemaking process from grape selection to press and storage, creating a small lot of wine crafted by that individual. In keeping with his love of winemaking, Mr. Finkelstein taught Small Winery Development for several years through Napa Valley College's Small Business Development program.

Beyond the winery, Mr. Finkelstein has for many years been a prominent presence in the Napa Valley community. He has taken the lead in numerous causes throughout our valley. He has been active on the Little League baseball board in St. Helena, and is a trustee with the Jewish Community of Napa Valley where he helps facilitate many of the organization's good works in the arts and education throughout the valley.

Mr. Finkelstein is a trustee of the Congregation Beth Shalom, and has served as Vice-President of the Congregation. He was on the search committee that brought Rabbi David White to the congregation, and assisted with religious services during the transition.

Together, the Finkelstein family has been a social presence in the Napa Valley and I have long valued their friendship. His son Judd and daughter-in-law Holly have joined Art and Bunny at the winery, adding a new level of energy and enthusiasm to the family's new endeavor.

Madam Speaker, it is appropriate at this time that we congratulate my friend Art Finkelstein for the award he is receiving, and thank him for his substantial contributions to winemaking and to our community.

TRIBUTE TO MR. ED STIZZA

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. MITCHELL. Madam Speaker, I rise today to commemorate the awarding of the first DaVita Patient Citizens Hero Award to Mr. Ed Stizza from Fountain Hills, AZ for his efforts and activities to educate his community about Chronic Kidney Disease and End Stage Renal Disease.

Mr. Stizza is unquestionably a worthy recipient of the DPC Hero Award, which spotlights individuals who have gone above and beyond to positively impact and progress kidney education and care within their communities. A 30-year patient of diabetes and survivor of colon cancer, Mr. Stizza is a model of perseverance. Four years ago, facing a diagnosis of End Stage Renal Disease, Mr. Stizza turned his battle into an opportunity to empower others. As a dialysis patient for these past 4 years, Mr. Stizza has worked tirelessly to help improve the lives of other dialysis patients, and to educate those in his community who are at risk of kidney failure.

More the 20 million Americans have chronic kidney disease, which if left untreated can lead to End Stage Renal Disease. However, with the help of individuals like Mr. Stizza and particularly his work in support of the Kidney Care Quality and Education Act, the need for dialysis can be reduced and the lives of the more than 400,000 patients currently suffering from ESRD will improve.

Mr. Stizza is the quintessential every day hero who, in the face of numerous obstacles, not only triumphed, but simultaneously worked to improve the lives of others. He has undoubtedly improved the lives of many in his community and beyond.

TRIBUTE TO MR. DAVID J. RIGBY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. SKELTON. Madam Speaker, let me take this means to recognize the exceptional service of Mr. David J. Rigby on the occasion of his retirement from the Defense Threat Reduction Agency.

Mr. Rigby is a graduate of the University of Tennessee, where he majored in Journalism, and the University of Oklahoma, where he completed a graduate program in mass communication. He also attended the Defense Information School in Fort Benjamin Harrison, Indiana and the Federal Executive Institute at Charlottesville, Virginia.

Mr. Rigby has a distinguished history of outstanding work and service to his country. A U.S. Air Force Public Affairs Officer, he saw combat duty in Vietnam as an advisor to the Vietnamese Air Force. He was also responsible for directing the news media relations for the Strategic Defense Initiative, also known as ''Star Wars.'' Mr. Rigby has had multiple assignments in The Pentagon and also served on the Reagan White House Transition team.

On October 1, 1998, Mr. Rigby began his most recent position as Chief of the Public Affairs Office in the Defense Threat Reduction Agency. From the office's inception, he played a central role in forging the agency's image, shaping its mission, and spreading its message around the world. His talent and leadership helped change what the U.S. Combatant Commands expect of the agency and better prepared U.S. military bases to respond to disaster.

Please join me in sincerely thanking Mr. Rigby for his unwavering service to this country, and in wishing him the best in the future.

HONORING PATRICK KANE ON BECOMING THE NUMBER ONE DRAFT IN THE NHL

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor and congratulate Patrick Kane, a native from South Buffalo, New York on becoming the No. 1 NHL draft player of the year. Patrick Kane is an explosive player, a forceful scorer, and we are privileged to have such a reputable future NHL star player representing the City of Buffalo.

Kane not only made Western New York proud by becoming the first draft choice for the Chicago Blackhawks, he made history as, for the first time ever, Americans were chosen to fill the number one and number two draft slots.

Offensively, Kane's skills are unmatched. In 2006 Kane led Team USA to a gold medal at the 2006 World Under-18 Championship. This past season he continued his amateur hockey career with the London Knights of the Ontario Hockey League. During his time there he showed great potential, winning the league scoring title with 62 goals and 83 assists in just 58 games. For his performance he received the Emms Family Award as OHL ''Rookie of the Year'' and was named to the Western Conference All Star Team.

One of Patrick's greatest attributes is his speed and versatility. His swift moving hands around the net make him an unstoppable and dynamic scorer. With his offensive prowess and quick feet, Kane has been compared to hockey greats Martin St. Louis and Daniel Briere. His accomplishments are truly an inspiration for youth throughout Western New York.

Madam Speaker, I would like to take this opportunity to recognize and celebrate the achievements of Patrick Kane, the son of Patrick and Donna, the grandson of Donald, a fine young man respected on and off the ice. Traditionally Western New Yorkers are loyal and passionate fans of our local NHL franchise the Buffalo Sabres, but something tells me this season residents across the region will also tune in to root on the ''kid from the neighborhood'' our own Chicago Blackhawk Patrick Kane.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. SULLIVAN. Madam Speaker, I rise to state for the record that I missed rollcall vote 533 to H.R. 2764 taken on June 21, 2007. Had I been present for this vote, I would have voted "nay."

As an ardent supporter of the rights of the unborn, I am strongly opposed to H. Amdt. 367, which would allow international non-governmental organizations—NGOs—who do not comply with the Mexico City Policy to receive family planning assistance from the United States.

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2008

SPEECH OF

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2829) making appropriations for financial services and general government for the fiscal year ending September 30, 2008, and for other purposes:

Mr. FARR. Mr. Chairman, I represent a minority-majority district with a large Spanish-speaking population. These constituents work and pay taxes just like every Member of Congress. And, even if they are undocumented and work, they still pay taxes.

The IRS National Taxpayer Advocate has found that 6 percent of taxpayers do not speak English at home. For many of my hard-working constituents, having tax material in their native tongue greatly simplifies their ability to comply with the requirements of the IRS. This is the essence of good government and good citizenship. Isn't that what we want to encourage?

I commend the chairman for his foresightedness in directing the IRS to expand the availability of Internal Revenue Service forms and information in Spanish, the second most common language spoken at home by 28 million people. Let's face it—our very complex tax code takes an accountant to figure out. We could all use a little help.

Please oppose the Stearns amendment.

HAPPY BIRTHDAY FOR CITY OF GRAND JUNCTION

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. SALAZAR. Madam Speaker, next weekend Grand Junction is celebrating its 125th birthday. U.S. Rep. JOHN SALAZAR (CO–3) made the following statement:

"On Grand Junction's 125th birthday, I would like to express my appreciation of this unique and vibrant city and all its citizens.

"Since 'Governor' Crawford founded Grand Junction in the 1880's, the city's history has been remarkable. Though located in the arid Grand Valley, an innovative system of canals and water transfers were built in the late 19th century that allowed Grand Junction's farmers to begin growing fruit, and today Grand Junction is the 'wine country' of the state. As a farmer, I appreciate the importance of teaching younger generations the significance of agriculture and the tremendous value it imparts to a community.

"Grand Junction is also a national leader in all industries and fields. The Preferential Voting System was developed and first used in Grand Junction. Grand Junction citizens helped develop the New Deal, worked on the Manhattan Project and served in Congress.

"The area is also blessed with a variety of natural resources, including uranium and oil shale. In the 1980's the shale-dependent economy crashed after the withdrawal of Exxon Mobile, but with its typical determination, Grand Junction is now a thriving economic power. In 2000 this city was named the 12th strongest economy in the country, a tribute to the resiliency and strength of the citizens of the Grand Valley.

"On the 125th birthday of this city, we pay tribute to a special community that embodies the best of Colorado. Its blend of rural and urban life has enhanced this community and the life of its citizens. The past and traditions of this special place on the Western Slope are worth celebrating. It is an honor and a privilege to represent Grand Junction as it commemorates its 125th birthday."

PERSONAL EXPLANATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. POE. Madam Speaker, due to other congressional business, I unfortunately missed recorded votes on the House floor on Thursday, June 28, 2007.

I ask that the RECORD reflect that had I been able to vote that day, I would have voted "no" on rollcall vote No. 606 and "yes" on rollcall vote No. 605.

INTRODUCTION OF THE EVERY STUDENT COUNTS ACT

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. SCOTT of Virginia. Madam Speaker, I rise today to introduce the Every Student Counts Act. In 2001, Congress passed the No Child Left Behind Act with broad bipartisan support. The purpose of No Child Left Behind was to ensure that every student in America could receive a quality education, and over the past 6 years, NCLB has helped shed light on many issues facing our education system today.

However, NCLB has not been without flaw. Certain aspects of the law are difficult to implement or are not having the results that we had hoped for. One of the major shortcomings of NCLB is the law's failure to hold schools accountable for dropouts. Although we believed we addressed this issue in the original NCLB legislation, this portion of the law has not been implemented as we had hoped. Instead, under current law, the only meaningful accountability standard for high schools is students' scores on assessments, not how many students graduate or drop out of school. Unfortunately, this myopic accountability standard has created an incentive for high schools to push out students who are struggling academically, so that their tests scores are not counted in the assessments. Furthermore, the current accountability system also has allowed states to report graduation rates inconsistently and in misleading ways. Finally, NCLB does not require the disaggregation of graduation rates by subgroup, leading to incomplete data on how our schools are doing with all students.

This current high school accountability system is failing both our students and our Nation. Almost one-third of all high school students in the United States fail to graduate with their peers—about 1.2 million every year. In Virginia alone, each year nearly 24,000 students do not graduate with their peers. But the numbers are worse for minorities—only about 50 percent of African American students and 60 percent of Hispanic students graduate on time with a regular diploma, compared to 75 percent of whites.

These numbers only show the tip of the iceberg. Research shows that each dropout, over his or her lifetime, costs the Nation approximately $260,000. At the current rate, more than 12 million students will drop out over the next decade resulting in a loss to the nation of $3 trillion. Statistics also show that high school dropouts are more likely to be on public assistance programs—such as welfare—than students who complete high school. If high school dropouts do find employment, they are much more likely to work at unskilled jobs that offer little opportunity for upward mobility or promotions. Indeed, the median earnings of high school dropouts remain between $20,000 and $30,000 throughout their lives with little increase as they get older. Unfortunately, there is also a relationship between high school dropouts and prison; one estimate states that approximately two-thirds of all prisoners are high school dropouts. In one study in my home state of Virginia, 75 percent of the inmates serving life sentences were found to have reading achievement levels of 4th grade or worse.

Madam Speaker, the large number of dropouts in America's school system is also troubling in terms of America's position in the global economy. The globalization of the marketplace has altered the way the United States and other countries have to compete for business. With the rapid development of the global marketplace, the United States is no longer the single dominant country in the world economy. And in this economy, one of the major competitive advantages we have in America is our advantage in education. We certainly can't compete with other countries with lower wages when many around the world may work for a few dollars or even pennies a day. Nor can we compete in terms of location. Products can be made anywhere and shipped to customers anywhere else overnight. The technology of today—fax machines, cell phones, blackberries and wireless Internet—allows any

worker who can work across the hall to work across the globe. One of the main reasons businesses still want to locate in America is because we have well-educated workers. Because of this need for well-educated workers to keep our country competitive, we can't allow—or afford—people to drop out and not reach their full potential.

I am therefore introducing the Every Student Counts Act to bring meaningful accountability to high schools for America's dropout crisis. The legislation builds on the National Governors Association's Graduation Rate Compact, which was signed by all 50 of the Nation's governors in 2005. It would ensure that schools are held accountable for graduating students by creating a single, accurate, and consistent measurement for reporting and accountability of high school graduation rates. The Every Student Counts Act would require high schools to increase their graduation rates by meeting annual, research-based benchmarks with the long-term goal of reaching a 90 percent graduation rate. The bill would also require the disaggregation of graduation data by subgroup to ensure that schools are held accountable for increasing the graduation rate for all of our students. Finally, the bill would give schools credit for graduating students who need extra time by allowing students who graduate in 5 years to count toward a school's successful graduation rates.

It is my hope that with this bill, we can make great strides toward graduating more of America's students and preparing them to succeed in college and in life. I would like to thank RUBÉN HINOJOSA, Chairman of the Subcommittee on Higher Education, Lifelong Learning, and Competitiveness and an original cosponsor of this bill, for his support. I encourage my colleagues to become cosponsors of this critical legislation and hope that we will see it become law during the 110th Congress.

HONORING O.L. RAULERSON

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. MAHONEY of Florida. Madam Speaker, I rise tonight to honor the life achievements of O.L. Raulerson, the first Floridian to be elected sheriff in two Florida counties. Mr. Raulerson, who passed this Sunday at the age of 65, devoted his life to serving central Florida communities.

His law enforcement career began with the Florida Highway Patrol, where he served as a State trooper. He later moved to the Highlands County Sheriff's Office, where he first served as sheriff from 1970 to 1977.

Mr. Raulerson transferred to the Okeechobee County Sheriff's Office and after 6 years of service was appointed sheriff of Okeechobee County in 1986. In 1988 he was officially elected sheriff and faithfully served the community for over 10 years.

I would like to extend my deepest condolences to Mr. Raulerson's family and to the Florida communities which have lost a much loved and respected leader.

THE PLUG-IN HYBRID OPPORTUNITY ACT OF 2007

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. MARKEY. Madam Speaker, the goals of achieving energy independence and reducing our global warming pollution cannot be adequately addressed without a transformation in our transportation sector. This sector lies at the nexus of the twin problems of our energy dependence and global warming. Two-thirds of the oil we consume every day goes into the transportation sector. After Congress mandated a doubling of fuel economy standards from 13.5 to 27.5 miles per gallon, our dependence on foreign oil went from 46.5% in 1977 to 27% in 1985. But since then our fuel economy standards have been stuck in neutral or even reverse and our dependence on imported oil has climbed to 60%.

Plug-in hybrid electric vehicles (PHEVs) have the potential. Plug-in hybrid electric vehicles represent a technology that can significantly address these problems. While the transportation sector is powered mostly by oil, the nation-wide electricity grid is only 3% petroleum-fueled according to the Energy Information Administration. Wide use of PHEVs can help transfer petroleum-intensive driving miles to nearly petroleum-free electricity. According to the Department of Energy's Pacific Northwest National Laboratory, if the cars, trucks and SUVs on the road were replaced by PHEVs, 84% could be powered using existing electrical generation infrastructure. This same paper found that replacing our Light-Duty Fleet with plug-in hybrids could reduce our oil consumption by 6.5 million barrels per day and our emission of heat-trapping gasses by 27%.

PHEV technology is beginning to become available and some automakers have produced prototypes and are beginning to announce long-term plans to manufacture plug-in hybrids. However, technology already exists making it possible to convert the roughly 1 million hybrid vehicles that will be on the road this year into plug-in hybrids, capable of getting 150 miles per gallon. This conversion would allow existing hybrids to begin traveling between 20 and 60 miles on a single charge, while using very little gasoline.

With initial conversion costs ranging from $6,000 to $9,500 depending on the size of the battery, the "Plug-in Hybrid Opportunity Act of 2007" would provide consumers with a vital tax incentive of 35% of the cost of conversion, cap the potential credit at $4,000 and expire after 3 years. It is essential that these conversions be included under the plug-in hybrid tax credit, after meeting all the appropriate safety and environmental testing certifications, so that we can begin reducing our dependence on foreign oil and global warming pollution by realizing the benefits of plug-in hybrids now.

CELEBRATING 100 YEARS OF SERVICE BY THE ELDON INN

HON. BILL SHUSTER

OF PENNYSLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. SHUSTER. Madam Speaker, I rise today to commemorate an establishment that has provided excellent service to the community of Roaring Spring for a century. Built during the early 20th century, the Eldon Inn embodied the visions of industrial pioneers D.M. Bare, A.L. Garver, William Eldon, and Edwin Bobb. Now serving the community as a public library, the Eldon Inn maintains its distinguished reputation as a center of the community.

In 1907, the paper industry of Roaring Spring began to thrive and a few businessmen began the construction of a modem hotel aimed at accommodating people from all walks of life, needing a place to stay in the budding community. Shortly thereafter the Inn established itself as a provider of safe and comfortable lodgings for everyone from the traveling businessmen and overnight guests, to long-term tenants awaiting opportunities as permanent residents.

The Eldon Inn possessed a unique quality that infused the building into the hearts of the community. The Inn's spacious interior was well suited for Rotary Club gatherings, sales meetings, Scout troops, wedding receptions, school reunions, and even as the town social and business center.

For 59 years, the Eldon Inn upheld its fine reputation as a first-rate establishment. In 1966, the Inn served the community in a new way as the Roaring Spring Public Library. The Public Library sought to expand its holdings and felt that the Eldon Inn would be an ideal location to further its mission of providing centers for learning to the community.

I would like to take this moment to recognize The Eldon Inn for its 100 years of service to the community, its renowned reputation, and future achievements to come. May the community of Roaring Spring always have such a force of good in its backyard.

IN MEMORY OF AUSTIN WHETSELL

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. WILSON of South Carolina. Madam Speaker, during the past week the Midlands of South Carolina was in mourning due to the tragic drowning of Austin Whetsell. On Sunday, July 8, the following tribute was placed in the service program at Lexington Presbyterian Church with the service conducted by Dr. David Sinclair:

Austin Pierce Whetsell, born April 1, 1992 died while on a missions trip with his church in Zihuatanejo, Mexico on Sunday, July 1, 2007. Austin was the beloved son of Walter G. Jr. and Kimberly Taylor Whetsell, and the devoted elder brother of Taylor, Trace and Emma Whetsell of Lexington. He was a loving son, brother, grandson, nephew, cousin and friend. Austin was an alumnus of Heritage Christian Academy and had just finished his

first year of home school. He was a diligent student who consistently made straight A's and had recently won Second Place for Biology in a school Science Fair. Although he was an avid reader, Austin also enjoyed being outside boating, swimming and fishing with his family and friends.

His great enjoyment of sports began at an early age. He was an avid Gamecocks fan and enjoyed playing baseball, tennis and basketball. Most recently, Austin was selected as an All-Star with the Lexington Dixie Majors. His zeal for doing his best and winning never overshadowed his respect for his opponents and having a godly attitude on the field.

Austin was also an apprentice to his father in his political consulting business and was instrumental in implementing various aspects of the family's direct mail business. Austin's life's goal was to live for God and glorify him. This devotion to his family and friends, as well as his commitment to serve in his church gave evidence to his conviction that his life belonged to God. In preparing for this, his first missions trip, Austin had taken Spanish at the Midlands Home School Resource Center. He wrote that his reasons for going on this trip were to serve the Lord, and to show others what it means to truly be a Christian.

He finished well and his life gives testimony to Missionary Jim Elliot's quotation ". . . he is no fool who gives up what he cannot keep to gain what he cannot lose."

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8883–S8965

Measures Introduced: Eight bills and two resolutions were introduced, as follows: S. 1755–1762, and S. Res. 266–267. **Pages S8943–44**

Measures Reported:

H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, with an amendment in the nature of a substitute. (S. Rept. No. 110–128)

S. 1642, to extend the authorization of programs under the Higher Education Act of 1965, with an amendment in the nature of a substitute.

S. 1762, to provide for reconciliation pursuant to section 602 of the concurrent resolution on the budget for fiscal year 2008 (S. Con. Res. 21).

Page S8943

Measures Passed:

Minority Appointments for 110th Congress: Senate agreed to S. Res. 266, making minority party appointments for the 110th Congress. **Page S8964**

Honoring Tom Lea: Senate agreed to S. Res. 267, honoring the life of renowned painter and writer Tom Lea on the 100th anniversary of his birth and commending the City of El Paso for recognizing July 2007 as "Tom Lea Month". **Page S8964**

Measures Considered:

National Defense Authorization Act: Senate continued consideration of 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, taking action on the following amendment proposed thereto: **Pages S8890–S8908, S8908–37**

Pending:

Nelson (NE) (for Levin) Amendment No. 2011, in the nature of a substitute. **Pages S8890–S8908, S8908–37**

Webb Amendment No. 2012 (to Amendment No. 2011), to specify minimum periods between deployment of units and members of the Armed Forces for Operation Iraqi Freedom and Operation Enduring Freedom. **Pages S8890–S8908, S8908–37**

Nelson (FL) Amendment No. 2013 (to Amendment No. 2012), to change the enactment date.

Page S8890

A motion was entered to close further debate on Webb Amendment No. 2012 (to Amendment No. 2011) (listed above), and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of July 9, 2007, a vote on cloture will occur on Wednesday, July 11, 2007. **Page S8918**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at approximately 10:30 a.m. on Wednesday, July 11, 2007, for debate only with respect to the motion to invoke cloture on Webb Amendment No. 2012 (listed above); that the time until 11:30 a.m. be equally divided and controlled between the Chairman and Ranking Member of the Committee on Armed Services, or their designees; provided further, that the time from 11:10 a.m. until 11:30 a.m. be equally divided between the Majority Leader and the Republican Leader, and the Majority Leader control the final 10 minutes; that at 11:30 a.m. Senate vote on the motion to invoke cloture on Webb Amendment No. 2012; provided further, that Members have until 10:30 a.m. to file any germane second-degree amendments to Webb Amendment No. 2012.

Page S8964

Executive Reports of Committees Received During Adjournment:

Under the authority of the order of the Senate of June 29, 2007, the following executive reports of nominations were submitted on July 3, 2007:

Coast Guard nomination of Jason D. Rimington, 8958, to be Lieutenant.

Coast Guard nomination of Jeffery J. Rasnake, 8595, to be Lieutenant.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

Page S8943

Executive Communications: **Pages S8941–43**

Executive Reports of Committees: **Page S8943**

Additional Cosponsors: Pages S8944–46

Statements on Introduced Bills/Resolutions: Pages S8946–49

Additional Statements: Pages S8939–41

Amendments Submitted: Pages S8949–63

Authorities for Committees to Meet: Page S8963

Privileges of the Floor: Pages S8963–64

Adjournment: Senate convened at 10 a.m. and adjourned at 7:26 p.m., until 9:30 a.m. on Wednesday, July 11, 2007. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8964.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies approved for full Committee consideration an original bill making appropriations for Transportation and Housing and Urban Development, and Related Agencies for the fiscal year ending September 30, 2008.

APPROPRIATIONS: FINANCIAL SERVICES AND GENERAL GOVERNMENT

Committee on Appropriations: Subcommittee on Financial Services and General Government approved for full Committee consideration an original bill making appropriations for Financial Services and General Government for the fiscal year ending September 30, 2008.

CHEMICAL SAFETY

Committee on Environment and Public Works: Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality concluded a hearing to examine lessons learned from Chemical Safety Board investigations including Texas City, Texas, after receiving testimony from Carolyn W. Merritt, Chairman and Chief Executive Officer, United States Chemical Safety Board; Deborah Dietrich, Director, Office of Emergency Management, Environmental Protection Agency; Timothy R. Gablehouse, Colorado Local Emergency Planning Committee, Denver, on behalf of the National Association of State Title III Program Officials; Kim Nibarger, United Steelworkers, Pittsburgh, Pennsylvania; Scott Berger, American Institute of Chemical Engineers Center for Chemical Process Safety, New York, New York; Steve Arendt, ABS Consulting Inc., Knoxville, Tennessee; and Linda Hunnings, Baytown, Texas.

GULF COAST REBUILDING

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Disaster Recovery concluded a hearing to examine the Federal Emergency Management Agency (FEMA), focusing on addressing a prominent obstacle to Gulf Coast rebuilding, after receiving testimony from James Walke, Director, Public Assistance Division, Disaster Assistance Directorate, Federal Emergency Management Agency, Department of Homeland Security; Bryan McDonald, Mississippi Governor's Office of Recovery and Renewal, Jackson; Perry Smith, Jr., Louisiana Governor's Office of Homeland Security and Emergency Preparedness, Baton Rouge; Mayor C. Ray Nagin, New Orleans, Louisiana; Kevin C. Davis, Saint Tammany Parish, Covington, Louisiana; Henry Rodriguez, Saint Bernard Parish, Chalmette, Louisiana; and Mark C. Merritt, James Lee Witt Associates, Washington, D.C.

SUPPLY CHAIN MANAGEMENT AT DOD

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded hearings to examine supply chain management at the Department of Defense, focusing on the availability of spare parts and other critical items that affect the readiness and capabilities of the United States military forces, after receiving testimony from P. Jackson Bell, Deputy Under Secretary for Logistics and Material Readiness, General Norton A. Schwartz, Commander, United States Transportation Command, and Lieutenant General Robert T. Dail, Director, Defense Logistics Agency, all of the Department of Defense; and William M. Solis, Director, Defense Capabilities Management, Government Accountability Office.

PLANNING ACROSS THE GENERATIONS

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine community services and support, focusing on meeting the long-term care needs of seniors and persons with disabilities, including S. 1758, to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and S. 799, to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, after receiving testimony from Susan M. Daniels, Daniels

and Associates, LLC, and Andrew J. Imparato, American Association of People with Disabilities (AAPD), both of Washington, D.C.; Shawn Griffin, Community Entry Services, Riverton, Wyoming; Deborah K. Fleming, University of Wyoming College of Health Sciences, Laramie; Monica Herring, Germantown, Maryland; and Glenda Faatoafe, Lacey, Washington.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 27 public bills, H.R. 2952–2988, and 2 resolutions, H. Res. 530, 532, were introduced. **Pages H7488-90**

Additional Cosponsors: **Pages H7490-91**

Reports Filed: Reports were filed today as follows:

H.R. 660, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, with an amendment (H. Rept. 110–218, Pt. 1);

H.R. 713, to establish the Niagara Falls National Heritage Area in the State of New York, with an amendment (H. Rept. 110–219);

H.R. 986, to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, with an amendment (H. Rept. 110–220);

H.R. 1337, to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District, with an amendment (H. Rept. 110–221);

H.R. 1725, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Rancho California Water District Southern Riverside County Recycled/Non-Potable Distribution Facilities and Demineralization/Desalination Recycled Water Treatment and Reclamation Facility Project (H. Rept. 110–222);

H.R. 359, to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement, with an amendment (H. Rept. 110–223); and

H. Res. 531, providing for consideration of the bill (H.R. 2669) to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008 (H. Rept. 110–224). **Page H7488**

Speaker: Read a letter from the Speaker wherein she appointed Representative Gutierrez to act as Speaker pro tempore for today. **Page H7437**

Whole Number of the House: The Chair announced to the House that, in light of the resignation of Representative Meehan, the whole number of the House is adjusted to 432. **Page H7438**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Cesar Estrada Chavez Study Act: H.R. 359, amended, to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement; **Pages H7438–40**

Modifying a land grant patent issued by the Secretary of the Interior: H.R. 2121, to modify a land grant patent issued by the Secretary of the Interior; **Page H7440**

Rancho California Water District Recycled Water Reclamation Facility Act of 2007: H.R. 1725, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Rancho California Water District Southern Riverside County Recycled/Non-Potable Distribution Facilities and Demineralization/Desalination Recycled Water Treatment and Reclamation Facility Project; **Pages H7444–45**

New Mexico Water Planning Assistance Act: H.R. 1904, to provide assistance to the State of New Mexico for the development of comprehensive State water plans; **Pages H7445–46**

Recognizing the 63rd Anniversary of Big Bend National Park, established on June 12, 1944: H. Res. 483, to recognize the 63rd Anniversary of Big Bend National Park, established on June 12, 1944; **Pages H7446–47**

Upper Mississippi River Basin Protection Act: H.R. 2381, to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin; **Pages H7447–48**

Court Security Improvement Act of 2007: H.R. 660, amended, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members; and **Pages H7462–66**

Interstate Recognition of Notarizations Act of 2007: H.R. 1979, amended, to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization. **Pages H7466–68**

Agreed to amend the title so as to read: "To require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce.". **Page H7468**

Recess: The House recessed at 4:40 p.m. and reconvened at 6:37 p.m. **Page H7469**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed until Wednesday, July 11th:

Eightmile Wild and Scenic River Act: H.R. 986, amended, to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System; **Pages H7440–43**

Providing for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District: H.R. 1337, amended, to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District; **Pages H7443–44**

Supporting home ownership and responsible lending: H. Res. 526, to support home ownership and responsible lending; **Pages H7448–51**

Foreign Investment and National Security Act of 2007: Concur in Senate amendment to H.R. 556, to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, and to establish the Committee on Foreign Investment in the United States; and **Pages H7451–62**

Providing for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007: S. 1701, to provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007. **Pages H7468–69**

Senate Messages: Message received from the Senate by the Clerk and subsequently presented to the House today and a message received from the Senate today appear on page H7437.

Senate Referrals: S. 1612 and S. 966 were referred to the Committee on Foreign Affairs. **Page H7486**

Quorum Calls—Votes: There were no yea-and-nay votes, and there were no recorded votes. There were no quorum calls.

Adjournment: The House met at 2 p.m. and adjourned at 9:07 p.m.

Committee Meetings

PAUL WELLSTONE MENTAL HEALTH AND ADDICTION EQUITY ACT OF 2007

Committee on Education and Labor: Subcommittee on Health, Employment, Labor and Pensions held a hearing on H.R. 1424, Paul Wellstone Mental Health and Addiction Equity Act of 2007. Testimony was heard from Representatives Kennedy and Ramstad; Rosalynn Carter, former First Lady of the United States; Sean Dilweg, Commissioner, Insurance Commission, State of Wisconsin; David Wellstone, son of former Senator Paul Wellstone of Minnesota; and public witnesses.

SURGEON GENERAL'S VITAL MISSION

Committee on Oversight and Government Reform: Held a hearing on the Surgeon General's Vital Mission: Challenges for the Future. Testimony was heard from the following former Surgeon Generals: C. Everett Koop, M.D.; David Satcher, M.D.; and Richard Carmona, M.D.

SAN DIEGO-TIJUANA BORDER SEWAGE TREATMENT

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on Addressing Sewage Treatment in the San Diego-Tijuana Border Region: Implementation of Title VII of P. L. 106–457, as amended. Testimony was heard from Wayne Nastri, Administrator, Region 9, EPA; Carlos Marin, Commissioner, United States Section, International Boundary and Waste Commission; and a public witness.

COMMITTEE MEETINGS FOR WEDNESDAY, JULY 11, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the nominations of Bijan Rafiekian, of California, and Diane G. Farrell, of Connecticut, both to be Members of the Board of Directors of the Export-Import Bank of the United States, and William Herbert Heyman, of New York, William S. Jasien, of Virginia, and Mark S. Shelton, of Kansas, all to be Directors of the Securities Investor Protection Corporation, 9 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine United States weather and environmental satellites, focusing on their readiness for the 21st century, 10 a.m., SR–253.

Committee on Environment and Public Works: Subcommittee on Clean Air and Nuclear Safety, to hold hearings to examine the Environmental Protection Agency's proposed revision to the Ozone NAAQS, 10 a.m., SD–406.

Committee on Finance: to hold hearings to examine carried interest, Part 1, 10 a.m., SD–215.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine ways to strengthen the unique role of the Nation's Inspectors General, 10 a.m., SD–342.

Committee on the Judiciary: to continue hearings to examine the Department of Justice politicizing the hiring and firing of United States Attorneys, focusing on preserving prosecutorial independence (Part VI), 10 a.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, to consider the following appropriations for fiscal year 2008: Labor, Health and Human Services, Education, and Related Agencies; and Transportation, and Housing and Urban Development, and Related Agencies, 10 a.m., 2359 Rayburn.

Committee on Armed Services, hearing on global security assessment, 10 a.m., 2118 Rayburn.

Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on Strategic Communications and Comparative Ideas: Winning the Hearts and Minds in the Global War Against Terrorists, 2 p.m., 2212 Rayburn.

Committee on Education and Labor, Subcommittee on Workforce Protections, hearing on H.R. 1338, Paycheck Fairness Act, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Telecommunications and the Internet, hearing on Wireless Innovation and Consumer Protection, 10 a.m., 2123 Rayburn.

Committee on Financial Services, hearing on Hedge Funds and Systemic Risk: Perspectives of The President's Working Group on Financial Markets, 10 a.m., 2128 Rayburn.

Subcommittee on Financial Institutions and Consumer Credit, hearing entitled ''Overdraft Protection: Fair Practices for Consumers,'' 2 p.m., 2128 Rayburn.

Committee on Foreign Affairs, hearing on Passport Delays: Affecting Security and Disrupting Free Travel and Trade, 10 a.m., 2172 Rayburn.

Subcommittee on Asia, the Pacific, and the Global Environment, hearing on the Kyoto Protocol: An Update, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, hearing on the Use and Misuse of Presidential Clemency Power for Executive Branch Officials, 12 p.m., 2141 Rayburn.

Committee on Natural Resources, hearing on the following measures: S. 375, To waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon; H.R. 1696, To amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo tribe to determine blood quantum requirement for membership in that Tribe; a measure To authorize the Coquille Indian Tribe of the State of Oregon to convey land and interests in land owned by the Tribe; a measure To authorize the Saginaw Chippewa Tribe of Indians of the State of Michigan to convey land and interest in land owned by the Tribe, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Domestic Policy, hearing on After Blackstone: Should Small Investors Be Exposed to Risks of Hedge Funds? 1 p.m., 2154 Rayburn.

Committee on Rules, to consider H.R. 1851, Section 8 Voucher Reform Act of 2007, 1:30 p.m., H–313 Capitol.

Committee on Science and Technology, to markup the following bills: H.R. 2337, Energy Policy Reform and Revitalization Act of 2007; and H.R. 2850, Green Chemistry Research and Development Act of 2007, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing on Small Businesses at the Forefront of the Green Revolution: What More Needs to Be Done to Keep Them Here , 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit, hearing on Motor Carrier Safety: The Federal Motor Carrier Safety Administration's Oversight of High Risk Carriers, 2 p.m., 2167 Rayburn.

Subcommittee on Railroads, Pipelines, and Hazardous Materials, hearing on Amtrak Capital Needs, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, to mark up H.R. 2874, Veterans' Health Care Improvement Act of 2007, 10 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, briefing on Hot Spots, 8:45 a.m., and, executive, hearing on FISA, 10:30 a.m., H–405 Capitol.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, July 11

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will continue consideration of H.R. 1585, National Defense Authorization Act, and after a period of debate, vote on the motion to invoke cloture on Webb Amendment No. 2012 at approximately 11:30 a.m.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, July 11

House Chamber

Program for Wednesday: Consideration of the following suspensions: (1) H.R. 2608—SSI Extension for Elderly and Disabled Refugees Act; (2) H. Res. 527—Recognizing the month of November as ''National Homeless Youth Awareness Month''; (3) H.R. 2900—Food and Drug Administration Amendments Act of 2007; (4) H. Res. 287—To celebrate the 500th anniversary of the first use of the name ''America''; (5) H. Res. 426—Recognizing 2007 as the Year of the Rights of Internally Displaced Persons in Colombia, and offering support for efforts to ensure that the internally displaced people of Colombia receive the assistance and protection they need to rebuild their lives successfully; (6) H. Res. 467—Condemning the decision by the University and College Union of the United Kingdom to support a boycott of Israeli academia; (7) H. Res. 482—Expressing support for the new power-sharing government in Northern Ireland; (8) H. Res. 500—Expressing the sense of the House of Representatives in opposition to efforts by major natural gas exporting countries to establish a cartel or other mechanism to manipulate the supply of natural gas to the world market for the purpose of setting an arbitrary and nonmarket price or as an instrument of political pressure; (9) H. Res. 436—Recognizing the 100th anniversary of the University of Central Arkansas; and (10) H. Res. 210—Commending the Appalachian State University football team for winning the 2006 National Collegiate Athletic Association Division I–AA Football Championship. Consideration of H.R. 2669—College Cost Reduction Act of 2007 (Subject to a Rule).

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