

H.R. 1255 is a bipartisan bill that merely seeks to clarify the process under which the Presidential Records Act is to be implemented. The bill seeks to nullify President Bush's Executive order by limiting claims of executive privilege to the President and to former Presidents in requiring that the President notify the Archivist of any claims of executive privilege within 60 days preceding a notice of a request for a document with an additional 30 days if requested. These measures essentially return the process to the procedural framework that had been in place since President Reagan issued his original Executive order.

This is an important matter that deserves to be brought to a vote in the Senate. There is strong bipartisan support for the reasonable approach to the Presidential Records Act that is contained in H.R. 1255. Now is not the time, in my view, for political ploys but for, instead, a thoughtful debate and an ultimate vote on this bill.

Two weeks ago, the U.S. District Court for the District of Columbia ruled that Executive Order 13233 is, in part—this is the Executive order President Bush entered—invalid in requiring the Archivist of the United States to delay release of the records of former Presidents at their request as permitted under the order. The Court found that the Archivist's reliance on section 3(b) of that Executive order is without constitutional basis and violates the Administrative Procedures Act. This holding gives us clear direction in legislatively addressing the problems that have arisen as a result of Executive Order 13233.

Under the Presidential Records Act, there is a clear and an unequivocal assumption that the records of a President's administration belong to the people of this Nation, barring the national security interests or an executive privilege claim. The people of this Nation hired the President. His work is undertaken on behalf of the people. Can anyone doubt that the Nation is made stronger and our Government and the electorate are better served by the study of the actions of past Presidents? This is not a matter of trying to uncover dark secrets; rather, it is in everyone's interests and certainly in the interests of this Nation that scholars, students, and the public have access to the records of former Presidents in order to fully understand and appreciate the work of those Presidents and to provide guidance for future Presidents and future administrations.

I strongly urge that H.R. 1255 be brought to the Senate floor for debate and for ultimate passage.

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

Mr. REID. Mr. President, would the Senator withhold?

Mr. BINGAMAN. I certainly do withhold.

RECORD CORRECTION

Mr. REID. Mr. President, I made a mistake in my statement a few minutes ago. I have known Vicki Kennedy for many years. My staff tells me I mispronounced her name. That was certainly not intentional. I know Vicki. She was so kind and thoughtful to call me very early Saturday morning to let me know Ted was going into the hospital and I asked her to please call me when the surgery was finished, and Vicki did that. I called her Jackie for reasons unknown to anyone other than whoever puts words in my mouth. I want the RECORD to be corrected.

I note the absence of a quorum. The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. DORGAN. Mr. President, my understanding is that we are in morning business, and the minority side is actually allocated certain amounts of time. They are not here.

I ask unanimous consent that I may speak in morning business, with the understanding that if someone on the minority side comes to speak in morning business on their time, I will relinquish the floor.

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

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. DORGAN. Mr. President, I believe midweek this week the House will take up the veto override of the President's veto on the Children's Health Insurance Program. There has been a lot of discussion about what this Congress has or has not done. I think despite all of the obstacles and roadblocks we have made progress in a wide range of areas. But the one in which we have made significant progress, which I am very proud of, is expanding children's health insurance coverage.

Regrettably, we have a lot of children in this country who have no health insurance coverage at all. So the question of whether when they are sick they have a doctor to go to is a function, in many cases, of whether the parents have any income or any money in their checkbook or in their pockets. Many times those children get no health care.

In 1997, we put in place the Children's Health Insurance Program. We know it works because we have had it for 10 years. In my State, for example, the Children's Health Insurance Program is not a government program that has

created more bureaucracy. It is a block grant to my State that is used by State government to purchase health insurance from Blue Cross/Blue Shield and cover children who have no health insurance. Most States do that.

This is not a big government program. This Congress passed a bipartisan piece of legislation. Let me emphasize that it is a bipartisan piece of legislation expanding health insurance coverage for children. I am proud that we have done that. In the Senate, we had 67 Senators vote in favor of it. Two Senators who were in favor of that bill were absent at that time, so that is 69 Senators who said, yes, let's expand the program. It was fully paid for. It doesn't increase the debt by one penny. It expands the program and would allow 3.8 million additional children in this country to have access to health care coverage.

Mr. President, I don't know what is in second or third or even fourth place in terms of people's priorities. I know what is in first place for most people: their children and their children's health.

The President says he vetoed this legislation because it is big government. He vetoed this legislation because he says it would cover kids at the family level of income of \$83,000. The President knows better than that. He wasn't telling the truth. Let me just, if I can, speak a bit of truth to this issue. This is not big government. Contrary to most of what the President is sending down to the Congress, this is paid for. Contrast this children's health insurance—a proposal from the Congress that is paid for—with the proposals that sit in front of the Congress from the President for Iraq and Afghanistan to prosecute the war. Right now, we have a \$189 billion request by this President to continue funding the war in Iraq and Afghanistan. Not one penny of it is paid for.

We send the soldiers to war, and the President says let's send them the bill later when they come home and they can help pay for it. Contrast that with what we have done with children's health insurance. It is \$35 billion over 5 years, all of it paid for, and 3.8 million children, who at this point don't have access to health insurance coverage, will get that coverage. Is that something we ought to be proud of? In my judgment, it is. Now, the President, when he vetoed this, he said this is going to provide coverage to kids whose parents are at the \$83,000 level. That is not the poverty level. There is no \$83,000 level. That was a level requested by the State of New York, which was not approved.

It is true that there are a number of States that cover children from families who have incomes above the 200-percent level of poverty, but let me point out that this George W. Bush administration approved these expansions, and I will give an example. In 2003, New Jersey applied for a waiver to be able to cover parents in their program. Secretary Thompson of the Bush

administration said: Absolutely. He signed the waiver saying:

With this waiver, New Jersey will be able to expand health insurance coverage to thousands of residents who otherwise would be uninsured.

California asked for a waiver. The Bush administration said:

By giving parents of children with the CHIP program health insurance, we are providing quality health care to the whole family.

This is the Bush administration that has actually approved these waivers, the very waivers the President seems now to be critical of.

Let me also say this. The President campaigned—he campaigned—on expanding children's health insurance. In 2004, here is what he said:

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

So the President vetoed this bill. The sky is the limit when it comes to the other spending, but this bill, which is fully paid for, gets a veto. There are plenty of votes in the Senate to override the President's veto. The question is in the House. My hope is that Members of the House will understand the opportunity to override this veto and to establish a clear priority for this Congress on a bipartisan basis. My hope is they will round up the votes in the House to override this President's veto.

This is about priorities. The fact is 100 years from now all of us will be dead and gone and the record of our service here and the record of this President's service, the record of this Government, will be in the history books. They will be able to tell a bit about our value system by looking at how did we spend our money. They will see there was a time in October of 2007 that this Congress had a couple of choices: First of all, the President says, give me another \$189 billion for Iraq and Afghanistan to prosecute the war; give me another \$189 billion, and by the way, I don't intend to pay for a penny of it. Just add it to the debt. Another priority was the Congress saying, let's expand health insurance for children—\$35 billion over 5 years. Let's expand health insurance for children and, by the way, we will pay for it in the bill, which we did. And the President says the second priority is the one that is inappropriate? What can he be thinking of?

When historians look at this value system and determine that the value system said children are less important, children are not the priority, they are going to scratch their heads and wonder how on Earth we came to that conclusion. I hope that is not the lesson that will come from this effort to override the President's veto. I hope the lesson will be a bipartisan Congress saying to this President: Not this time.

Not today. Your priorities aren't square with what we ought to be doing in this country today. Our priority is, No. 1, expand health insurance coverage for America's children. My hope is at the end of this week that will be the result from the House of Representatives. I know very soon the Senate will vote and easily override the President's veto.

DEFENSE ADVANCED RESEARCH PROJECTS
AGENCY

In a moment I will talk about General Sanchez's speech this weekend, which I read about in the Washington Post, but before I do that, there is some interesting news about what is happening at the Defense Department in advanced research in something called DARPA—Defense Advanced Research Projects Agency.

The head of DARPA, Dr. Tony Tether, came and spoke at a technology conference I had in Fargo, ND, last week. His speech was extraordinary. He is a good presenter and a wonderful public servant. I know there are some who wonder if the Government ever does anything right. Well, the Government does a lot of things to improve and help the American people and advance this country's interests, and I will describe one of them.

Dr. Tether described experiments that are going on in advanced research in DARPA, in which they have taken a monkey, and the monkey sits at a console with a joystick. He sees a red ball go across in front of him, and he uses the joystick to touch the red ball with the arm of the joystick, and he is then given a treat. That is learned behavior for the monkey. The ball goes across the screen, the monkey exercises the joystick, the joystick aperture touches the red ball, and the monkey gets a treat. Then they took the joystick away and instead put on the monkey a mechanical electrical arm they are working on for those who have lost their limbs. They implanted electrodes in the brain of the monkey. Now, when the red ball goes across in front of the monkey, the monkey has no joystick, but the monkey thinks about touching the ball and getting the treat and so the electrodes capture the thought. Think of that—the electrodes capture the thought, which sends the electric impulse to the prosthetic arm that has been developed, and the arm reaches out and touches the ball, all because the monkey is thinking about touching the ball.

This is about breathtaking new technology and research into approaches that will help those who have lost limbs in warfare, yes, and in every other area of life. There is so much going on that is interesting and breathtaking in the advanced research area, and again I say to Dr. Tether that I appreciated his coming to North Dakota and giving such a wonderful presentation. It was extraordinary.

Well, that is something called DARPA. Not a lot of people know about DARPA at the Department of Defense.

RETIRED GENERAL SANCHEZ ON IRAQ POLICY

Now, let me go from DARPA to the issue of General Sanchez's speech on Iraq policy that he gave this past weekend. General Sanchez was in charge of the war in Iraq and he has now retired and General Sanchez has some very strong things to say about the war in Iraq since his retirement.

He says the war began with:

A catastrophically flawed, unrealistically optimistic war plan . . . Since the start of this war, America's leadership has known that our military alone could not achieve victory in Iraq. Starting in July 2003, the message repeatedly communicated to Washington by military commanders on the ground was that the military alone could never achieve victory in Iraq.

General Sanchez said the "surge," which he called the "latest revised strategy," is, in his words, "a desperate attempt by an administration that has not accepted the political and economic realities of this war and they have definitely not communicated that reality to the American people."

As a result, the American military, he says:

finds itself in an intractable situation. The best we can do with this flawed approach is stave off defeat. The war in Iraq has been a "catastrophic failure."

This, according to General Sanchez, who was in charge of the war in Iraq from mid-2003 to mid-2004. Over 20 other retired generals have spoken out after they have retired. General Eaton said:

The military ethos is: Give your advice privately to those in a position to make changes, not the media, but this administration is immune to good advice.

So retired General Eaton went public with his criticism of this administration's flawed policies.

General Batiste—I had the opportunity to meet General Batiste—was one of the brightest stars in the military and was considered virtually certain for promotion to the highest ranks. But, he turned down his third star and retired rather than continue to implement a war policy that he felt, and that he had experienced firsthand, was flawed. He retired so he could "speak out on behalf of soldiers and their families."

The point is, General Sanchez has said, and the other retired generals have said—in fact, I believe that most believe—there is not a military solution in Iraq, there is only a solution that embodies substantial diplomatic efforts and efforts in the political system in Iraq as well. The military alone cannot possibly prevail in Iraq.

I wish to make a point I have made before. We have now apparently trained about 350,000 people in Iraq to be soldiers or to be in law enforcement. To the extent that I have numbers, this was from the 2007 report of the General Jones Commission, we have trained 152,000 members of the Iraqi Army—which incidentally, is about the number of American soldiers in Iraq—and 194,000 members of the Iraqi police. That is 346,000 Iraqis to be soldiers and

police men and women. Now, I think one can reasonably ask the question, after we have been in Iraq longer than we were in the Second World War, that if we have trained over 350,000, or roughly 350,000 police men and women and soldiers, when will they have the will to provide for their own security?

They have a new Constitution. The people of Iraq have seen Saddam Hussein executed. They have a new government. And they have had nearly 350,000 of their own trained to be law enforcement and military soldiers. Yet they cannot provide for their own security? My nephew went into the Marines about 10 months ago. He is fully trained and now in Iraq. We do it, and we can train 350,000 Iraqis. Yet they can't provide for their own security? Something is wrong with that.

So, Mr. President, I only make the point that I read with interest General Sanchez's comments this weekend, and they mirrored comments we have heard previously from General Eaton, from General Batiste, from Colonel Hammes, and many others that the current strategy has been flawed all along and must change. We must understand that the solution in Iraq is not going to be a military-imposed solution, it is going to be a diplomatic solution and a solution within the political system in Iraq, the absence of which means there will remain in Iraq a protracted long-term civil war.

While we are going door to door in Baghdad in the middle of a civil war with American soldiers, Osama bin Laden continues to send us messages over the internet and the airwaves. Our National Intelligence Estimate says that he is in a "secure" hideaway in northern Pakistan and has now rebuilt training camps and reconstituted the al-Qaida leadership.

Now, think of that. Those who committed the acts of terror against our country and murdered thousands of Americans are now in a safe, more secure place, according to our intelligence estimates, and is reconstituting training camps and plotting new attacks against our country. We, on the other hand, have our soldiers going door to door in Baghdad in the middle of a civil war. I think General Sanchez's comments and the comments of over 20 other high-ranking military officers upon their retirement represent a basic body of thought most of us have long understood but is not understood at this point by the President.

All of us want this country to succeed. We want our country to succeed in our war against terrorism. But the fact is we have to develop the right processes and the right policies to embrace that war against terrorism and to eliminate the al-Qaida leadership, which represents the greatest terrorist threat to our country. Again, the National Intelligence Estimate that we have all read says the greatest terrorist threat to our country, including to our homeland, is the leadership of al-Qaida and they are in a safe or se-

cure haven and they are plotting additional attacks against our country and they are reconstituting their training camps to train the terrorists. Now, it should be clear to us what our obligations are.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENTS OF COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3093, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes.

Pending:

Inouye amendment No. 3214, to establish a factfinding commission to extend the study of a prior commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948 and the impact of those actions by the United States and to recommend appropriate remedies.

Casey (for Biden) amendment No. 3256, to appropriate an additional \$110,000,000 for community-oriented policing services and to provide a full offset for such amount.

Brown amendment No. 3260, to prohibit the use of any funds made available in this act in a manner that is inconsistent with the trade remedy laws of the United States.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, Senator MIKULSKI, the chair of the subcommittee, will be here at 4 o'clock. I know Senator SHELBY is here, and I believe he will be out momentarily. I have agreed to be on the floor until Senator MIKULSKI returns.

I did want to take a moment to talk about an amendment I was discussing when we were previously in session on this bill, dealing with law enforcement on Indian reservations. I did not actually offer the amendment. I had filed the amendment.

The subcommittee itself restored some funds that the President had cut. I indicated to the subcommittee that I

hoped we could work between now and next spring, when we begin the new fiscal year legislation, so we could add some funding for these critical areas. I want to make note that Senator MIKULSKI and Senator SHELBY already added funding to accounts the President had decided to zero out. These accounts are accounts dealing with law enforcement on Indian reservations.

We just held a hearing on these issues in the Indian Affairs Committee here in the Senate. It is pretty stark, when you hear from folks who talk about the crisis on reservations with respect to law enforcement.

The U.S. Government made a decision a long time ago, well over a century ago, that law enforcement on Indian reservations is a responsibility of the Federal Government. Our country has a legal obligation to be involved in preventing crime on Indian lands. That obligation is a result of treaty provisions and Federal laws that grant the United States the responsibility and the authority to investigate and prosecute major crimes on Indian reservations. That is not the choice of Indian tribes; that is a decision our Government made over a century ago. The tribal governments on our Indian reservations rely on the Federal Government—specifically, the FBI and the U.S. attorney's office—to investigate and prosecute violent crimes on Indian reservations.

We had a hearing 2 weeks ago. There was testimony at that hearing from some research that had been done that 34 percent of Indian women will be raped or sexually assaulted during their lifetime. One-third of the Indian women will be raped or sexually assaulted during their lifetime. That is the state of violent crime on Indian reservations.

A retired BIA police officer who worked on the Standing Rock Sioux Reservation said we do not have the resources. "We all knew they only take cases with a confession." If there wasn't a confession, there wasn't a case. "We were forced to triage our cases," he said. When this violence becomes so commonplace that the police have to triage rape cases, there is something dreadfully wrong.

One of the big factors in the rise of violent crime on Indian reservations is the lack of a police presence or law enforcement presence on Indian lands. There are little more than 2000 Federal and tribal law enforcement officers who patrol 56 million acres of Indian land. In North and South Dakota, we have two police officers who patrol the 2.3 million-acre Standing Rock Sioux Indian Reservation. We have heard from people who called to report a violent crime as it was occurring, and they waited an hour and 15 minutes for the police to show up. In other cases, they wait days for the police to show up.

The lack of tribal jails and bedspace also adds to the problem because there is no place to put criminals. I have