CORRECTION

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House of Representatives

The House met at 10 a.m.

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

God, ever mindful of those who place their trust in You, You bless our comings and our goings, for You are ''God with us'' and guide every step of the way.

Today we ask Your blessing upon Lorraine Miller and Dan Beard as they enter this Chamber to be sworn in as Officers of the House of Representatives. May they faithfully fulfill the duties that are about to be laid upon them and serve this noble institution and its Members with diligence, prudence and right judgment. May they be welcomed with sincerity and gratitude.

Today, Lord, we also pray for the Honorable Charlie Norwood, who will be carried from Your Church here on Earth and laid to rest. May the modest smile on his face come to full expression as he hears You say, ''Well done, my good and faithful servant. Come, enter the joy of your Master.''

Grant his family and friends the consolation that comes from faith. May he and all those who serve and love others and work in public service through Your mercy rest in peace.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) come forward and lead the House in the Pledge of Allegiance.

Mrs. CHRISTENSEN 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.

SWEARING OF CLERK OF THE HOUSE AND CHIEF ADMINISTRATIVE OFFICER

The SPEAKER. The Chair will now swear in the new officers of the House, Lorraine C. Miller as the Clerk of the House, and Daniel P. Beard as the Chief Administrative Officer.

The officers presented themselves in the well of the House and took the oath of office as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations.

INFORMING THE SENATE OF THE ELECTION OF THE CLERK

Mr. HOYER. Madam Speaker, I offer a privileged resolution (H. Res. 165) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 165

Resolved, That the Senate be informed that Lorraine C. Miller, a citizen of the State of Texas, has been elected Clerk of the House of Representatives of the One Hundred Tenth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO INFORM THE PRESIDENT OF THE ELECTION OF THE CLERK

Mr. HOYER. Madam Speaker, I offer a privileged resolution (H. Res. 166) and ask for its immediate consideration.

The Clerk read the resolution, as follows

H. RES. 166

Resolved, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected Lorraine C. Miller, a citizen of the State of Texas, Clerk of the House of Representatives of the One Hundred Tenth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives.

The Clerk read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 15, 2007.

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

DEAR MADAM SPEAKER: Under Clause 2(g) of Rule II of the Rules of the U.S. House of Representatives, I herewith designate Ms. Marjorie C. Kelaher, Deputy Clerk, and Mr. Jorge E. Sorensen, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which they would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

This designation shall remain in effect for the 110th Congress or until modified by me.

With best wishes, I am,
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

Printed on recycled paper.

CONGRATULATING LORRAINE C. MILLER AND DANIEL P. BEARD ON THEIR ELECTION AS OFFICERS OF THE HOUSE

The SPEAKER. The Chair wishes to congratulate Lorraine C. Miller on this historic occasion as she assumes the duties of Clerk of the House, the first time an African American has held a position of leadership in terms of being an officer of the House.

The resolutions are necessary for the Office of Clerk, and so there is much fanfare associated with that. The House is equally as pleased to have the services of Daniel P. Beard as our Chief Administrative Officer of the House. Congratulations to Dan Beard.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to ten 1-minutes on each side.

AMERICA IS GOING IN THE RIGHT DIRECTION

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

Mr. COHEN. Madam Speaker, I had a 1-minute prepared to talk about the debate on Iraq, but I think what is more appropriate at this time is to talk about what this House of Representatives has experienced since January 4.

The doors of this House of Representatives, indeed this country, have been opened to thought, perspectives and issues that have been stifled for the last 12 years. I want to thank the Speaker for her leadership, for the leadership of the Democratic Party, and the chairman and what they brought forward. The first woman ever elected Speaker in this country's history, the first African American to be elected Clerk. History is being made with the issues coming forth from middle America for people who are in need, for the future of this planet.

I want to thank the Speaker. America is going in the right direction.

THE RESOLUTION OF RETREAT

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

Mr. POE. Mr. Speaker, the band continues to play today while Congress argues the ''Resolution of Retreat'' from Iraq.

This illness of defeatism is spreading. Self-proclaimed military experts are saying the war cannot be won, even with more troops. Wars have always had homegrown critics and doomsayers, even in the military. Those in and out of the military who say we cannot win should never be placed in a position to allow us to lose. Those critics are thorns in the battlefield of hope.

This resolution, this policy of ''No More Troops for the Troops'' leaves our volunteers in Iraq in a precarious, vulnerable situation. Since no help is coming to their aid, what shall our troops now in Iraq do with less manpower? Fight a containment war? Fight not to lose? Or win? Not fight? Retreat to the hills?

This resolution is good news to the terrorists, bad news for the troops. We should find the moral will to finish our mission in Iraq and protect American interests with whatever number of troops is necessary. Duty requires such, and safety and honor demand it.

And that's just the way it is.

GENERALS AGREE THAT PRESIDENT'S TROOP ESCALATION PLAN IS NOT BEST WAY AHEAD

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Mr. Speaker, as we continue today to debate a resolution on the floor voicing this Congress' opposition to the President's plan to send 21,500 more troops to Iraq, I think it is important that we stress that Congress is not alone in opposing the President's escalation.

First of all, it is critical that we remember that the people of Iraq do not wish us to be in their country. They wish to sort this out themselves, and we need to honor that. But retired and current military leaders in our country have also expressed their opposition to this plan.

Retired General Barry McCaffrey described the President's plan as a ''fool's errand.'' Retired General Wesley Clark said, ''Without such fundamental change in Washington's approach, there is little hope that the troop surge, Iraqi promises, and accompanying rhetoric will amount to anything other than stay the course more.'' And this from Lieutenant General Raymond Odierno, the commander of the Multinational Corps in Iraq: ''It's clear that you cannot solve this problem militarily. You have to have the combination of military, economic and diplomatic things that we need to do.'

IRAQ WAR RESOLUTION

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

Mr. AKIN. Mr. Speaker, I rise to discuss the resolution that is before the House. It is a resolution in two parts. The first part says we support the troops. The second part says we are not going to reinforce the troops. That is kind of curious in a way, I suppose, isn't it? That we would support them with up-armored Humvees, with body armor, with tanks, but oh, no, we are not going to allow other troops to help the troops that we have there. It seems like you can't have it both ways. It is self-contradictory.

You picture Davey Crockett at the Alamo, and he is there and Santa Anna's army has got him back to the wall, and he gets his BlackBerry out and he checks with the Congress, and the Congress says, yeah, Davey Crockett, we support you, but we're not going to send anybody to help. I don't think you can have it both ways.

When I was a legislator in the State of Missouri, I kept track of some of what I considered to be the silliest legislation I had seen. One of them was this lady who got so enthused about volunteering, that she created a bill called ''Mandatory Volunteerism.'' That was odd. And here we go, we are saying support, but don't support. This is curious, and it undermines people like my son, who has served in Fallujah.

CONGRESS MUST SEND THE PRESIDENT A MESSAGE THAT THE DAYS OF A RUBBERSTAMP CONGRESS ARE OVER

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, for 4 years, President Bush has been able to run the war in Iraq any way he wanted to, without any questions or proper oversight from Congress. That changed with the November elections when the American people said they wanted a check on the President's power.

This week, the House is checking that power, debating a simple resolution that sends the President the message that this House does not agree with his plan to send more troops to Iraq.

I hope this debate serves as a wake-up call to the President, and that the status quo in Iraq is not acceptable to this new Congress. And this new plan is not a change in direction, but it is an escalation of his same failed and dangerous policy.

The President has already heard from the bipartisan Iraq Study Group and from his own generals that a military solution is no longer possible, and yet that is exactly what he has proposed.

Mr. Speaker, this week, Democrats and Republicans will send the President a strong message that we must change course in Iraq, and it is really time for the President to listen.

□ 1015

IRAQ RESOLUTION

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

Mr. WALBERG. Mr. Speaker, I rise today to honor America's brave men and women currently serving in the name of freedom and to oppose this resolution of retreat.

As Abraham Lincoln said famously in his second inaugural address: ''Fervently do we pray that this mighty scourge of war may speedily pass away.'' As Americans we are reluctant warriors, but throughout our rich history, whenever our troops have been in

harm's way America has supported the men and women in uniform and made certain our troops have the necessary resources to accomplish their mission.

Without a doubt, mistakes have been made, and these mistakes are important to acknowledge, but we must go forward with a new strategy in Iraq based on quantifiable goals and measurable results. We must not retreat. At this critical time, the American people long for true leadership and resolve.

I urge my colleagues to put aside political posturing and partisanship and ensure our troops have the resources and support needed to complete this mission. Victory is the only option.

BUSH LAYS GROUNDWORK FOR ATTACK ON IRAN

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, rather than announce a diplomatic initiative similar to North Korea to resolve the stalemate over Iran's nuclear ambitions, yesterday the President said that the Iranian Government is supplying deadly weapons to fighters in Iraq, even though he cannot prove the orders came from the highest levels in Tehran.

Why is he maintaining this? I believe he is maintaining it to satisfy section 2C of the 1973 War Powers Resolution which reads in part: ''The constitutional powers of the President as Commander in Chief to introduce United States Armed Forces into hostilities is clearly indicated by the circumstances and are exercised pursuant to a national emergency created by an attack upon the United States, its territories or possessions or its Armed Forces.''

So what is going on here is that the administration is seeking a justification for a military conflict with Iran. That is why the administration is changing its emphasis. Its justification now is to protect U.S. troops in Iraq. Very significantly this justification could relieve the President of needing congressional authorization

Contrary to his assertion, the President has been provoking Iran. The President has given U.S. military the authority to kill or capture Iranian operatives inside Iraq, but fails to present credible evidence that explosives used in Iraq have come from Iran.

He is laying the groundwork for an attack on Iran and appears to be preparing to bypass congressional authorization for a military strike against Iran.

In light of the House of Representatives' action to disapprove of the President's escalation in Iraq and the mounting opposition to the war in Iraq, the President has advanced a new justification that could be used to bypass congressional approval for a military conflict of war.

President Bush was able to exercise new flexibility to reach an agreement with North Korea to shut down its nuclear facility. This offers proof that he could negotiate with Iran as well regarding their alleged nuclear weapons program.

IRAQ RESOLUTION

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I am appalled by what is happening in this Chamber this week. We are taking full advantage of the freedoms that we have while good men and women are dying to protect us, and we are undermining their efforts.

The other side has done some very awful things for political gain in this session. But this event is the pit of hypocrisy, not the height of hypocrisy. History has shown that involvement and sending all of the resources necessary was essential to winning World War II. And we did, in fact, preserve freedom and democracy.

Many Americans were against World War II, calling for isolationism and pacifism, hoping that Hitler would stay true to his word regardless of the extensive military buildup. The United States had no choice but to enter the war to save Europe and democracy. That was the definitive conflict of that era; we are now facing the definitive conflict of ours.

Mr. Speaker, this is a tremendous disservice to our troops, their families and the American tradition of being honorable liberators fighting for democracy. This resolution is an insult to our troops and the American people.

We are leaders in our body. It is time that we came together and act as leaders, leave politics aside to fight terrorism and support our troops. We owe to it ourselves, the people we represent and future generations.

IRAQ RESOLUTION

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

Mrs. JONES of Ohio. Mr. Speaker, I am so proud to be an American. I am so proud that we have first amendment freedoms and this House of Representatives has decided to step up and debate the issue of Iraq. I am not ashamed that I want my troops to come home. I am not ashamed to say that the babies that have died in Iraq that come from Cleveland and Chicago, Illinois need to come home and get out of harm's way. I am not unpatriotic; I am as patriotic as the rest. I stand here to say to America today that the Democrats in this House of Representatives and the Democrats in the Senate want a debate.

Fortunately, we have a strong leader in the House and we are debating. Somehow, the Senate cannot seem to get off the stoop to give us an opportunity to debate the issue of Iraq. I am proud to be an American. I am proud to have troops who have stood up for us, have given their lives. It is time for us to stand up for them.

Let's remember them. Let them not be numbers. Let them and their families know that we care about them.

PROGRESS IN IRAQ

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

Mrs. DRAKE. Mr. Speaker, this is a historic week in Iraq. They have passed a new budget for 2007, an overwhelming majority of the Iraq Council of Representatives voted in favor of the $41.1 billion budget that will aid Iraq with rebuilding, security, and move them forward to be more self-sufficient.

We should celebrate this achievement as evidence that we are making progress in Iraq, and we should allow the new strategy a chance to work. The 2007 Iraq budget represents a 21 percent increase over the 2006 budget. Over $10 billion will be dedicated to reconstruction efforts and capital investment projects this year, and over $7 billion will be used to provide security to protect Iraq from insurgents that continue to work against the cause of freedom.

This is great news from Iraq. We are making progress. I applaud the dedication to fiscal responsibility in Iraq and urge my colleagues to celebrate the success stories like this one in Iraq.

IRAQ RESOLUTION

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

Mr. WILSON of Ohio. Mr. Speaker, the Iraq resolution that we are debating here is bipartisan. Over the last 2 days, Democrats and Republicans have come to this floor to voice their opposition about the escalation plan for this war.

There is also strong bipartisan support for a resolution in the Senate that would express the Chamber's opposition to the President's plan there. Unfortunately, Senate Republican leaders are preventing the debate and the resolution, preferring instead to blindly follow the President.

Why have Democrats and Republicans come together to express our opposition to the President's plan? Unlike the President, we have listened to the military experts, his own generals, the American people, the troops fighting in Iraq, and the bipartisan Iraq Study Group that said this war no longer can be won militarily.

Congress must express an opinion to this President's plan. Over the last month, the House and Senate committees have conducted 52 hearings on Iraq, conducting oversight of an administration that is off course internationally. The oversight will continue and we will bring a change of course in Iraq

CAFE STANDARDS AND ENERGY INDEPENDENCE

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

Mrs. MILLER of Michigan. Mr. Speaker, this afternoon I will have an opportunity to talk about the war resolution, but this morning I would like to just talk for a second about energy independence.

Several weeks ago we heard the President announce part of his agenda for making America more energy independent. But the real question is, how do we get there? The President laid out a plan to place new draconian fuel-efficiency standards on our domestic automakers, which I believe is the wrong approach to energy independence.

It is the wrong approach because it would force our domestic automakers to invest in old technology and to stifle very exciting new technologies. Our domestic auto industry is nearing innovative breakthroughs, such as the usage of alternative fuels, new battery technology, and advanced hybrid vehicles.

I believe it is in our national interest to provide Federal support to advance the auto technologies of the future to help achieve energy savings. Both General Motors and Ford recently unveiled advanced plug-in hybrids that use a lithium ion battery. Helping that technology become commercially viable will advance our efforts to conserve energy by light years and to create great new jobs here in America.

If my colleagues want true energy independence and a thriving domestic auto industry, we must focus on the technology of the future.

IRAQ RESOLUTION

(Ms. CASTOR asked and was given permission to address the House for 1 minute.)

Ms. CASTOR. Mr. Speaker, over the last 2 days Republicans who support the President's troop escalation plan have had two main message points. The first is that the resolution opposing the President's plan is nonbinding and meaningless, and the second is that the resolution will be the ''end of civilization,'' to borrow a term from a columnist. They cannot have it both ways.

What we are doing over these 3 days of debate is having a real discussion about changing the course of the war in Iraq. For those who support the Bush-Cheney escalation, this debate serves as a prime opportunity to explain why they think this escalation will work when four other surges have not worked.

It is a shame that some have ignored the merits of the resolution and focused on political calculation. In fact, several Republicans sent out a letter saying this debate should not even be about the Iraq war today. If we let Democrats force us into a debate on the surge or the current situation in Iraq, we lose.

Far from it, Mr. Speaker. No one will lose by having a debate. In fact, our great democracy benefits and the American people win by knowing that we are charting a new direction.

IRAQ RESOLUTION

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

Ms. CLARKE. Mr. Speaker, I rise today because I am very supportive of our troops around the globe and in particular those who are in harm's way in Iraq. I wholeheartedly support H. Con. Res. 63.

Mr. Speaker, in the President's January 29, 2002, State of the Union address, in regards to protecting America, responding to terrorist threats and capturing Osama bin Laden, he said, this is a regime that agreed to international inspections, then kicked out our inspectors. This is a regime that has something to hide from the civilized world.

States like these and their terrorist allies constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They could provide these arms to terrorists, giving them the means to match their hatred.

Secretary Rice, after being named Secretary to succeed Colin Powell, warned 6 months before the invasion in Iraq that Saddam Hussein could deploy a nuclear weapon, saying that the administration did not want a smoking gun. We want to know as New Yorkers, when will we find Osama bin Laden

IRAQ RESOLUTION

(Mr. MEEKS of New York asked and was given permission to address the House for 1 minute.)

Mr. MEEKS of New York. Mr. Speaker, as the November election clearly showed, Iraq is the number one issue weighing on Americans' minds. A vast majority of people across the Nation strongly disagree with the President's plan to send nearly 21,500 additional troops into Iraq, and a bipartisan majority in this Congress has also voiced its opposition to this measure.

This week here in the people's House, we will have an opportunity to express our opinions on the troop escalation, and then we will have to vote whether or not we support the President's plan. The American people want a debate. And while there is one going on in this House, the Senate Republican leadership continues to block debate in the Senate.

One has to wonder what Senate Republican leaders are so worried about. After all, Republican Senators, like JOHN WARNER and CHUCK HAGEL, joined with Democrats to propose their own resolution opposing the troop escalation.

Are Senate Republican leaders really willing to stifle the voices of their own Republican colleagues so that they can continue to protect the Bush administration? It is time for real debate. It is time for a new direction on this war.

IRAQ RESOLUTION

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

Mr. PALLONE. Mr. Speaker, the debate taking place here in the House this week is long overdue. We are approaching our fifth year of this war. This is the first time Congress is debating the strategy President Bush wants to implement in Iraq. Congress can no longer stand on the sidelines, and the President has to know that to escalate the war in Iraq is not acceptable.

The President hopes this troop escalation plan will help secure Baghdad and reduce the sectarian violence that is ripping the country apart. But there is no evidence to support those hopes. In fact, on four different occasions, the President increased troop levels in Iraq, and every time these plans failed to calm the violence in Iraq.

Additional troops are not going to make a difference because there simply is not a military solution to the war in Iraq. The devastating sectarian violence is going to continue. But our troops should no longer be asked to serve as referees in a battle between religious sects that have been fighting for centuries.

IRAQ WAR RESOLUTION

The SPEAKER pro tempore (Mr. HOLDEN). Pursuant to section 3 of House Resolution 157, proceedings will now resume on the concurrent resolution (H. Con. Res. 63) disapproving of the decision of the President announced on January 10, 2007, to deploy more than 20,000 additional United States combat troops to Iraq.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. When proceedings were postponed on Wednesday, February 14, 2007, time for debate on the concurrent resolution on that day had expired.

Pursuant to the resolution, it is now in order for a further period of debate on the concurrent resolution.

The gentleman from New York (Mr. MEEKS) and the gentleman from Michigan (Mr. MCCOTTER) each will control 6 hours.

The Chair recognizes the gentleman from New York.

Mr. MEEKS of New York. Mr. Speaker, I yield 5 minutes to the distinguished majority whip, the Honorable JAMES CLYBURN of South Carolina.

Mr. CLYBURN. I thank the gentleman for yielding.

Mr. Speaker, the debate we join today is essentially over the matter of sending 20,000 more American troops into Iraq. Over the past 2 days, some deeply felt sentiments have been expressed in this Hall by some patriotic and honorable Americans from all walks of life and on both sides of the aisle.

□ 1030

And I respect and appreciate the intensity of those feelings.

If this were the only issue, if the matter were only a matter of troop strength and numbers, then the issue would lend itself to military and strategic solutions and we would not be having this debate.

That is not the real issue, however. That is not the reason that every Member of this Congress is being granted the opportunity to speak on this issue. No, my fellow Members of Congress, the real issue we are addressing today is not that simple. The real issue goes to the very heart of our American democracy.

Last November the American people voted for a change in leadership. They did so overwhelmingly because they want a new direction in Iraq. The American people also voted for a new Congress, because they had lost faith in the old one. As a Congress, we had lost our footing, and as a result, our Nation lost its way on the international stage.

I believe that last November's call for a new direction in Iraq is also rooted in our lost faith in those who are leading that nation.

We were stung when Iraqi Prime Minister al-Maliki seemed to offer amnesty to Iraqi insurgents that killed Americans.

We have been robbed by the disappearance of billions of dollars sent to Iraq in good faith to help build the country.

We have been deceived by the promise of trained Iraqi police forces who should be prepared to provide law and order for their country, but instead ally themselves with insurgents.

I traveled with some of you to Iraq last Memorial Day, and enjoyed what I thought was one of the best meetings of the trip with the Iraqi Speaker of the Council of Representatives. The optimism I felt following that meeting was destroyed when, just days after our return home, I heard the Iraqi Speaker denigrating American efforts in his country.

We in the new leadership of Congress do not stand here as defeatists and not as opponents of this Nation's best interest. Only fools could reach that kind of conclusion from this discussion. We stand here today to say there is a victory to be achieved, but it is not a military conquest.

The victory we seek is earned through the restoration of America's role as peacemaker, not warmonger. It begins with the restoration of this Congress, as the deliberative arbiter and representative of the best interest of the American people. It begins with the understanding and acceptance of this Congress as a full partner in the future of this activity.

Many of us have seen firsthand and witnessed firsthand the realities of our presence in Iraq. Many of us have informed ourselves as fully as possible on the complexity of the problems we face. Many of us have agonized over the dangers and hazards which lie ahead, no matter which direction we take. We do not take these steps lightly.

Now we stand ready to create new paths to new victories. We stand ready to initiate the kind of victories, which will restore America's respect around the world and self-confidence here at home.

We cannot achieve this by military might, but by diplomacy. The need for a stable Iraq is not just an American interest, it is a regional and global concern.

Iraq's neighbors must be brought to the table. American troops must disengage from the Red Zone and redeploy to the outskirts of Iraq where they can remain at the ready and not serve as targets for insurgents.

The best way for the Iraqi Government to gain the trust of the American people is for them to step up and take control of their country's security.

We say today that the victories we seek are real victories, permanent victories, victories of a Nation which still believes that the voice of the people is our final and best judgment.

With this debate, we are taking steps to regain our footing as a Congress and chart a new way forward on the international stage.

I am hopeful this debate will not only be heard, but will be accepted as the moment at which America turned its face toward a triumph of enormous proportions, a triumph for peace and a triumph for democracy everywhere

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

Mr. Speaker, he was conscientious, committed to peace and momentarily praised. His laurels burned in the bombings. His valorous and vain efforts had but hastened upon his people.

Yet, in eulogizing this ''English worthy,'' Sir Winston Churchill, an ardent opponent of the deceased's policy of appeasement, unexpectedly struck a conciliatory chord toward the late Neville Chamberlain:

''It is not given to human beings, happily for them, for otherwise life would be intolerable, to foresee or to predict to any large extent the unfolding course of events. In one phase, men seem to have been right, in another they seem to have been wrong. Then again, a few years later when the perspective of time is lengthened, all stands in a different setting. There is a new proportion. There is another scale of values. History, with its flickering lamp, stumbles along the trail of the past, trying to reconstruct its scenes, to revive its echoes, and kindle with pale gleams the passion of former days. What is the worth of all this? The only guide to a man is his conscience; the only shield to his memory is the rectitude and sincerity of his actions. It is very imprudent to walk through life without this shield, because we are so often mocked by the failure of our hopes and the upsetting our calculations; but with this shield, however the fates may play, we march always in the ranks of honor.''

Mr. Speaker, while not serving in this Chamber during the debates on the resolution authorizing the President of the United States to use martial force to remove Iraq's Baathist regime for numerous just causes, including its refusal to honor its Gulf War cease-fire and United Nations' resolutions, during my time as a temporary custodian of my constituents' office, I have striven to ensure our Nation's victory in the battles for Iraq, Afghanistan, and in the overarching war on terror. In doing so for 3 years, I have four times traveled to Iraq and once to Afghanistan to meet with our troops; visited wounded citizen soldiers, eulogized our fallen, and consoled their grieving families. As a witness to their courage, sacrifice and suffering, I have been morally compelled to support every appropriation for our military and civilian personnel in harm's way, oppose every policy injurious to our country's common cause of victory; advance my own ideas on how to secure our victory, including the introduction of bipartisan, though ultimately unaccepted, legislation to establish concerted congressional oversight over the course of this conflict; and refused to condone a resolution by my Republican peers which failed to meet its duty; and, immediately afterwards, introduced a resolution of my own in order to fulfill my duty to our soldiers, my constituents, and our country.

As a staunch supporter of our Nation's mission in Iraq, Afghanistan, and throughout the world, I did so in the belief that it is morally imperative for every sovereign American citizen and their congressional servants to ensure our valiant troops victoriously come home to their loved ones' arms. Were I to do otherwise and lapse in my moral duty, I would not only be violating our troops and my constituents' trust, I would be violating the dictates of my conscience.

It is equally true, of course, how within this House other Members' dictates of conscience have led them to a decidedly different, though equally constant course of action. To these Members and their fellow citizens who have done so to date, I share the sentiments Sir Winston held for Neville Chamberlain: You are ''An American Worthy,'' who ''however the fates may play, will ''march always in the ranks of honor.'' Yet, because the resolution thrust before us is a craven exposition of political expediency in a time of national crisis, today many may stray from the ranks of honor.

This resolution is ''nonbinding,'' which means the resolution has no force of law to compel future legislative acts in compliance with its dictates. In sum, then, this resolution legally changes nothing. Americans' money will still unabatedly facilitate our troops' continued deployment into harm's way, despite the United States Congress collectively condemning the President's announced troop reinforcement plan. This impotent resolution is injurious in the eyes of its opponents because it will undermine the morale

of our troops, their families, and our fellow citizens even as it heartens and emboldens our enemies; and this impotent resolution is injurious because it will not stop what many of its supporters purport will be a loss of life in a lost cause. By neither stopping the war nor speeding our victory and by calculatedly doing nothing in this time of national crisis, this resolution is immoral.

This immorality is manifest in how the resolution guilefully attempts to insinuate the United States Congress can simultaneously support our troops and oppose their mission. During a time of war, if an act is not i our national interest, such as the President's plan is deemed to be in this resolution, the act is injurious to the national interest. At best, the act will expend resources, most tragically claim lives without furthering the cause of victory. Better than anyone, our troops understand this. Therefore, this Congress does not support our troops when it proclaims they are risking their lives in a doomed mission injurious to America.

Yet, if Congress persists in this insanity, the Members must meet their responsibility to enumerate the reasons they disapprove of the President's plan and, in point of fact, the mission upon which our troops have already embarked. But this resolution does not provide any rationale for its conclusion. Thus, rather than deserving our collective concurrence, this resolution deserves our universal condemnation.

To this, some supporters will object and allege two defenses for this resolution's fatal omission. Do not these supporters' floor remarks provide the rationales sufficient to sustain this resolution? No. If floor remarks alone are sufficient to sustain the resolution's conclusions, then floor remarks alone would be sufficient to derogate the President's plan and, ergo, vitiate any necessity for a written resolution. Conversely, if it is imperative for the plan's detractors to express their opposition in a written resolution, it is also imperative to express their reasons in writing. Alas, such logic pales before some Members' impulsive muse of the moment.

Let us, then, move to some of the resolution's supporters' second, far more distressing defense: ''A vote of disapproval on the President's plan will set the stage for additional Iraq legislation which will be coming to the House floor.'' As no one who participated in the crafting of this covert legislative agenda has deigned to inform the American people as to its aims, one wonders if it will cut off funding for our troops in harm's way or cut off critical reconstruction funding in the supplemental appropriations bill, thus toppling an unheralded but essential pillar of the President's new victory strategy and proving the perspicacity of the present resolution. While we wonder and worry, according to newspaper reports there is a strategy to make this rumored legislative plan palatable to the public. This strategy's tactics, which its instigators are more than happy to relate to the media, are reputed to include a coordinated multimillion-dollar TV campaign by leftist special-interest pressure groups. No doubt somewhere beyond this ephemeral stream of time there lurks a jealous Clement Vallandigham. But, in fairness, let us disdain a priori speculation, and instead examine a previous resolution to glean the potentialities of the present resolution's supporters' secret legislative plan. The following passages are excerpted from a previous resolution which, albeit more forthrightly, also opposes the Commander in Chief's decisions:

''*Resolved,* That this convention does explicitly declare, as the sense of the American people, that after 4 years of failure . . . by the experiment of war, during which, under the pretense of a military necessity of war-power higher than the Constitution, the Constitution itself has been disregarded in every part, and public liberty and private right alike trodden down, and the material prosperity of the country essentially impaired, justice, humanity, liberty, and the public welfare demand that immediate efforts be made for cessation of hostilities . . . to the end that, at the earliest practicable moment, peace be restored.''

This previous resolution too expresses its support for our troops in harm's way:

''*Resolved,* That the sympathy of the Democratic Party is heartily and earnestly extended to the soldiery of our Army and sailors of our Navy who are and have been in the field and on the sea under the flag of our country, and in the events of its attaining power, they will receive all the care, protection, and regard that brave soldiers and sailors of the Republic have so nobly earned.''

This previous resolution is the Democratic Party platform of 1864.

If the past is prologue, let us be firm in a fair request: If the resolution's supporters possess a victory strategy, or otherwise, for Iraq, these public servants must immediately reveal it to the sovereign citizens of the United States. If these stealth strategists refuse, they will incur the American people's inference this legislative plan assumes and will hasten our Nation's defeat in Iraq. How else could one explain these individuals' already having a legislative plan and an accompanying media plan premised upon our troop reinforcement failure, and doing so regardless of potential American victories on the ground or the advice of our military commanders? Perhaps while they demur from revealing it, these anonymous commander in chiefs will dubiously coin their legislative plan an ''exit strategy.''

□ 1045

It is an irrelevant distinction. Right now the enemy is actively seeking to murder more American and Iraqi soldiers and civilians. So right now and for the immediate future, an exit from Iraq is a defeat in Iraq. Whatever one pretends to the contrary, one will never convince our enemies otherwise.

Yes, it is all too human to wish the world were different; all too human to rationalize away one's misguided actions. Being composed of frail, fallible human beings, even great assemblies such as this have succumbed to the temptation. We must not.

Writing well before Churchill's magnanimous eulogy of Chamberlain and, to the contrary, warning the British people's representatives how history was pitiless, George Dangerfield coldly assessed his national leaders' mismanagement of state affairs during the pre-Great War years of 1910 to 1914: ''Along that row of distinguished and original faces there would pass from time to time, as lightly as a shadow upon the waters, an alarming, an alien spirit, a spirit dangerous and indefinite, the Spirit of Whimsy . . . In the hush of crisis, in the tumult of abuse, or when the stuffy air of the Commons seemed almost to glitter with the shining, salt ripples of sarcasm, there it played, airy, remote, and irresponsible.''

Is an inchoate angst over history's final verdict the reason some supporters of this resolution have taken to this floor, though not in this resolution itself, and verbally professed three key defenses of their decision? One defense is they were misled into supporting an Iraqi regime change because of the false claim it did or might possess weapons of mass destruction. Mercifully, let us stipulate these elected officials performed their due diligence on the matter and, especially for our Democratic colleagues so situated, they did not overly trust the some many of them had accused of stealing a Presidential election.

Again, there were numerous justifiable reasons for authorizing the President of the United States to militarily execute a regime change in Iraq. As those reasons are written in that resolution, I will not dwell upon them, for they do not constitute the crux of the matter, which is this: the war aim of regime change was a success. It is the post-war failure of Iraqi reconstruction breeding our present perils.

Thus even if a Member of Congress can be excused for authorizing force on the basis of being ''misled,'' the Member of Congress cannot be excused for failing to demand adequate post-war reconstruction planning, nor for a 3-year failure to demand constructive changes to an inadequate post-war reconstruction plan.

Dovetailing with this defense, some of the resolution's supporters now claim their initial ardor for the regime change was a mistake because this administration has botched Iraqi reconstruction beyond salvaging and the fledgling democracy is now in a state of civil war. This argument has the

merit of being partially correct, for despite the hard-learned lessons of our Nation's former successes in doing so, this administration utterly failed to comprehend and implement the fundamental principles of reconstructing a defeated, belligerent nation. Importantly, this does not preclude reconstructing Iraq now.

While rife with sectarian violence, much of it instigated and perpetuated from external elements, Iraq is not in a civil war. Relative calm exists in most of the beleaguered nation's provinces, and if one dares to look, there are the agonizingly slow but significant signs of incremental progress in the establishment of order. This progression will be expedited by the administration's new plan, which finally incorporates the two fundamental principles of Iraqi or any reconstruction plan, one, a liberal democratic society evolves upward from its traditional roots of order, not from a centralized bureaucratic government downward; and, two, a nation's transformational evolution into a liberal democracy must contemporaneously provide transactional benefits to its citizens. These fundamental principles will be implemented through critical initiatives, such as provincial reconstruction teams, an accord on oil revenue allocations, and a national reconciliation process, amongst others.

But to earn the support of terrorized Iraqis, security must first be established so they may commence securing the blessings of liberty. This is why the troop reinforcement is required and why the twin pillars of troop reinforcement and grass-roots reconstruction can achieve a joint American and Iraqi victory over the enemies of liberty.

The ineluctable fact of our victory is it must be won with the help of Iraqis, which is disconcerting to many of this resolution's supporters who believe the Iraqis are unwilling to fight for their freedom and are incapable of perpetuating once it is secured. This argument often intersects with the charge our mission in Iraq has been untenably shifted from effectuating a regime change to erecting a model democracy; and for the above reasons, they think this is impossible. This deplorable argument is antithetical to the self-evident truths written into our own Declaration of Independence, though, sadly, it is not without precedent. Once more, let us reference another resolution, this one opposing a military mission creeping toward a decidedly different goal:

''Resolved: that the emancipation proclamation of the President of the United States is as unwarranted in military as in civil law; a gigantic usurpation, at once converting the war, professedly commenced by the administration for the vindication of the authority of the Constitution, into a crusade for the sudden, unconditional and violent liberation of 3 million Negro slaves; a result which would not only be a total subversion of the Federal Union, but a revolution in the social organization of the Southern States, the immediate and remote, the present and far-reaching consequences of which to both races cannot be contemplated without the most dismal foreboding of horror and dismay. The proclamation invites servile insurrection as an element in this emancipation crusade, a means of warfare, th inhumanity and diabolism of which are without example in civilized warfare, and which we denounce, and which the civilized world will denounce as an uneffaceable disgrace to the American people.''

So much for the prognostications of the ''Peace Democrat'' controlled Illinois legislature's 1863 resolution. Thankfully, by the grace of God and the sanguine sacrifice of the American people, it was this Illinois legislature, not our African American brothers and sisters and our Nation's great emancipator, who are to be denounced by the civilized world for all eternity.

What of our legislative body? Now resurrects the specter of our own judgment, which hovers above and shadows us as we seek to ensure we are not forever weighed in the balance and found wonting. It is as it should be, as it must be, for notwithstanding its nonbinding nature, even after this resolution's disposition, our duty demands we make moral decisions affecting our Nation's victory or defeat, and our fellow citizens' lives or deaths. Is this not why, even while bearing malice towards none of them, in defending his own war plan, our own maligned President warned his opponents history is a harsh mistress:

''Is it doubted, then, that the plan I propose, if adopted, would shorten the war and thus lessen its expenditure of money and of blood? Is it doubted that it would restore the national authority and national prosperity and perpetuate both indefinitely? Is it doubted that we here, Congress and Executive, can secure its adoption? Will not the good people respond to a united and earnest appeal from us? Can we, can they, by any other means, so certainly or so speedily, assure these vital objects? We can succeed only by concert. It is not 'Can any of us imagine better?' but 'Can we all do better?' Objection whatsoever is possible. Still the question recurs 'Can we do better?' The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty and we must rise to the occasion. As our case is new, so we must think anew, act anew. We must disenthrall ourselves and then we shall save our country.

''Fellow citizens, we cannot escape history. We of this Congress and this administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down, in honor or dishonor, to the latest generation. We say we are for the Union. The world will not forget that we say this. We know how to save the Union. The world knows we do know how to save it. We, even we here, hold the power and bear the responsibility. In giving freedom to the slave, we assure freedom to the free, honorable alike in what we give and what we preserve. We shall nobly save, or meanly lose, the last best hope of Earth. Other means may succeed; this could not fail. The way is plain, peaceful, generous, just, a way which, if followed, the world will forever applaud, and God must forever bless.''

My friends, history harkens your honorable hearts to reconsider supporting this immoral resolution. If one believes all human beings are equally God's children, whether they be free or yearning to breathe free, one cannot, after a cruel sip of hope, condemn 20 million of God's equally beloved children to a saturnalia of slaughter. If one supports our troops, one cannot deride their cause as injurious to our country. If one seeks our victory in the war on terror, one cannot advocate a retreat and defeat in the face of our enemy.

My friends, through the fog of war, our fiery trial illumes and creeps ever nearer along the trail. Rather than curse the darkness and dread the echoes of history's verdict, let us acquit ourselves with lasting honor by leading our searching Nation through these trying, transformational times and into a transcendent, triumphal tomorrow. Let us earn the esteem of the latest and later generations of all free people by reaffirming our revolutionary Republic cherishes the self-evident truth that all human beings yearn to breathe free. Let us, in our Nation's finest traditions and truest character, remove the Iraqi people's bonds of oppression and replace them with bonds of brotherhood amongst our free, sovereign, and secure peoples.

Let us, in the face of terror, march always in the ranks of honor and courageously and selflessly secure the Iraqi people's blessings of liberty and, in so doing, secure our own blessings of liberty for unnamed generations of American children.

Mr. Speaker, fully cognizant of my moral duty to our troops, my constituents, my country, and my Creator, I cannot in good conscience support this resolution, which is injurious to the cause of our Nation's victory and in consequence is patiently immoral. Therefore, I urge this resolution's rejection and pray God graces, guards, and guides the steps of all who bear the burden of our decisions made on behalf of the majestic American people.

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

Mr. MEEKS of New York. Mr. Speaker, let me just say that from my understanding, we are a separate but equal branch of government. The Executive does its thing; we do ours. And part of our responsibility is to debate, investigate and evaluate what the President says and not simply rubber-stamp what he says. So we are doing our job and what the American people elect us to do

Mr. Speaker, it is my pleasure to now yield 5 minutes to the gentlewoman from Illinois, the chief deputy whip, the Honorable JAN SCHAKOWSKY.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise on behalf of my constituents in Illinois to say, as strongly as possible for myself and for them, that we reject President Bush's decision to deploy more than 20,000 additional United States combat troops to Iraq.

Tragically, the President and his administration are dealing with an Iraq that exists only in their imagination. Bob Herbert said it well in Monday's New York Times: ''We need to stop pretending that there is something sane about continued U.S. involvement in this ruinous war. We keep sending troops into the combat zone, and they keep sinking ever deeper into the ancient Middle East sand. To keep sending young people off to die in a war that everybody knows is pointless is criminal.''

Each time that the Bush administration has proclaimed that we must stay the course because the war has just reached a turning point, that turn has led to a dead end.

May 2003, President Bush declared ''Mission Accomplished.'' By the end of 2003, 486 of our troops were dead and 2,408 were wounded. And yet we stayed the course in Iraq.

In June 2004, President Bush said, ''We're handing over authority to a sovereign Iraqi Government . . . a turning point will come in less than 2 weeks.''

By the end of 2004, 1,334 of our troops were killed and 10,408 were wounded. And yet we stayed the course in Iraq.

In June 2005, Vice President CHENEY said, ''I think they are in the last throes, if you will, of the insurgency.'' And in December 2005, President Bush said '' . . . the year 2005 will be recorded as a turning point in the history of Iraq, the history of the Middle East, and the history of freedom.''

By the end of 2005, 2,180 of our troops were killed and 16,354 were wounded. And yet we stayed the course in Iraq.

In May 2006, President Bush called the formation of a new Iraqi Government ''a turning point.'' By the end of 2006, 3,001 of our troops were killed and 22,736 were wounded. And yet we stayed the course in Iraq.

And just last month, Vice President CHENEY proclaimed, ''Well, I think if you look at what's transpired in Iraq . . . we have, in fact, made enormous progress.'' And President Bush told us that his new strategy to escalate the war in Iraq ''will change America's course in Iraq and help us succeed in the fight against terror.''

Since those remarks made just days ago, more than 120 troops are dead, and yet once again we are being asked to stay the course in Iraq.

My colleagues across the aisle want to characterize this troop increase, the fourth escalation, as a new direction. But the American people know better. They recognize ''stay the course'' when they see it, and they are saying no. And the administration continues the charade that if you don't support this war and this escalation, then you don't support the troops.

Shame on them. It is they who have failed to serve the troops who have served us so well. From day one our troops were sent into the war theater without the proper equipment to maximize their safety. Families have bake sales to buy their loved ones better vests and helmets. Just last month the Pentagon's Inspector General found that the Defense Department hasn't been able to properly equip the troops it already has with enough guns and ammunition to ''effectively complete their missions.'' That is a quote. Soldiers are short body armor, armored vehicles, and communication equipment. Imagine this war is costing $12 million every hour, 24/7 for 4 years, nearly half a trillion dollars, and our soldiers don't have enough body armor, ammunition, communications equipment?

□ 1100

If our troops aren't the priority, who is? Halliburton, Blackwater, other corporate chums of the President? Don't lecture us about caring for the troops.

The Executive Director of Iraq and Afghanistan Veterans of America recently said of our returning soldiers and marines, ''And when they come home, there aren't nearly enough transitional care services, job placement, transitional housing. It is just not there.'' Twelve million dollars an hour to wage this war, and our veterans are returning home without the proper care they need?

Our support for the troops compels us to oppose this war and this escalation. Of the terrible options the President has left us after 4 years, the absolute worst is to continue to send our young men and women in uniform to die in the meat grinder that is Iraq and to put them in the cross-hairs of a civil war.

Speaker PELOSI has said that our goal is to end this war. We can begin right here, right now, by passing this resolution.

Mr. MEEKS of New York. Mr. Speaker, it is my pleasure to yield 5 minutes to the honorable gentleman from Maryland (Mr. VAN HOLLEN), the mover and shaker on the Ways and Means Committee.

Mr. VAN HOLLEN. I thank my colleague from New York.

Mr. Speaker, next month we will mark the fourth anniversary of the President's decision to launch a war of choice against Iraq. Many of us came to the floor of this House in the weeks before the invasion to urge the President to take a different course. The White House ignored those appeals for restraint. The President's mantra was, and these are his words, ''Bring it on.''

For almost 4 years after the invasion, the President had a rubber-stamp Congress right here that never seriously questioned his misguided policies in Iraq. It was the ''see no problems, hear no problems, conduct no oversight'' Congress.

When the President stood below the banner ''Mission Accomplished'' aboard the USS *Abraham Lincoln* in May 2003, the rubber-stamp Congress believed the slogan, rather than the facts on the ground.

When Vice President CHENEY declared that the insurgency was in ''its final throes'' back in May 2005, the Republican Congress accepted that verdict without question.

When the President unveiled his so-called ''Plan For Victory'' at the Naval Academy in November 2005, the old Congress dutifully parroted the talking points sent down from the other end of Pennsylvania Avenue.

The days of the rubber-stamp Congress are now over. This Congress will no longer serve as the mouthpiece for the White House. This Congress is finally standing up to do its job as a separate and coequal branch of government.

Mr. Speaker, the message from the last election was clear. The American people have an uncanny ability to cut through the slogans and get to the heart of the matter. They understood clearly that more of the same in Iraq was not working. And the American people understand what both General Casey and General Abizaid have told us: that the escalation of more troops in Iraq is not the answer; that it will make matters worse, not better.

Increasing the number of American troops in Iraq will put off the day when the Iraqis, the Shia, the Sunnis and the Kurds, must make the difficult compromises necessary to achieve political and national reconciliation. Putting more American forces in the middle of a bloody sectarian civil war will only lead to further violence and more American and more Iraqi casualties. It is time for the Iraqis to assume more responsibility, not less.

The Bush administration has been wrong about this war from the beginning and it is wrong with respect to its proposed course of action now. The recommendations of the bipartisan, independent Baker-Hamilton Commission provide for the responsible redeployment of our forces and represents the best way forward in Iraq.

And to those who would suggest that having this debate will undermine our troops, I say shame on you. Chairman of the Joint Chiefs of Staff General Peter Pace put that canard to rest just last week when he said, ''There is no doubt in my mind that the dialogue here in Washington strengthens our democracy. Period.''

Our men and women fighting in Iraq understand the strength and vibrancy of this democracy, and they understand that it is our duty in this Congress to exercise our best judgment for America's national security. What has harmed our national security is not the

debate in Iraq, but the lack of serious oversight over the Bush administration's decisions and conduct.

What emboldens our enemies is not the exercise of our democracy, but misguided policies that have weakened our national security.

Our national security is weakened when our credibility around the world is undermined by false claims regarding weapons of mass destruction. Our national security is weakened when the chaos in Iraq allows Iran to greatly expand its influence in the region. Our national security is weakened when America's diminished standing in the world has eroded our ability to influence the actions of others. Our national security is weakened because we have diverted our attention away from completing the mission against the architects of 9/11, against Osama bin Laden and al Qaeda and the terrorist network that continues to operate along the Afghan-Pakistan border.

We must change course. We must strengthen our national security position, not compound the errors we have already made. That is what this resolution is all about. We hope the President will join us in that effort. Let's chart a new direction now together.

Mr. MCCOTTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE of Oklahoma. I thank the gentleman from Michigan.

Mr. Speaker, I have listened to the debate over the last 2 days, really dozens and dozens of speeches, and, frankly, speeches of exceptionally high quality on both sides of the issue. I have listened particularly to the speakers who were here in 2002 when the momentous decision to go to war was actually made. Those who were opposed, I have admired because in their opposition in October of 2002 they were taking an unpopular position, but clearly one that they believed in, and I think they deserve our respect for that, even if I don't agree with that particular point of view.

Second, I have watched those who voted in favor of that tough decision, and I have watched as they have stuck to that decision because they believe the stakes are so important for the United States. They have done so even when public opinion has turned against their position. And I admire that.

Frankly, I have watched speakers who have changed their position, who were first for the war and now are opposed to it. It is easy to deride people in that position. But, quite frankly, I have watched them, and they are anguished in their opinions and their conclusions; they are sensitive, obviously, to the easy and cheap criticism of opportunism. And I particularly admire those, frankly, in my own party who have broken with their President and their party over a position that they believe in deeply. I don't agree with them, but I admire them.

What I don't admire is the Democratic leadership that has brought us a resolution which is divisive without being decisive. It orders no action. I have spoken on that at length before, and I am not going to go into it now. I want to instead focus on the issues at stake.

Like all of those elected in 2002, 2004, 2006, I was not part of the initial decision to go to war, and, frankly, I often think how fortunate I was to have been spared that responsibility. But, of course, none of us on this floor ever truly escapes responsibility.

My attitude toward this conflict reflects that of my district and, frankly, that of my father, who was a career noncommissioned officer in the United States Army. I recall once when he was talking about war, he summed it up pretty simply: When you are in it, win it.

That is what I have tried to do with my vote, my voice, my energy, since I have been elected to represent my district. I have done so because, frankly, in some areas I have seen progress. Removing Saddam Hussein from power was a good thing and I am proud that that was accomplished, and it would not have been accomplished without the valor and the professionalism of American men and women in arms.

I am pleased to have seen a Constitution formed in Iraq that is the envy of the Arab world.

I am proud to have seen three elections take place, all of which had increasingly high participation and had, frankly, higher percentages than vote in our own elections.

I was hopeful when I saw a coalition government formed that had Kurds, that had Sunnis, that had Shia, that had other elements in the Iraqi population.

I have been impressed with Iraqi forces that do stand and fight. And let's make no mistake about it: Most of the fighting and dying militarily is being done by Iraqis and they deserve our respect for that.

And, frankly, I think like all Americans, I was enormously relieved when I see actors like the late al-Zarqawi, people who would kill Americans anywhere, anytime, who are not from Iraq, being sought out with the help of Iraqis and killed far away from our shores. That is important, and that is something we should acknowledge.

I have also supported the war because I feared the consequences of defeat in Iraq. And, believe me, there are consequences to losing the war. These are real.

If we are not successful in Iraq, we will have an emboldened enemy. Not just the terrorists that we deal with, they are bad enough, but also the states that use terrorism as a tool of diplomacy. States like Iran, states like Syria, will draw comfort.

We will have demoralized friends in the region and around the world that wonder whether or not they can really count on us once we make a commitment.

We will see the death of an infant democracy, never a good thing for the lovers of freedom.

We will see a sectarian bloodbath in Iraq that will result in the death of tens of thousands, if not hundreds of thousands, of Iraqis.

And we will see a destabilized region in which the United States has vital interests and to which our own security is intimately tied.

I acknowledge that things have not gone in Iraq as I, certainly, and I think everybody, regardless of their position on the issue, would have hoped. There is no question that we underestimated what was required, not to defeat Saddam, frankly, that was done brilliantly, but to secure Iraq.

We have underestimated the persistence of and the difficulty the outside players would create for us. We underestimated how anxious people inside Iraq would be to settle old scores instead of to look ahead. And we have underestimated the impact of the divided loyalties of Iraqis themselves, where so often we see sect against sect, ethnicity against ethnicity, tribe against tribe.

But these difficulties and mistakes, regrettable as they are, do not change the consequences of losing in Iraq, for the region, for Iraqis, and, most importantly, for ourselves.

At this critical point, the President has offered a plan to avert defeat, and, if the Iraqis are up to the task, to turn the tide. It has an American military component, and that is what this resolution deals with.

But contrary to what I have heard on the floor, it is not a major escalation in forces. It is not an effort to allow the Iraqis to avoid the fighting. Nor is it an effort to win militarily. It is an effort to buy the time needed to create an environment in Iraq that will allow Iraqis to succeed politically. It will allow them to begin to push toward the reconciliation process and review the de-Baathification program. It will allow them to share power with one another. It will allow provisional elections to take place. It will allow oil revenue to be distributed more equitably. It will allow Iraqi units the time to train, stand up and continue to fight and fight more professionally and proficiently than they have.

The U.S. force is indispensable in achieving these measures, but it will not be and it is not intended to be decisive. What will win or lose in Iraq ultimately are Iraqi politicians: Can they put their differences aside? Iraqi soldiers: Can they fight for their country instead of against one another? And the Iraqi people: Can they put aside the differences and demand better leadership than they have received thus far from their own people.

Some will say this is a hopeless task, but our military leaders and our troops in the field don't tell us that. General Petraeus, a man whom all sides acknowledge is not only professional, capable, but is dedicated and a great patriot, tells us he thinks this is an achievable mission if he has the forces he needs to succeed. The average soldiers that I talked to from my district

and other units also tell me they believe this is doable. But they want us in Congress and in this country to have the political resolve to match their personal courage.

History teaches us that freedom is a powerful force. We should trust it. And it also teaches us sometimes it needs outside help. All of us as Americans are justly proud of the American Revolution. We often forget it took a French fleet, French army and Dutch money to finally finish the job.

Mr. Speaker, because I believe the consequences of losing in Iraq are horrible for Iraqis, for Americans, and for the cause of liberty and our friends around the world; because I think that we, the Iraqis and the Americans together, can still win; because I believe that defeat has catastrophic consequences for the United States, I urge the rejection of this resolution and support the cause that our fighting men and women are so nobly advancing in Iraq.

□ 1115

Mr. MEEKS of New York. Mr. Speaker, it is my pleasure to yield 5½ minutes to the Chair of the Steering Committee, the Honorable ROSA DELAURO.

Ms. DELAURO. Mr. Speaker, this week the Congress finally takes up its obligation to change course in Iraq. We have arrived at a new moment. Few responsibilities are more solemn for a Member of this body than one in which he or she is obligated to register a vote of no confidence in their President in a time of war.

Under different circumstances, I think most Americans would want to give their President the benefit of the doubt on matters of war, that they would want to trust the President's judgment to do what is right for our country, for our national security interests, and for our troops and their families who never leave our prayers.

It is a measure of how desperate matters have become in Iraq that the Congress considers this resolution of disapproval. Today, we find ourselves embroiled in a war that is not winnable, a religious war that is inconsistent with our original mission there, a war the American people no longer support.

And with 3,100 American lives lost, sectarian violence threatening to spill over into the entire Middle East, and no prospect for a stable, constitutional democracy in Iraq in sight, today we consider this war for not what we wish it were but for what it has so clearly and tragically become, a mistake of historic proportions.

As such, I will support this resolution opposing the escalation of this conflict. And with this debate, the Congress takes up its constitutional responsibilities with a sense of urgency and accountability that the public so desperately seeks from us. For too long the Congress has asked too few questions and been all too willing to put politics and ideology before our Nation's security.

To be sure, matters of war are the most serious that I will deliberate over in the United States Congress. Indeed, such a vote was my first in the Congress in 1991. But with this moment, Congress now has the opportunity to take the country into a new phase of this war. To me, nothing matters more than getting this right.

Four years ago, I voted against authorizing the President to go to war because, as I said on this House floor, I believed taking unilateral action against Iraq would ''weaken our moral authority, our military effectiveness and our ability to keep events under control afterwards.''

Today, 1 month into the new Congress, and for the first time since the previous majority rushed to authorize this war in October of 2002, every Member of this institution, Democrat or Republican, will face a different choice. With the situation so clearly out of control, Members can trust President Bush one more time as he escalates the conflict in Iraq, or they can support a change in direction that begins to redeploy our troops out of Iraq, that uses our military in the right way, to make our country safer and raise America's standing so that we have both allies and moral authority to address our threats.

To be sure, of all the concerns we take to the floor with, it is the deteriorating welfare of our troops that is most alarming. Of course, every American takes comfort in the heroism and the determination that our soldiers have shown. They have performed magnificently, but they have been charged with an impossible mission that undermines their incalculable sacrifice and has strained our military in countless ways, from manpower to morale.

As the father of one marine whose son has been deployed for the second time to Iraq wrote to me, ''You forget what it is like to actually sleep through the night without waking up to the horrible thought that you might not ever see your son again.''

Mr. Speaker, we all know our troops will do anything their country asks of them, but let us not ask them to escalate an unwinnable war.

Today, virtually everyone agrees we need a new strategy, everyone, that is, except for the President who continues to pursue an objective the consensus judgment of our Nation's intelligence agencies says has no chance of success. Indeed, in proposing an escalation of the current strategy, the President rejects conclusions drawn by the National Intelligence Estimate, the bipartisan Iraq Study Group, his own generals and, perhaps most importantly, the American people. In so doing, he sends what could be as many as 170,000 troops into a civil war that is being waged along sectarian fault lines that have existed for more than 1,300 years.

Such a policy will not only make matters worse, in my view and that of the Iraq Study Group. It will also postpone Iraqis taking responsibility and postpone diplomatic efforts that we so urgently need to reach a political settlement in Iraq and avoid an all-out civil war that spills into the entire Middle East.

Mr. Speaker, I am not willing to stand here in the well of the House of Representatives and not move to change our policy in Iraq. There are too many lives at stake, our security at stake. I support the conclusions and recommendations of the bipartisan Iraq Study Group, but I have crossed the Rubicon on this war. I support phased redeployment over the next year and will seek every opportunity to mandate such a change in law. But that begins with stopping this escalation

Mr. Speaker, I harbor no illusions about the President's willingness to hear this message from the Congress. Before long, it may be necessary to mandate reductions in troop levels. But the President must understand that the public and the Congress do not support his policies in Iraq—that if we can even hope to achieve a stable Iraq, a peaceful Middle East and a more secure America, our strategy must change. That is what this vote of no confidence is about. That is our obligation—let us honor it.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I will make a statement later, but right now I would like to introduce Congressman GEOFF DAVIS from the State of Kentucky who was in the U.S. Military Academy at West Point and served this Nation as an assault helicopter flight commander in the 82nd Airborne Division, which is where I went through jump school, too, and I think he is well qualified to discuss this issue.

I would like to recognize the gentleman for 5 minutes.

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today in support of our troops and dedicated civilian professionals, and to my former comrades and friends now serving, and against the Democrat resolution disapproving of reinforcing our troops in combat.

This week, Congress has spent its time debating a futile, nonbinding resolution when, in reality, we should be debating policy initiatives that will help our troops in their mission and lead to stability. I believe that in fighting the war in Iraq that there is room for an open and honest debate about the best way to advance the compelling national security interests of this Nation. Honest debate, respectful disagreement, and constructive dialogue are components of our great Republic; and it is important to honor the process that our institution provides.

Furthermore, this measure seeks to debate whether we support an operational decision that, in reality, should be made by the commanders on the ground, not by politicians in Congress. What are we going to be debating next week, Mr. Speaker? Which block in Baghdad? Which precinct to target? This nonbinding resolution serves no purpose other than pacifying the Democrats' political base and lowering

morale in our military. At least one Democrat has likened this type of resolution to a child stomping in the corner.

The troops will be doing their job by completing the mission that they have been given, and we in Congress need to do ours. Our troops who are fighting abroad do not get to debate the validity of their mission. Their enemies are real, and they are fighting day in and day out to protect our country, the Iraqi people and themselves.

This resolution does not help make progress in Iraq. It does not provide a new approach in Iraq and does not make our Nation or our troops more secure. That is what we need to be doing, not wasting our time debating a measure that can dishearten and demoralize our citizens faithfully serving in theater while encouraging and emboldening the adversaries of stability.

We have seen the aggression of this faceless and cowardly enemy in the bombing of Pan Am 103 in 1988, in al Qaeda's attack on the USS *Cole* in 2000, and the tragic events of September 11. This enemy is driven by hate and seeks to do Americans harm.

Over the course of time, it has become evident that we are involved in a long-term struggle with Islamic extremism to preserve our freedom and the freedom of the world. Every day, our men and women in uniform and our civilian professionals risk their lives to protect our freedom. From providing security to building an economy, we are strengthening the security of our country and the international community.

We have not had a terrorist attack on our soil in over 5 years because of our vigilance in pursuing the security of our Nation at home and abroad. Success in Iraq is our only option for continued national security and the preservation of freedom.

I have had the opportunity to speak to hundreds and hundreds of men and women in uniform whose experience spans all ranks, all services, and all units. Consistently, they share an optimistic and sober message about the importance of continuing the struggle to defeat Islamic extremists. A resolution like this blurs the many successes in the war they have had against the extremists.

The messages of our troops do not come without an understanding of the reality and the resources that we must commit to this mission. Fighting the terrorists will require a strong commitment, and the road to victory will be long. Our partners in Iraq have stated their commitment to the mission, and we must stand behind them.

At the same time, the Iraqis must continue to assume responsibility for their success as a nation and that our commitment is not open-ended. Success in countering an insurgency largely happens outside of the realm of combat. Security is only one aspect.

We must work on establishing frameworks within Iraq that can keep the water running and the electricity on, which will in turn allow people to go to work and children to return to school. Returning normal life to Iraqis is important, but it should not be the sole responsibility of our troops who are providing security and stability. We need to strengthen the involvement of the international community in this endeavor as we empower and engage the Iraqis.

I strongly believe that if we are to fully support our troops that we must listen to what they are saying. And when the troops are saying that they are committed to their mission then, I believe, we should listen. I remain a committed supporter of our troops, and I thank them for their service.

Soon, Congress will vote on the Department of Defense's supplemental budget; and in it, the Pentagon is requesting $5.6 billion for troop reinforcement. This will be the real test of commitment, not this meaningless resolution. A ''yes'' vote on that funding supports the troop reinforcement being debated here today, and a ''no'' vote will delete funding for this important mission. This will not only show people where Congress stands, but give accountability to our actions here in Congress with the force of law behind it.

I support our troops and our civilian professionals, and I intend to keep my commitment to my many friends on active duty and to vote to provide them the funding for their mission when the time comes.

To my former comrades and friends in the 101st Airborne Division and 82nd Airborne Division, thank you for answering the call again and know that I stand with you.

Mr. MEEKS of New York. Mr. Speaker, I think we all owe a great debt of gratitude to the Speaker of this House and to the Democratic leadership for allowing us the opportunity to have every Member come to the floor of the people's House to talk about Iraq and whether or not they agree with the President's escalation. I think that is what this House is about, and one of the Members of that leadership who we do owe that gratitude to is the Vice Chair of the Democratic Caucus, and I am pleased to yield 5½ minutes to the gentleman from Connecticut, the Honorable JOHN LARSON.

Mr. LARSON of Connecticut. Thank you, Mr. MEEKS, and also let me thank my colleagues across the aisle for the solemnity of the debate that has taken place over these last several days. I think it is so important to the constituents that we are sworn to serve, and they deserve to hear the voices that reside within the people's Chamber.

This debate, in so many ways, is an echo chamber for what Americans already know. They have found their voice and expressed it in several manners and several forms, most notably in last November's election, where they called for a new direction for this country, not the staying of the course that it is currently on.

It is long overdue then that the Congress find its voice as well. Past is prologue, and we must go back to June of 2002 when the President enunciated the Bush doctrine, the doctrine of preemption and unilateralism that has placed us in this situation that we have today in Iraq.

He was warned, most notably by people like Scowcroft, Eagleberger, Baker, and Colin Powell about the folly of this effort. It was not KENNEDY or Berg or even LARSON or other people that spoke out as eloquently as those former members of Bush the Elder's Cabinet.

I traveled with JACK MURTHA in the buildup to the war, and we met with our ambassador in Saudi Arabia, Robert Jordan, who I said to him, Ambassador, you have a gathering storm here in Saudi Arabia, with all the tensions in the Middle East. And he said, Congressman, you are from New England. Gathering storm, he said? What we have here is the making of a perfect storm.

□ 1130

And if we unilaterally invade and attack this toothless tiger, Saddam Hussein, we will unwittingly accomplish what bin Laden failed to do: we will create a united Islamic jihad against the United States.

Professor Gram Ellison wrote that ''this occupation has diverted essential resources from the fight against al Qaeda, allowed the Taliban to regroup on Afghanistan, fostered neglect of the Iranian nuclear threat, undermined alliances critical to preventing terrorism, devastated America's standing with every country in Europe and destroyed it in the Muslim world.''

Instead of following the wisdom of Scowcroft and Eagleberger and Baker, Powell, this administration embraced Ahmed Chalabi with all the hubris and arrogance of staying the course.

And so we find our troops today in the midst of civil war, in the midst of sectarian, religious, and tribal conflicts that are more about settling old scores that seek revenge over the centuries than about creating a democracy. And it is into that caldron that we wish to send more troops, more troops that 87 percent of the Iraqi public says they want a time line for us to be out of there, and over 50 percent of them think that it is okay to kill Americans.

Our troops need leadership that is worthy of their sacrifice. It is important that this Congress on both sides of the aisle, as it has done, understands the difference between the war and the warriors.

I conduct hearings back in my district; I listen to what my constituents have to say. And, most earnestly, to those parents, those men and women who come to these hearings and talk about their children in harm's way: Carol Tripp of Bristol said it best, a woman with three of her sons and her

husband stationed in Iraq, who hasn't shared a holiday dinner with their entire family since 2001.

I define success by being able to look into their eyes and tell them that the best path forward is the safe, secure, and strategic redeployment of our troops so that our Army can regroup and restore itself and proceed after the people who took the towers down in systematic fashion to go after al Qaeda and continue to regroup.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

You know, it is an honor to be here today joined by Members of Congress who have served this Nation nobly both in the Armed Forces and today as statesmen and -women in the United States House of Representatives.

You know, there are lots of ways people can serve this country. Dedicating time to the Armed Forces, the greatest military in the world, can be some of the most fulfilling time in one's life. I know, because I spent 29 years in the United States Air Force; got called up from my ROTC class at SMU and flew 62 combat missions in Korea in a plane I named after my wife, ''Shirley's Texas Tornado.''

In 1965, I left for my first tour in Vietnam, working for General Westmoreland in the headquarters. In 1966 I returned again. And while flying my 25th mission, I was shot down, landed in the middle of a division of North Vietnamese soldiers.

What followed for the next 2,494 days can only be described as hell on Earth, or as my friend and fellow POW, Jeremiah Denton did, blinked the letters of one word in Morse Code into a movie camera as a desperate plea for help. The letters made up the word ''torture.'' Of my nearly 7 years in captivity, I spent more than half of that time in solitary confinement.

As you can imagine, the North Vietnamese would say and do anything to break our will. The physical torture is not fit for describing as some of it is too graphic and too gory. There were many times that I would pray to God that I would pass out and slip into unconsciousness just to escape the pain if I couldn't escape the beatings.

Yet, what also scarred me for life was the emotional torture that the North Vietnamese broadcast to taunt us and break our wills. They constantly blared anti-American messages from back home over the loud speakers. The enemy knows that any anti-American murmur can be used as a weapon. And the same holds true today.

The enemy wants our men and women in uniform to think that their Congress doesn't care about them, that they are going to cut the funding and abandon them and their mission. They want Congress to cave to the wishes of those who advocate a cut-and-run attitude. And we should not allow that to happen.

We must learn from our mistakes. We cannot leave a job undone like we left in Korea, like we left in Vietnam, like we left in Somalia.

Osama bin Laden said that ''in Somalia, the United States pulled out, trailing disappointment, defeat, and failure behind it.''

And we didn't blink an eye when the radicals bombed the Khobar Towers in Saudi Arabia killing 20 and injuring 372; or after the Kenya embassy bombings that killed 213 people and injured 5,000; or that same day at the Tanzania embassy bombing killing 11 people and injuring 68. On October 12, 2000 the USS *Cole* bombing killed 17 and injured 39. And we all know how they tried to bring down the World Trade Towers and didn't stop until they completed the job September 11.

All of these tragedies of terrorism happened without a United States response.

We can't waver in our fight for freedom. We cannot abandon the bedrock of democracy; they are the brave and selfless men and women of our United States Armed Forces. We will stand up with them. We must stand up with them. And I will stand up with them in Congress, because they stand up for our freedom every minute of every day. They are the reason we call America the land of the free and the home of the brave. And I salute them.

Now, today I have the distinct privilege of managing time during this debate. Each person joining me is a shining example of duty, honor, country. And I know folks across America will learn a lot from hearing about their stories and hearing why they know firsthand freedom is not free.

Mr. MEEKS of New York. Mr. Speaker, it is my pleasure to yield 5 minutes to the Chair of the Homeland Security Subcommittee on Intelligence, Information Sharing, and Terrorism, the gentlelady from California, the Honorable JANE HARMAN

Ms. HARMAN. Mr. Speaker, I thank the Speaker and I thank the gentleman for yielding, and commend our leadership for organizing this very thoughtful and sober 3-day debate on a very serious issue.

Mr. Speaker, as Co-chair of the Blue Dog National Security Working Group, I rise to oppose the surge and to support tough and smart security strategies, including those outlined in H. Res. 97, authored by the Blue Dogs, to end war profiteering, put future war costs on budget, and adopt a Truman Committee to make those who have engaged in fraud and abuse in Iraq accountable for their actions.

As we conduct this historic debate, however, I am mindful that, eight time zones away, crouched in a tank somewhere in Baghdad, a 19-year-old private is doing his best to restore order to a city descending into all-out civil war. We owe this soldier, his mates, and their families so much. They volunteered to put their lives on the line to keep this country safe.

We in this Chamber also want to keep this country safe, but we do not share those day-to-day risks. Only a handful here have relatives in Iraq living the life of the soldier I described.

Mr. Speaker, as we have sadly learned, the intelligence that took us to war was wrong. Some of the most inaccurate claims—that an operational relationship existed between al Qaeda and Saddam Hussein, that vast WMD stockpiles existed with their locations pinpointed—were presented by the administration as fact, even though the Intelligence Community had discredited them. That was shameful.

Most intelligence agencies around the world thought, however, that Saddam Hussein had WMD and the intention to use it against his people and U.S. interests. They believed it, and so did I. But they were wrong, and so was I.

The actions taken 4 years ago in Iraq created a failed state. We took out its government and occupied the country, unsuccessfully. About one year later, millions of Iraqis courageously elected a government, but that government barely functions, and we continue to occupy Iraq militarily.

Mr. Speaker, there are no good military options left in Iraq.

To the soldier currently in harm's way, I say, ''You are a hero. You are doing your best to follow orders and to serve your country.'' But I also say, ''We have given you a mission impossible, and that mission must change.''

We have a moral obligation to leave Iraq in better shape than we found it, and that will not be achieved by surging 21,500 more troops into Baghdad. The surge will not work, and I oppose it.

But abandoning Iraq is not a viable alternative. We must invest in strategies to contain and ultimately reduce violence there in order to create stability in Iraq and in the region. That must now be our focus.

The Iraq Study Group made important recommendations to do this, including changing the military mission in Iraq; tying future U.S. support to measurable progress on national reconciliation; security and governance; and aggressive diplomatic outreach to Iraq's neighbors—including Syria and Iran. But this administration rejected them.

Two weeks ago, a Saban Center report by Daniel Byman and Ken Pollack carefully assessed options to contain the spillover from an Iraqi civil war. They include not trying to pick winners between the Sunnis and Shia; pulling back from population centers; providing support for Iraq's neighbors; and laying down ''red lines'' to Iran. All of these ideas have merit.

Further good ideas come from David Schaeffer, a former U.S. ambassador-at-large for war crimes issues, to put the Iraqi Government on an ''atrocity watch'' and warn its leaders that they can be prosecuted for war crimes if ethnic cleansing occurs.

Mr. Speaker, the Bush administration has made calamitous mistakes in

prosecuting this war. The surge, I fear, is yet another one. With this resolution, Congress starts action to force a change in strategy and to bring that soldier in downtown Baghdad and his comrades home safely—and soon

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 5½ minutes to the Representative from Virginia, THELMA DRAKE, who represents Norfolk and America's Navy.

Mrs. DRAKE. Thank you, Congressman JOHNSON, for your service to our Nation.

Mr. Speaker, the past few years have been increasingly difficult ones for the American people, for our military families, and, most importantly, for our servicemembers in harm's way.

Our troops have done everything that has been asked of them, and more. Their sacrifices are unimaginable to many of us here on this floor. Through it all, the only thing that they have asked is for our support through our words, through our prayers, and, most importantly, through our actions.

During my two visits to Iraq, the question that I encountered from servicemembers was, What are they saying back home? They watch C–SPAN, and I know with certainty that they are watching us right now.

The resolution that we are discussing today is nonbinding and, therefore, merely symbolic within the Beltway. The driving force behind it has more to do with the situation in Washington than it does the situation in Baghdad. Yet, half a world away this resolution will have demoralizing effects for those men and women who we have asked to go into battle.

It is important for the American people watching this debate to know that this plan is currently under way.

The Second Brigade of the 82nd Airborne Division moved into Baghdad nearly a month ago.

□ 1145

The Fourth Brigade of the First Infantry Division is deploying this month, with three more brigades set to arrive soon. That means that we are not here today to discuss whether or not the troops will go, we are discussing what message the troops will hear from us when they get there.

Like many of my colleagues, I am concerned about the current situation in Iraq. Last April, I witnessed the election of the Iraqi Prime Minister. Since that time, the Iraqis have failed to make acceptable progress, stabilizing their nation, and strengthening their democratic institutions.

Many of us have concerns about the plan. Will Prime Minister Maliki live up to the commitments that he made in November? Does this plan get the most out of the 21 trained and equipped Iraqi battalions deployed outside of Baghdad? These are reasonable questions, and ones I believe that are within the scope of Congress to discuss and resolve.

I appreciate debate, and the American people appreciate debate. But it is important to remember that the American people have sent us here to solve problems. Unfortunately, this resolution makes no attempt to solve the problems in Iraq.

If Congress believes that the President's plan can be improved on, then Congress has the responsibility to work with the Commander in Chief to ensure that the Iraqis are meeting stringent benchmarks and are living up to their commitments. This resolution is best defined by what it lacks. This resolution fails to include the proposal for a bipartisan panel tasked with outlining rigorous benchmarks and making sure they are met so that our troops may return home in victory.

This resolution fails to specifically protect the funding that our troops need to execute the mission. This resolution fails to condemn the terrorists and insurgents who target both our troops and Iraqis, and, most importantly, it fails to reiterate that victory should always be the goal.

We were told this week would provide an opportunity for every Member to go on the record, yet the majority has not allowed a Republican alternative that would protect funding for the troops. How do the American people know where their Representatives in Washington stand on funding for our troops when the majority will not allow that to be?

The American people are anxious, but they want progress, not defeat. They want to see their elected officials working together to ensure success on behalf of our troops. Simply inserting a sentence, saying you support the troops, is not enough when your actions say otherwise. The consequences of retreat would be dire. This is understood by our allies as well as our regional partners who have spoken up against withdrawal.

According to the Iraq National Intelligence Estimate, it would result in an immediate increase in sectarian violence and genocide and has the potential to destabilize the entire region. For decades, the instability in the Middle East has repeatedly resulted in the deaths of American citizens and servicemembers, in places as far apart as Beirut and Yemen, New York City, and the Pentagon.

A retreat at this point in time could, down the road, necessitate our troops returning to an Iraq that is much more dangerous than the one they left. I truly believe that the United States has the most formidable military in the world, not solely because of our technological and tactical advantages, but because our men and women in uniform fight in the name of a free and Democratic people. They fight on behalf of freedom for all, knowing they have the full support and confidence of the American people.

When we take that support away, we strip our troops of the greatest weapon in the fight against tyranny. I ask my colleagues not to vote for this resolution, but to once again work together.

Mr. MEEKS of New York. Mr. Speaker, the American people are indeed looking at this debate. They want to know where their Members stand, simply whether they support the troops and their position with the President and his escalation, and we had the opportunity for every Member to speak out on that. That is what this House is all about. We are doing our jobs. It is just the first step in many steps

As a result, the American people also, I am sure, will want to hear the distinguished gentleman from the State of Pennsylvania, the Honorable MIKE DOYLE, who is the vice chair of the Telecommunications and Internet Subcommittee of the Energy and Commerce Committee.

The SPEAKER pro tempore (Mr. PASTOR). The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. DOYLE. Thank you.

Mr. Speaker, as someone who has opposed this misguided version from the war on terror from the very beginning, I believe it is way past time for our country to take stock of where we have been, where we are, and where we are going in Iraq. I think it is important to remember how we got there.

President Bush told Congress and the American people that Saddam had weapons of mass destruction and was an imminent threat to the United States; that Saddam had ties to al Qaeda and the 9/11 attackers; that the invasion, occupation, and reconstruction would cost us nothing; that Iraqi oil revenues would cover all the costs.

So where are we today? We know that Saddam had no weapons of mass destruction and that he posed no imminent threat to the United States. We know Saddam had no operational relationship with al Qaeda. Eighty percent of the Iraqi people want us to leave their country. The invasion, occupation, and reconstruction of Iraq will cost us at least half a trillion dollars, not to mention the cost in human lives and international goodwill.

More than 3,000 American soldiers are dead, more than 20,000 American soldiers are wounded. The burden of the Iraq war is being borne exclusively by our children and grandchildren who will bear the debt, and the families of our military personnel, who, at best, experience long separations and terrible worry, and, at worst, lose a beloved family member forever.

The invasion and occupation of Iraq has alienated our allies, has called our credibility into question around the world. It has soured Middle Eastern attitudes about the United States and Western democracy. Finally, the invasion of Iraq got us into a long-term bloody occupation of a country with no significant connection to the war on terror and diverted critical military and intelligence resources from the fight against al Qaeda.

The recently released National Intelligence Estimate concluded that there is little prospect for political reconciliation in Iraq at this time. So, what

should the United States do? What does victory in Iraq mean at this point? Most of us would see victory as any kind of political settlement that ended the violence, but the American people need to hear the truth, and the truth is, there is no happy ending for Iraq as long as our presence allows the Maliki government to avoid making the political compromises necessary for peace in Iraq.

Now, the President has proposed a significant increase in the numbers of U.S. troops serving in Iraq. I believe that Congress should oppose this escalation. I don't believe it has any real chance of producing a political solution in the war in Iraq or even curbing the violence in Baghdad.

I am not alone in this belief.

General Colin Powell, General George Casey, General John Abizaid, General Joseph Hoar, General Barry McCaffrey, Major General Don Sheppard and General James Conway all question this escalation.

Now, many supporters of the President's Iraq policy ask what those of us who oppose this military escalation would support instead. This Member of Congress believes that the United States should begin an immediate orderly redeployment of our troops out of Iraq with the goal of completing that redeployment by the end of the year.

We should lead and enlist the participation of all neighboring countries in a massive diplomatic surge to help contain the civil war already underway, and that diplomatic surge should include all the countries in the region, including Iran and Syria. The only way to bring stability to that region is through a regional effort.

Our troops have performed with courage, compassion, and professionalism. They did everything that was asked of them. Their work in Iraq is done. We gave the Iraqis their freedom. It is up to them to decide what they will do with it.

It is time for the Iraqis to take responsibility for their own security. It is time for Iraqis to decide if Shiites, Sunnis and Kurds wish to share resources, share power, and coexist peacefully as one country.

America cannot force them to do this, no matter how long we stay there. Only the Iraqi people can decide this.

Mr. Speaker, it is time. The American people have known for quite a while it is time, and I believe this week that finally the United States Congress will take the first step to bringing our troops home by adopting this resolution

Mr. SAM JOHNSON of Texas. Mr. Speaker, at this time I would like to yield 6 minutes to the gentleman from New Mexico, who was a pilot in the United States Air Force, serving in the Philippines, received a Distinguished Flying Cross and an Air Medal before returning to the United States.

(Mr. PEARCE asked and was given permission to revise and extend his remarks.)

Mr. PEARCE. Mr. Speaker, I rise in opposition to this stay-the-course resolution, because it is, indeed, a stay the course. It says, blithely, that we support the troops, the troops are in Iraq, they are fighting. We support the fight.

We do not, on the other hand, support an escalation, which would be another course of action, nor do we present the other alternative that says bring them home. We can bring them home, increase or stay the course, and so this stay-the-course resolution is one that is very curious indeed today.

The last two speakers that I have heard say that there is no good military action left. That is a credible viewpoint. It is one that is expressed, and yet I ask my friends why did you not have the courage to simply say, if there are no goodwill alternatives left for the military, then bring them home. That is fair and adequate.

I have also heard that it is a misguided conflict. I have also heard that our soldiers' work is done. If their work is done, please have the courage to bring them home.

I want to speak today on behalf of our soldiers, the soldiers of today. I will do it while remembering the soldiers of yesterday. Through no fault of my own, I served in the Air Force during the Vietnam conflict. I say through no fault of my own, because I was not a volunteer. I got there because I drew a very low draft number. As time has proved, it was going to be the only lottery that I am going to win, but that lottery gave me a free pilot's certificate and sent me to Vietnam to fly in 1971, 1972 and parts of 1973.

I was in Vietnam during the time that Jane Fonda made her trip to the North, giving aid and comfort to the enemy. I was in Vietnam during the time that there were demonstrations in the streets back home. I was there during the time that our soldiers were cursed at and spit on. Today, as I beat around the back dusty roads of New Mexico, I encounter those same soldiers that I encountered back then. For those soldiers who are my age, who are on walkers, life has been difficult.

There is a common greeting for soldiers of that era. It is welcome home, brother, or welcome home, sister, because they were never thanked for their duty and they were never welcomed home with parades with yellow ribbons. We were snuck back into the country.

I have brought a couple of photos to help us remember, to remember the people who were trying to get out of Saigon, not just Americans, but those people who had sided with us. They are crawling up the ladder trying to get into the helicopter. The helicopters proceeded out to carriers, then the helicopters were pushed off the side of the carriers. This is the way we left Vietnam.

I bring this up because I am beginning to see the same thing today. My colleague yesterday spoke of this resolution and mentioned that the resolution was vague, where people of very different beliefs could believe that it represented them. If you support the war, you believe that it supports your position. If you are opposed, you will somehow believe that this is the one step that is going to stop us.

Yet it really does nothing, the vague language, that clever language points out, this is not a time for cleverness, it is a time for decision, because I will be a constant voice for our soldiers. I read and I hear the comments today.

I read when Chrissie Hynde says, ''Let's get rid of all the economic (expletive) this country represents! Bring it on. I hope the Muslims win!''

I hear from the left, William Arkin, ''Those soldiers should be grateful that the American public . . . do still offer their support to them, and their respect . . .

''So we pay the soldiers a decent wage, take care of their families, provide them with housing and medical care and vast social support systems and ship obscene amenities into the war zone for them, we support them in every possible way, and their attitude is that we should in addition roll over and play dead.''

□ 1200

Our friends on the other side of the aisle, I do not discount their intent, but I know what they are trying to do. They are doing the same thing that was done in Vietnam: they are trying to feed that hungry tiger that lives on the left, that hates the American way of life, that hates the American military, that will do anything to discredit, disrespect, and discount the service of our soldiers.

My friends, you will not be able to appease the left with this toothless resolution that you are presenting. You know that your own Members, some of your Members, have called for defunding; but defunding is going to allow the exit that looks like this, and it is going to allow the mass catastrophe, the mass killings that are going to occur, and that is all part of the problem.

But before you allow your friends, who would never vote for me, who disrespect our soldiers so much, before you empower them and before you encourage them, I would recommend that you think carefully about just cleanly bringing our soldiers home.

If you are going to do nothing in the resolution, you have an obligation to do no harm. This resolution does no harm. This resolution empowers our enemy, encourages our enemy, and encourages people who are going to disrespect our soldiers. I recommend a vote against the resolution.

Mr. MEEKS of New York. Mr. Speaker, I know of no one in this House, whether you be to the left or to the right, who does not believe in our troops and our soldiers, who does not respect them and honor them. In fact, I think that by having every Member have the opportunity to speak on this

floor to talk about their patriotism is exactly what is supposed to happen in the people's House.

With that, I am proud to yield 5½ minutes to a man who was one of the leaders in opposition to giving the President the authority to unilaterally go into Iraq, a man who is steady and effective on the Ways and Means Committee, the gentleman from Texas, the Honorable LLOYD DOGGETT

Mr. DOGGETT. I thank the gentleman.

This debate is late, very late, thousands of deaths too late. This escalation scheme is an unmitigated disaster.

President Bush seems determined to continue to make the same old mistakes, just make them a little bit bigger; defying sound military judgement; defying the Iraq Study Group; defying the wishes of our allies and the Iraqis themselves; and, most particularly, defying the will of the American people.

This President continues to pursue a go-it-alone strategy in Iraq. Like most every problem that he has created, and there are many, he seeks only to pass it along to his successor, who we will elect next year—pass along in this case what is no doubt the most colossal foreign policy failure in American history.

The administration's top budget official told me in a hearing just last week that ''the best minds in the Pentagon'' see no need to fund this escalation, which has not yet really begun, for more than another seven months. In truth, our military has been so overstretched that it cannot sustain a prolonged escalation, even when it unfairly recalls inadequately supplied troops for a second, third, and fourth tour of duty. Little wonder that the Secretary of Defense, Mr. Gates, admitted last week that he is already looking for another plan after this escalation falls short.

This week, this House, we say ''stop the increase.'' And next, we must begin the decrease with a phased withdrawal from Iraq. We should not act precipitously, but we must move very expeditiously to extract our troops from the crossfire of the warring factions in this civil war quagmire.

To our troops, whose courage we honor today in this very resolution, we say to you, those of who you who are out there on the front lines today, we will do everything we can to protect you; but we will also be working as hard as we can to bring you home safely to your families sooner rather than later.

There is a better way to show support for our troops than just sending more of them to be killed. There is a better way than continuing to give this President a blank check for war funding. Unless we move forward to place firm limitations on the appropriations, we will leave this war-making President constrained only by DICK CHENEY's imagination.

The words of our adversaries in this debate have often been very short, but their true conflict is not really with us; it is with reality. They are in a losing war with the truth. Iraq has never been the central front in the war on terrorism. Like the alleged connection between 9/11 and Iraq, like the claim that Saddam's nuclear mushroom cloud was looming just over the horizon, this charge is but another falsehood foisted off on the gullible.

The central front on the war on terrorism was largely abandoned by President Bush in his ideological rush to invade Iraq. Vital resources and expertise that were needed to capture Osama bin Laden and the terrorists who caused 9/11 were cut in Afghanistan when President Bush ran into Iraq. The real war on terrorism suffered a major setback from which today it has still never recovered. That is the only ''cut and run'' that now endangers our families. Nor does this debate in the people's House embolden the enemies of democracy when we exercise democracy here in America.

To me, the terrorists seem mighty emboldened with their daily death and destruction that they wreaked across the Middle East long before anyone ever conceived this resolution. Frankly, it is the administration that is the terrorists' top recruiter.

As we predicted at the outset, this war is creating new generations of terrorists who view it as a war against all Islam. We cannot kill our enemies fast enough with the current policies creating more of them every day.

And now this President is stoking the flames of war with Iran. Ironically, that is the only country in the world to have directly benefited from his attacking Iraq. Widening the war to Iran with the macho slogan that ''boys go to Baghdad, but real men go to Tehran'' risks an even wider, even more destabling debacle that can eventually involve our families in a third world war.

Having failed entirely to learn any lessons from Vietnam, this administration seems to already have forgotten our experience in Iraq. Some here who profess to be conservative have been very liberal with billions of misspent taxpayers' dollars and very liberal with the blood of others in the sand of Iraq.

President Bush was absolutely correct when he personally declared his war in Iraq to be a ''catastrophic success.'' He has certainly been successful at creating one catastrophe after another in Iraq.

Our Nation is great enough with sufficient resources and creativity to change course, but each day we delay we sink further into a quagmire from which fewer and fewer choices remain. We must step back from the abyss

Mr. ACKERMAN. Mr. Speaker, I yield now 5 minutes to a longstanding member of the Foreign Affairs Committee and presently a member of the Ways and Means Committee, the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, almost 4 years ago our brave men and women in uniform defeated the armed forces of a brutal tyrant, and he has been brought to justice.

In the years since Saddam's fall, our troops have won thousands of battles, taken numerable objectives, built schools and utility systems, and provided all types of humanitarian relief in countless villages, towns, and cities ravaged by sectarian violence. But now our fighting men and women are thrust into a civil war that pits religious and ethnic factions against each other. Lurking amid Iraq's civilian population, they mercilessly kill their fellow Iraqis.

These fanatical killers plant thousands of explosive devices and crouch in thousands of ambush positions to attack our troops, who seek to replace senseless sectarian violence with a measure of stability so that the dysfunctional and deceitful Maliki government can survive. To fight and die in the middle of an Iraqi civil war fueled by centuries-old religious hatred is not why we sent our troops into harm's way.

Our troops have stepped up for 4 years. They have paid the price in blood. Now is the time for Iraqi authorities to step up. If they are ever to do so, it will be only after they understand that it will be their blood, not the blood of young Americans, that will be shed to stop the horrific sectarian violence that is tearing Iraq apart.

Throwing 20,000 additional Americans into the carnage of a Sunni-Shiite civil war can only allow the Iraqi Government to continue to shirk its responsibility for the security of its own people, as they continue to use our troops to eliminate their adversaries rather than sitting down and negotiating with them to share power and oil revenue.

After the election, the President said he heard the concerns of the American people and he promised a new plan for victory, but what he has proposed is merely a continuation of the same failed policy. Sending 20,000 more American troops to Iraq will do nothing to further the cause of victory. It will only prolong the agony.

Our mission in Iraq remains dependent on a viable Iraqi Government with both the ability and the will to confront the extremists that are tearing that country apart. The Maliki government has demonstrated neither the ability nor the will to take the action necessary to bring an end to this sectarian bloodshed.

The Members of his government at the highest levels and Maliki's strongest supporters are using their office to aid the insurgents and are directly involved in the sectarian violence gripping and destroying Iraq and killing our troops.

At a time when we should be doing everything we can to promote diplomacy in the Middle East, our attention to resources have instead been focused

on a civil war in Iraq which threatens to envelop the surrounding nations and further inflame the region.

The effect of this open-ended conflict on our military preparedness cannot be overstated. We have zero active duty or Reserve brigades in the United States that are combat-ready. One quarter of our troops deployed in Iraq are National Guard and Reserves. Our Guard units are stretched so thin, only 30 percent of their essential equipment remains. These units are the ones we depend on in case of domestic emergency. By further extending our commitment in Iraq, we are compromising our safety here at home.

In my home State of Nevada, one-third of our Guardsmen have served in Iraq, and with this surge they will face the possibility of further tours and extended time away from their families.

I commend our troops for their bravery in carrying out their mission. They have not let us down; we have let them down. We cannot ask them to continue their sacrifice while we wait for the Iraqi Government to step up.

I remain opposed to a fixed timetable for the withdrawal of U.S. troops from Iraq, and I realize the grave consequences we face if our mission fails. But that does not mean that I will give a blank check to the President for a surge when he has not given us a clear understanding of why such an increase is needed or how it will help us succeed.

President Bush has yet to put forth a strategy that outlines where we are going, how we are going to get there, how long is it going to take, how much is it going to cost, and at what sacrifice to the American people. He must define the meaning of victory before it is too late. ''Mission accomplished.'' ''Bring them on.'' ''Stay the course.'' And ''we will stand down when the Iraqis stand up.'' Our campaign slogan is not ''thoughtful strategies for victory.''

The President has failed to make the case for sending 20,000 more U.S. troops into a civil war with an open-ended mission and a bull's-eye on their back. I say yes and thank you to our troops, and I say no to the surge. I ask my colleagues to join me in doing the same for the good of our families, our military and our Nation.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would like to recognize Mr. PAUL GILLMOR, who is a United States Air Force veteran. And he was a judge advocate, so he knows some of the legal problems involved in this thing. I would like to yield him 5 minutes.

(Mr. GILLMOR asked and was given permission to revise and extend his remarks.)

Mr. GILLMOR. I thank the gentleman from Texas, who is a real American hero, for yielding me the time.

□ 1215

Mr. Speaker, the resolution we are considering does not do a single thing to help our troops or to achieve the goals of America, our allies or the Iraqi people.

Congress is spending an entire week on a nonbinding resolution that, even if it passes, will not change the course of action in Iraq. Our time could have been spent much better debating real issues, such as how to most effectively win the war that terrorists are waging on us.

Now, personally, I am skeptical that an increase of 20,000 troops will make the difference and that it will stabilize Baghdad and Iraq. But, for me, the question is, to whom should we listen regarding operational decisions in Iraq? Should we listen to the recommendations of the U.S. military or to the politicians in Washington?

And as an Air Force veteran, I think we should accept the recommendations of our military. And in that respect, 2 weeks ago the General in command of ground forces in Baghdad said, and I quote, ''By bringing more troops in, it provides us the opportunity to work with them, to provide more time to defeat this threat, which is both an al Qaeda threat as well as sectarian violence.''

I have visited in Germany in the medical facilities with our wounded troops from Iraq. A member of my family served a year in a combat zone in Baghdad, and I am incredibly proud of our men and women in the military. They are talented. They are dedicated. They are professional and they are the best in the world. And we owe them a tremendous debt of gratitude.

Now, even though it is nonbinding, there is, I think, a large omission in this resolution. While it does compliment the actions of our military men and women, nowhere does it commit to continue providing funding for troops in the field. And at a time when some in this town are talking about cutting off funding for our troops, I think we should commit to providing full funding for our Armed Forces as long as they are in the field.

Now, there is no guarantee that this troop buildup will be successful, or that the Iraqis will succeed in finally taking over the security situation in a responsible way. But what we do know is, at this point there is not a better plan proposed which has a chance of victory. And we also know that failure in Iraq threatens the security of the United States, the security of the Middle East, and, in fact, the whole world.

Early last year I had the privilege of leading a delegation to Asia, where we met with the Prime Ministers of India, of Thailand and Singapore. And those are all countries that are now and have been under terrorist attack. All of them agreed with the need to cooperate for security purposes, and with the importance of winning the war against terrorism in Iraq because of the consequences of not winning would have on the rest of the world.

Mr. Speaker, this resolution has two purposes. First, it rejects the only plan which has been suggested by military leaders with a chance of success in Iraq. Second, it begins this Congress down a path which ends with cutting off funding for our troops and abandoning our foreign policy because of failed congressional fortitude. I am opposed to the resolution and opposed to our micromanaging of the war on terror.

Mr. ACKERMAN. Mr. Speaker, I am pleased to yield 5 minutes to a member of the Ways and Means Committee, as well as the Judiciary Committee, the distinguished gentleman from Alabama, ARTUR DAVIS.

Mr. DAVIS of Alabama. Mr. Speaker, approximately 24 hours from now, this House will bring this debate to a conclusion and it will vote. And the vote, based on everything we expect, will be an overwhelming one. It will include people from the left of this House, the right of this House, it will include people from both political parties. It will include people who supported this war and who believed in it 5 years ago, and it will include those who have questioned it from its inception.

And there is a reason for this consensus, Mr. Speaker. There is broad agreement on several things in this House. There is broad agreement that we have been caught in the cross-hairs of a civil war between two sets of radical Islamist fundamentalists, neither of which shares our values.

There is broad agreement in this House that the human and material cost of this effort has gone too high, and there is broad agreement in this House that the moral obligation is not to put 21,000 more soldiers into harm's way; but to do the opposite, to begin the process of pulling our men and women out of this cauldron that is now Iraq.

And there is broad agreement on one other point, Mr. Speaker. It is this: that the President of the United States is wrong to say that it doesn't matter to him what this Congress thinks, or what this country thinks.

I am reminded, Mr. Speaker, I am one of the younger Members of this House, I was in college a little more recently than some of my colleagues.

I had a very esteemed professor back in the 1980s named Richard Newstadt who wrote about the American Presidency for a number of years. And one night he invited all the freshmen in the class to come over and to have a dialogue with him about the future of the Presidency. And a number of us said to him, Mr. Newstadt, what do you fear about the Presidency of the United States? And it is interesting what he said, and it is relevant today. He said, I don't fear that someone corrupt will become President one day. I don't fear that someone incompetent will become President. There are too many guardrails built in the system. The process is too exacting for that to happen. But what I fear, he said, is that one day someone will come in that office who is absolutely convinced he is right about something on which he is absolutely

wrong. And he said this: that if the country is frightened enough, if we are in enough danger, that enough people may think that what is rigid is what is strong.

Ladies and gentlemen, Mr. Speaker, several of my colleagues on the other side of the aisle have said that this resolution carries no weight, no legal or moral force. I will tell you the weight that this carries, my friends. Twenty-four hours from now, 65 percent of the Members of this Chamber will send a signal to the American people that we have heard their voices. That is a powerful thing when I think of all the people in this country who sent a clear signal, last November 7, that they were not heard.

And I end with this point. A number of my colleagues in this debate, our adversaries in this debate have said that there is a group in Washington. There is a group of people on the left. Some of you have said there is a group on the other side of the aisle who want to defund, or who don't somehow have the strength, the fiber, to support our troops.

I remind you, my friends, your disagreement is not with the Democratic Caucus. It is not even with the 50 or so in your ranks who will vote for this resolution. It is a disagreement with the 65 percent of this country. It is a disagreement with the people in my very conservative State of Alabama, 60 percent of whom now think this war is wrong and who say to me, Mr. DAVIS, why on Earth have we taken sides in a battle between radical Islamic fundamentalists? Why is a blood feud between Shiia and Sunni worth the spilling of American blood?

They are the ones you are saying are wrong. They are the ones you are saying lack strength.

So, Mr. Speaker, I simply end by thanking my colleagues who had the good judgment to be right about the futility of this war from the outset, by thanking the colleagues who were wrong 5 years ago and are right today, and by asking one last thing.

The President of the United States, who brags that he has watched none of this debate, if he could only hear just one plea from debate, that he listen to some fact, some evidence, because, Mr. Speaker, this is the problem that we face with this President. No set of facts, no set of truths can tell him that he is wrong. Tomorrow this Chamber will tell him so

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would like to yield 5 minutes to DAVE CAMP, a fellow Member of Congress from Michigan, and a fellow member of the Ways and Means Committee, one of the ranking members.

Mr. CAMP of Michigan. Mr. Speaker, I want to thank the distinguished gentleman for yielding, and I want to thank him also for his distinguished service in the United States Congress, the United States Air Force, seven of those as a prisoner of war.

Mr. Speaker, I rise today in opposition to this nonbinding resolution. And I share with my colleagues, our servicemen and women and their families, the wish that this war was over and won. It is not, and the resolution before us today does nothing to resolve this conflict, does nothing to reduce the loss of American life, does nothing to stabilize Iraq and does nothing to advance our security.

I would like to use my time today to relate some of the comments that I have received from my constituents in the Fourth District of Michigan. From Big Rapids: ''The Congressmen and women who are opposed to these plans should come up with better solutions! Don't penalize our military men and women by making politics a part of their safety and well-being!''

From my hometown of Midland: ''Please stop playing politics with our lives and the lives of young people who are defending our country.''

From Alma: ''I am sick of the partisan politics. We went into Iraq united, but we have let politics divide us. It is time to realize some things are bigger than the political parties!''

Friends, we may often disagree. But the facts are, regardless of how it began, and irrespective of the benefit of hindsight, we are at war and Iraq is the central battleground.

Islamic extremists are waging a jihad against us, and they are struggling to make Iraq a base camp. Our focus must be on winning; and, disturbingly, I see no mention of winning, succeeding, or victory in this resolution. That in itself is telling of just how the other side perceives this conflict: not in terms of defeating an enemy of America, but in terms of defeating a political foe.

Our troops deserve better. The American people demand more from their leaders.

Again, in the words of one of my constituents from Bannister: ''I hope Congress is tough enough to do what works, not just what is politically correct. We need to move carefully and deliberately, showing a united front, or we are again going to be the victims of some outrageous terrorist attack.''

Sadly, the new majority does not seem to understand what so many Americans readily grasp. ''If you support the troops, you must support the mission or you send the wrong message to the enemy,'' as it was so aptly put by a constituent from Ashley.

From Farwell: ''Congress needs to get behind the President and help, not hurt, the morale of the soldiers that are fighting. They believe in their mission!''

And I believe in them, which is why I cannot and will not support this resolution.

As I conclude my remarks, I want to leave you with two comments. The first is from Traverse City: ''We should all pull together and get the job done.''

And the second, from an airman from Corunna: ''Thank you for the much needed support of me and my fellow airmen.''

I hope that once we dispose of this nonbinding resolution, our focus turns to supporting our servicemen and women, making America more secure and achieving the victory our military personnel are putting their lives on the line for.

Mr. ACKERMAN. Mr. Speaker, at this time I yield 5 minutes to the chairman of the Energy and Water Appropriations Subcommittee, the distinguished gentleman from Indiana, Representative PETER VISCLOSKY.

Mr. VISCLOSKY. Mr. Speaker, I rise today in support of this resolution and express my profound disapproval of President Bush's decision to increase our troop levels in Iraq.

Late last year the President had an opportunity to create a new strategy. The voice of the American people was heard at this past election. The voice of the Iraq Study Group gave the President a bipartisan plan to draw down our troops. New leadership at the Pentagon also could have been a voice of change of strategy. But President Bush did not listen to any of these voices. He decided to escalate our troop levels in Iraq. No time frame, no measurable benchmarks, no end.

Mr. Speaker, if President Bush chooses an erroneous path, then it is our constitutional responsibility to show the way.

I have the deepest respect and gratitude for our women and men in uniform. I honor their commitment, their courage and their sacrifice.

□ 1230

Our troops have done everything we have asked them to do. They overwhelmed the old Iraqi Government and captured Saddam Hussein. They provided security while Iraq formed its provisional government, approved a constitution, and elected a permanent government.

Nine individuals from the First Congressional District of Indiana have already given their lives and made the supreme sacrifice for our Nation. These brave men and women will always be remembered: Sergeant Jeanette Winters; Specialist Gregory Sanders; Sergeant Duane Rios; Specialist Roy Buckley; Private First Class John Amos, II; Private Luis Perez; Private First Class Nathan Stahl; Corporal Bryan Wilson; Private First Class Steven Sirko; Specialist Nicholas Idalski; Specialist Adam Harting; and Staff Sergeant Jonathan Rojas.

I am so proud of the dedication and service of the people of my State in the United States military. We owe them a commitment equal to their courage. We owe them the courage to act on our conviction.

With the passage of 4 years and the loss of over 3,000 brave Americans and countless others who have been permanently injured, I regret to recall that we were told we needed to invade Iraq because Saddam Hussein possessed materials for weapons of mass destruction. None could be found. I regret that

the President felt compelled to justify the invasion by claiming a connection between al Qaeda and Saddam Hussein when the 9/11 Commission found this was simply not true.

Our situation in Iraq has redirected our Nation from its true mission. The war in Iraq has diverted our attention from the global war on terror. We need to reconstitute our Armed Forces. We also need a strategic redeployment of our forces that will give us the ability to focus our efforts directly on the global terror networks that target innocent people around the world.

I voted against the authorization of the Iraq invasion in 2003. There was no plan or exit strategy then, and there are clearly no good options now. Yet the Iraq Study Group provided a bipartisan perspective on some changes in strategy. They called for a drawdown of troops and for intensive diplomatic efforts to resolve the sectarian violence there. We need to listen to their recommendations.

Mr. Speaker, it is not too late to change our strategy, and the first step along the new way is to prevent the President's escalation of this war. It is time to obligate the Iraqi Government to assume the full burden and consequences of governing their country. We need to listen to the majority of the American people. We need to listen to reasoned voices such as the Iraq Study Group. The time to pursue a new course is now. I support our troops, and that is why I support this resolution.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would like to yield 5½ minutes to the great Congressman from the State of Minnesota, an ex-Marine, JOHN KLINE.

Mr. KLINE of Minnesota. Mr. Speaker, I thank the gentleman for yielding. I will overlook the ''ex-Marine'' slight. Never an ex-Marine; always a Marine.

It is a tremendous honor for me today to even be on the same floor as this great American here. We heard earlier today the hardship of some of our servicemen and -women missing a holiday with their families, and I know in my 25 years in the Marines I missed a number of those. But there is nobody who has missed more holidays with his family than this great American next to me.

We have heard a lot of speeches during this so-called debate. I am not sure how much real debate there is, but certainly a lot of speeches. Some of them have been very eloquent. I think of Mr. MCHUGH the other night giving one of the best speeches I have ever heard on the floor of this House. Some of them have been partisan. Some of them have been shrill. Some persuasive; some not. We have heard a number of opinions expressed, and it reminds me a week or so ago we had a hearing in the Armed Services Committee and we had three experts, Ph.D.s all of them, experts in the field of international relations and military operations.

One of them, the former Secretary of Defense under President Clinton, and it turns out that at the end of the hearing, each of the three of them had a different idea about what we ought to do. None of them supported what the President had been doing. One of them sort of supported what the President was doing. But each of them had different ideas. They had an opinion, arguably an informed opinion, but an opinion nevertheless.

And on this floor we have heard more opinions. We have heard people say, I don't agree with this; I think this is a bad idea; or I think this is a good idea. We have heard some people say I have a better idea; or I am a member of a caucus who has a better idea; or I propose this; or I think that. And it kind of reminds me why it is a very bad idea to conduct a war by committee. But I fully acknowledge that people are allowed to have opinions and certainly every Member of this body can have an opinion.

I remember the principal author of this resolution before us, the distinguished chairman of the Armed Services Committee, stood up on the other side of the aisle here on the first day of this debate and he said, ''Everybody is entitled to their own opinions but not to their own facts.'' So I would just like to take a little bit of my remaining time here to talk about some of the claims and some of the facts that have been brought forward in this debate.

One of the proponents said the new plan ''ignores the recommendations of the military commanders on the ground.'' How many times have we heard that in these two days? Well, what is the truth? General Petraeus, the new commander of the multinational force in Iraq, confirmed by the Senate with no dissenting votes, said: ''If we are to carry out the multinational force-Iraq mission in accordance with the new strategy, the additional forces that have been directed to move to Iraq will be essential . . . '' He said that last month.

General Odierno, a new U.S. commander, Corps commander, says: ''This is about Iraqis taking charge of their own security. In order for them to do that, we have to buy them time to continue to train and for the government to become more legitimate to the eyes of the Iraqi people. They are doing that by moving forward. By bringing more troops in, it provides us the opportunity to work with them, to provide more time, and defeat this threat, which is both al Qaeda threat as well as sectarian violence.''

Even General Casey last month said he thought we needed more troops.

Another claim has been by one of our colleagues: ''Prime Minister al-Maliki has indicated in virtually every way he can that he too opposes the surge.'' And yet on January 13, Prime Minister Maliki said: ''The strategic plan announced by U.S. President George W. Bush represents the common vision and mutual understanding between the Iraqi Government and the U.S. Administration''?

I have more examples here, but one that we have heard over and over and over again in various forms was stated by one of our colleagues yesterday saying: ''Our President, again, is ignoring . . . members of the bipartisan Iraq Study Group who opposed this escalation.''

This is the book. I commend it to every American.

I would like to quote now from my dear, dear long-time friend and hunting partner, the former Secretary of State, James A. Baker III, who said on January 30 of this year: ''This is the language and all of the language of the report with respect to a surge: 'We could, however, support a short-term redeployment or surge of American combat forces to stabilize Baghdad or to speed up the training and equipping mission if the U.S. commander in Iraq determines that such steps would be effective.' The only two conditions are 'short term' and 'the commander in Iraq determines it would be effective.' ''

Both of these conditions have been met.

There have been many claims of fact which I have some counterarguments with.

I would just say to all of my colleagues that I would concur with Chairman SKELTON that we are entitled to our own opinion. We can certainly express it. But we are not, in fact, entitled to our own facts. So let's stick to the facts.

Mr. ACKERMAN. Mr. Speaker, I yield at this time 5 minutes to the distinguished chairman of the Science Committee, Representative BART GORDON of Tennessee.

Mr. GORDON of Tennessee. I thank my friend for yielding.

Mr. Speaker, as I have watched this healthy debate over the last 2 days, I keep thinking about an e-mail that I received from a lady in Springfield, Tennessee. You would never accuse this woman of not supporting the troops because her husband was a soldier serving in Iraq. He was a month from returning home to his wife and his two daughters, but he was ordered to stay in Iraq for another 6 months because our troops are spread so thin. He hasn't been home since October of 2005. These are the words that she wrote to me: ''Mr. Gordon, we need to help other countries, but there are already 3,000 families in America whose lives will never be the same. I want, need, and would love to see my husband again.''

Mr. Speaker, this lady supports the troops. I support the troops in Iraq, and I believe everyone in this Chamber supports our troops. They perform their missions with bravery and honor, and I commend them for the job they are doing. But I am unconvinced that deploying more troops and spending more money is the right strategy. And I am not the only one. General Colin Powell said in December: ''I am not persuaded that another surge of troops into Baghdad for purposes of suppressing this civil war will work.''

General George Casey, the former commander of U.S. forces in Iraq, said last month: ''It's always been my view that a heavy and sustained American military presence was not going to solve the problem in Iraq . . . ''

In December it was reported that the Joint Chiefs of Staff unanimously disagreed with the concept of troop escalation.

General Colin Powell, General George Casey, and the Joint Chiefs of Staff, these are men who support the troops. Yet these American generals, the Iraqi Study Group, and the Iraqi Prime Minister have all opposed this troop surge.

We have had four other surges since we first went to Iraq. None produced a lasting change on the ground. In October more combat troops were sent into Baghdad to fight the growing violence there. Unfortunately, the sectarian violence has only grown worse. Many have endured great sacrifices in the 4 years this war has been waged. More than 3,000 Americans have lost their lives; 23,000 more have been wounded. We have spent more than $350 billion with many billions more to go. We have been in Iraq longer than we were involved in World War II. And there is no end in sight.

For 1,300 years Sunnis have been fighting Shias. Now is the time for the Iraqis to take more responsibility for securing the peace in their own nation. No one has offered any evidence that 20,000 more American troops would change the direction of a 4-year-old war or 1,300 years of history.

Mr. ACKERMAN. Mr. Speaker, it is now my pleasure to yield for the purpose of making a unanimous-consent request to the distinguished Congresswoman from the U.S. territory of Guam, MADELEINE BORDALLO.

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Mr. Speaker, I rise in support of H. Con. Res. 63.

I rise today to acknowledge and honor the service and sacrifice made by military and civilian personnel who have served and who are serving today in Iraq, Afghanistan, on the Horn of Africa, and elsewhere around the world in defense of the national security of the United States. These individuals, and their families who support them from home, are to be commended for their dedication to our country.

I represent the island of Guam. Sons and daughters of Guam, and those from our neighboring islands in the Commonwealth of the Northern Mariana Islands, Micronesia, Palau, and the Marshalls, serve proudly in the United States Armed Forces. These individuals serve at a critical point in our country's history and we are grateful for their dedication to their mission and their commitment to ensuring our freedom.

I have been able to visit on eight occasions with our servicemembers deployed in Iraq, Afghanistan, and the Horn of Africa to see first hand their living conditions, learn about their missions, and gain a better understanding of the challenges that confront them. All of us on Guam are immensely proud of our men and women from Guam who serve our Nation. I have heard their stories and have been humbled by their struggles, their heartbreaking loss, and their inspiring instances of achievement. I have come away from each of these visits with profound gratitude for their sacrifices and their professionalism.

Serving in defense of the United States does not come without heartache and sacrifice. Eighteen servicemembers from Guam and our neighboring islands in the Pacific, Saipan, Pohnpei, and Palau, are among the more than 3,000 reported by the Department of Defense to have made the ultimate sacrifice in the Global War on Terror. Our island communities united to mourn the passing of each one of our sons and daughters, as we mourn the loss of all servicemembers. We will continue to provide support to grieving families who suffer the burden of these losses. Every American owes a debt of gratitude—albeit an un-payable one—to our fallen and injured servicemembers and their families.

The year 2007 also will be witness to more tours of duty in Iraq, Afghanistan and the Horn of Africa for our active duty, Guard and Reserve servicemen and women. For some it will be their second, third, and fourth tours of duty in those theaters of operations. This is a lot to ask even of the world's finest fighting men and women. They serve proudly and their morale remains high and their fighting spirits remain strong. God bless their families and friends who remain behind supportive and proud of their loved ones.

We owe our servicemembers and their families our best efforts toward helping our Armed Forces achieve an expeditious and honorable completion to Operation Iraqi Freedom. This should be a primary goal for all of us. But the situation in Iraq will not yield a solution easily. Nevertheless, the President, in consultation with this Congress, must endeavor to find one. And it is for this reason that I introduced H.R. 744, the Iraq Policy Revitalization and Congressional Oversight Enhancement Act. H.R. 744 also would aim to revitalize U.S.-Iraq policy; would require the President to provide to Congress a plan that addresses the whole of the challenge in Iraq; would improve congressional oversight of Operation Iraqi Freedom and events in Iraq; would seek to increase the commitment made by the international community to the stability and security of Iraq; and would ultimately, help bring our troops home in an honorable, expeditious manner without sacrificing their mission.

The Iraq Study Group, co-chaired by former Secretary of State James Baker and former Congressman Lee Hamilton, concluded that many of the challenges in Iraq are of an international nature, and they become more so—not less so—as each day passes. As a result, it is becoming increasingly important to view United States policy toward Iraq as a part of and not isolated from United States policy toward the region as a whole. It also is becoming increasingly important for countries in the region and the international community to become more fully engaged in the effort to stabilize Iraq. The Iraq Study Group recommended that we support efforts to promote a multilateral agreement between the United States, Coalition countries, regional states, and multilateral organizations. A multilateral agreement will help bring renewed focus to and enhanced international cooperation toward resolving Iraq's problems. A multilateral agreement will help reaffirm the existence of a united front against elements that seek to destabilize Iraq, and thus bring added pressure to bear on those actors. Lastly, a multilateral agreement would provide for the formation of a forum in which current and future regional security, political, and economic issues regarding Iraq's continued development can be discussed and addressed. The establishment and maintenance of conciliatory relations between Iraq, its neighbors, regional states and the international community is essential to stabilizing Iraq internally.

As the debate today on H. Con. Res. 63 continues, I take this opportunity to call attention to H.R. 744 and the various other legislative proposals that have been brought forth by members of this body to help us bring Operation Iraqi Freedom to a conclusion. In the weeks ahead I hope that this body will seriously consider these measures. It is very difficult to consider the merits of the President's decision to deploy additional troops to Iraq at this time without having received from the Administration a comprehensive plan that clearly communicates to the Congress and the American people exactly what is necessary to complete the mission of Operation Iraqi Freedom.

Mr. SAM JOHNSON of Texas. Mr. Speaker, at this time I would like to yield 3 minutes to Representative JOHN SHIMKUS from Illinois. He is an ex-Army Academy graduate and served in the United States Army and still is in the Reserves.

(Mr. SHIMKUS asked and was given permission to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, these are real e-mails from veterans, active duty members, and National Guard and Reservists:

''John, my son, a Marine gunny sergeant embedded with the Iraqi Army around Rimadi, called a few weeks ago. I asked him if he knew about the President's plan for more troops. He hadn't heard about it, but his only comment to me was 'We can use them.' Please support the President and the troops. It may be our last, best chance to win this thing. Winning is the imperative. Semper Fi.''

And another: ''We have to let our generals be generals and wage this war as only they are trained to do and have hope that the announced troop buildup will be the final key that is needed by the Iraqis to build a secure, united country.''

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We have to hope that it is not too late for the U.S. to make a difference in Iraq.''

Another: ''We need to send the message to our troops that America wants them to succeed in Iraq by giving the buildup a chance to succeed.''

Still another: ''My fellow Guardsmen are ready. We will do whatever is asked of us. Please ensure that the resources, funds and equipment continue to flow. Supporting the troops means giving us the means to do our job.''

And another: ''We also need to stay in Iraq and put forth the necessary will and resources that will allow our strategy to succeed.''

And another: ''Moreover, our troops need more open rules of engagement to do their job effectively.''

Another e-mail: ''Elections have consequences, and for our recent election the consequences have been a major setback in the war on terror and a greater threat to terrorist attack at home.''

Still another: ''Like Vietnam, our enemies view us as not having the stomach to fight a protracted war. If we withdraw, however, the credibility of the U.S., our military, and our assurances would be lost for years, probably decades.''

Another: ''The overwhelming response among officers is we must stay and finish what we have started. Many of these officers have built strong relationships with local Iraqi and Afghan citizens who want to raise their family in peace.''

Another: ''We do in fact have many more Iraqi Army and National Police units moving into Baghdad and many are effectively partnering with U.S. units.''

Another: ''They did pass their budget for 2007 last week,'' sooner than the U.S. Congress, incidentally, ''and have made some progress with other legislation, which indicates they can work some political compromises.''

I will end with this: ''I would hope that your colleagues would be able to continue to support what we are doing, because it honestly does have a reasonable chance at success.''

These are real communications with real soldiers, Active Duty, in Iraq, National Guardsmen, reservists, and veterans throughout our country who say there is no substitute for victory. We have to win this campaign. It is in our national security interest to support moderate Arab states.

John, my son, a Marine Gunny Sgt. imbedded with the Iraqi army around Rimadi, called a few weeks ago. I asked him if he knew about the President's plan for more troops. He hadn't heard about it, but his only comment to me was: "We can use them!" Please support the President and the Troops. Maybe our last, best chance to win this thing. Winning is the imperative. Semper Fi!

We have to let our generals be generals and wage this war as only they are trained to do, and have hope that the announced troop buildup will be the final 3 key that's needed by the Iraqis to build a secure and united country.

We have to have hope that it's not too late for the U.S. to make a difference in Iraq.

We need to send the message to our troops that America wants them to succeed in Iraq by giving the buildup a chance to succeed.

The main effort is really the political reconciliation and the security of the population is the key precondition to that. The language and some action from the Iraqi government and Army leaders have been good in the past several weeks. The next several months will be critical—probably decisive—and I believe there is reason to be realistically hopeful.

I believe that what we are doing in Iraq and Afghanistan supports the NSS. What I have heard in the debate is that we no longer have a security interest in Iraq. What part of out NSS is to support moderate Muslim governments? Another part of the NSS addresses humanitarian rights, to include rights of women.

My fellow Guardsmen are ready. We will do whatever is asked of us. Please, ensure that the resources, funds and equipment, continue to flow. Supporting the troops means giving us the means to do our jobs.

We have not had a failed Iraq policy—we have just had overly optimistic expectations of how fast the Iraqis would be able to establish a stable government and a unified country that functions in a manner to our satisfaction. Ironically, we want the Iraqis to pursue a unity government and national reconciliation, but we don't do that ourselves. The partisanship that we are seeing here in the U.S. is no different that the partisanship that we are seeing in Iraq.

We also need to stay in Iraq and put forth the necessary will and resources that will allow our strategy to succeed. Imagine a Super Bowl football team quitting the game in the third quarter simply because they were behind. The premise is so absurd it is inconceivable so too would be our quitting a war to protect our way of life simply because battlefield conditions are not going perfectly.

Moreover, our troops need more open rules of engagement to do their job effectively. This is war, and they are soldiers, not police officers. The U.S. and Iraqi governments must expect civilian casualties and collateral damage. It's unavoidable. The irony in this matter is that most Iraqi people would welcome the increase security.

Elections have consequences. And for our recent election, the consequences have been a major set back in the war on terror and a greater threat to terrorist attack at home.

Like Vietnam, our enemies view us as not having the stomach to fight a protracted war. If we withdraw, however, the credibility of the U.S., our military, and our assurances would be lost for years, probably decades.

The Iraqis are watching all of this, and they can see which way the wind is blowing. They know if we leave either the Sunni insurgency or the Iranians would likely come in, and their newly gained freedoms would be lost. This reality shapes the thoughts and actions of all Iraqi officials, from Prime Minister al-Maliki, down to the police officers on the street.

Many Americans are in denial about the threat from radical Islam. Unfortunately, it may take another 9/11 before they wake up. God help us if one of our cities gets nuked when that happens.

The overwhelming response among officers is that we must stay and finish what we started. Many of these officers have built strong relationships with local Iraqi and Afghan citizens who want to raise their families in peace. They feel we have given our word as a country that we will stand by them. I agree with this sentiment.

Lincoln/Sherman figured out that to truly defeat the south, he had to march to Savannah to convince the locals that it was not worth continued conflict. WWII had similar actions for resolution like Hiroshima. While these were waged against conventional forces, Congress must understand that the current conflict is more than between insurgents and U.S./Coalition forces.

If we do not have the will to do this hard work, we need to get out now. We cannot continue to try to get the job done with the minimum force. If anything we should send more than we think we need. Our focus on being liberators has caused us to misjudge what is needed. You cannot liberate until you have gained control. We never got there and must do so now.

Speaking of which, my two cents. The most basic job of government is to protect its citizens. If the Surge is properly designed to do that, then it is a good idea. I say give it a chance, even though it should have been that way to begin with. From my experiences in Desert Storm '91, I firmly believe that most people, Middles Easterners included, just want to protect their family, practice their religion, and have an opportunity to prosper.

We have to be able to go after all the killers regardless of who or where they are. The Iraqi follow-on forces then have to maintain the peace, not bring in their individual hatreds to the power vacuum. Helping them secure their borders from fighters through Jordan and Syria and equipment from Iran is also critical (Navy and Air Force tasks with limited ground support?). Getting the ''Rule of Law'' established will eventually replace the need for ''Self Protection'' (Militias).

The biggest hurdle is at home. If the media continues its selective reporting (failures only), then even if its an unqualified success on the ground, it will be perceived as a loss at home due to its depiction on TV and Press reports. Tying Iraqis to a yardstick measuring success or failure seems to be a good idea.

Press the Senate not to pass the latest Resolution limiting support—it is just a grand standing event for presidential hopefuls.

We do in fact have many more Iraqi Army and National Police units moving into Baghdad and many are effectively partnering with U.S. units.

They did pass their budget for 2007 last week (sooner than the U.S. Congress, incidentally) and have made some progress with other legislation, which indicates they can work some political compromises.

Everyone is forced to telescope political, economic, and security reforms that would normally take 7–10 years into 7–10 months.

So the question that you are debating is whether or not $100 billions (less than 0.8% GDP) and tragically, probably 700–900 U.S. soldiers' lives is worth a 50% chance of preventing a national security crisis that will set back U.S. policy for decades.

If you are the parent or spouse of one of those soldiers who may die, it is GD probably not worth it. But if you are a national leader, I would hope that your colleagues would be able to continue to support what we are doing because it honestly does have a reasonable chance of success.

Mr. ACKERMAN. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from Massachusetts (Mr. MCGOVERN), the vice chairman of the Rules Committee.

Mr. MCGOVERN. Mr. Speaker, I thank my colleague from New York for yielding.

Mr. Speaker, I oppose the escalation of U.S. forces in Iraq and I strongly oppose this war. We had no basis or justification or right to invade Iraq. It was a mistake. There are no easy answers or solutions before us. No matter what option we pursue, there is no

nice, neat, happy ending. Sometimes you can't fix mistakes.

Hopefully we can make this awful situation less awful. This war should never have happened. That is not just my opinion, it is the opinion of many of the top military leaders in our country. The war has diminished our standing in the world. It has been used as a recruiting tool by the very terrorists we say we want to defeat. It has cost us hundreds of billions of dollars. And, most significantly, we have sacrificed the precious lives of so many of our brave servicemen and women, and thousands more have returned home severely wounded.

Now, I have listened as many of my colleagues have come to the floor and said we must follow our leader and be quiet. Some have even suggested that those of us who support this resolution and want this war to end are doing a disservice to our troops.

Mr. Speaker, for 4 long years, Congress has done absolutely nothing in the face of mistake after mistake after mistake in Iraq. None of us in this Chamber have to wake up tomorrow in Baghdad or Fallujah or Tikrit. None of us have to wake up each morning and go on patrol in Anbar Province. None of us in this Chamber are in harm's way. But we are all responsible, all of us, just like the President, for assigning tens of thousands of our bravest young men and women for being referees in a sectarian civil war.

If we truly want to protect our troops, if we truly are concerned with their safety and well-being, then bring them home and reunite them with their families.

Newsweek columnist Anna Quindlen put it this way: ''There is no better way to support those fighting in Iraq than to guarantee that no more of them die in the service of political miscalculation.''

Mr. Speaker, the American people are way ahead of the politicians in Washington. Citizens of all political persuasions are sick and tired of the political spin and political posturing. Our focus should not be about saving face. Instead, it should be about saving lives.

The people of this country have been misled, they have been deceived, and they have been lied to. Increasingly, people do not trust their government to tell the truth on the war. Mr. Speaker, I don't trust my government to tell me the truth about this war.

There is no military victory to be had. The only hope is a political solution.

The Iraqi Government and the Iraqi people have the power and the ability to move in a different direction, a direction that seeks to calm sectarian violence and heal sectarian divides, respect the rights of all citizens and uphold the rule of law that applies to everyone equally. But they have to choose that path themselves. Regrettably, I have little confidence that the current Iraqi Government will make such a choice. I hope I am wrong.

Mr. Speaker, it is essential to change the dynamic inside Iraq, and to do that it is essential that we dramatically change our policy. That means we must end the U.S. occupation and begin an all-out diplomatic effort to promote reconciliation and an end to the violence. That means we should begin the immediate, safe and orderly withdrawal of our troops from Iraq. That means we should provide protection and political asylum to those in Iraq who have assisted us and who may be in danger because of it. That also means that the United States must demonstrate the maturity and the common sense to talk to political leaders and to countries we don't like, including Syria and Iran.

None of this will be pleasant, none of this will be easy and there are no guarantees that it will work. But I am sure of one thing: What we are doing now is failing. What we are doing now is not healing the divisions in Iraq and is not serving the best national security interests of the United States. Our own intelligence agencies have reported to us that this war is creating more terrorists.

No one in this House enjoys this discussion. Some, I know, wish that somehow this issue would go away. But, Mr. Speaker, it won't. So no matter how uncomfortable this debate is for some of my colleagues, it is long overdue.

The message that Congress will hopefully send tomorrow by passing this resolution is one that the American people want us to send and one that the President needs to hear.

President Lyndon Johnson once remarked, ''It is easy to get into a war, but hard as hell to get out of one.'' The choices before us in the next weeks and months will not be easy. Indeed, it will be difficult, even painful, to extricate ourselves from this war. But it is the right thing to do.

I urge my colleagues to support this resolution which strongly supports our troops and opposes this escalation

Mr. SAM JOHNSON of Texas. Mr. Speaker, I just would like to correct something. We are not occupying Iraq. We are helping the Iraqi government, who has complete control over there trying to win this battle.

Mr. Speaker, I yield 5 minutes to our new representative from Colorado (Mr. LAMBORN).

(Mr. LAMBORN asked and was given permission to revise and extend his remarks.)

Mr. LAMBORN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this resolution. There are many flaws in this resolution. One of the most serious is that while it gives lip-service to a desire to support and protect the troops, it turns around and disapproves of the plan that is best calculated by the commanders on the ground to bring order to Baghdad.

This surge is the best way, in the opinion of the commanders, to clamp down on the insurgency, to protect our troops and ultimately to lead to victory. I don't see how you can claim to protect and support the troops while taking away the best option for victory.

That brings up another serious flaw in this resolution: It has no positive alternative. The resolution seems to say that we should go on as before, which I thought my colleagues across the aisle said was unacceptable.

Yet another serious flaw is that Members of Congress, who are many thousands of miles away from the battlefield, are substituting their judgment for that of the commanders in the field. This is foolish and arrogant. This gives rise to a constitutional conflict as well. The Constitution gives the President the power of Commander in Chief. President Bush, who was reelected by a vote of the entire American people just 2 years ago, has the duty and authority to conduct the war in Iraq.

Congress has the power to declare war and to fund or to not fund war, but does not have the power to conduct a war. This constitutional division of powers is vital, because, among other things, a clear chain of command is better calculated to lead to victory with the least possible loss of life. War by committee, on the other hand, does not best serve the interests of our country or our troops.

Because this resolution is so deeply flawed, it will send bad messages if it is passed. It will send a message to our enemies that we are weak and unable to complete a difficult task. It will send a message to our allies that we are undependable. It will send a message to the families and loved ones of our fallen soldiers and marines, to our brave men and women who have been disabled and to the troops in the field, that their sacrifice is in vain because their mission is not worth our commitment. These messages will be destructive, and I urge my colleagues not to go down this road.

If America does abandon Iraq, which many of my colleagues across the aisle want to be the ultimate outcome, destruction will spread across the entire Middle East and will be more likely to come to our own shores.

I know that the struggle against terrorism is difficult, but we cannot give up. Yes, we must learn as we go, and, yes, we must adapt to changing circumstances. But we must not think that retreat will bring relief. We and the entire world will pay a terrible price if we go down that road. This resolution is the first step down that road. I urge the defeat of this resolution.

Mr. ACKERMAN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Pennsylvania (Mr. HOLDEN), the vice chairman of the Agriculture Committee and the chairman of the Subcommittee on Conservation, Credit, Energy and Research.

Mr. HOLDEN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of House Concurrent Resolution 63. I

also rise in strong support of the brave men and women who have served or are serving in Iraq and around the world.

I represent thousands of men and women on Active Duty and in the National Guard and in the Reserves. I have visited our wounded and injured troops at both Walter Reed and Landstuhl Regional Center in Germany. My commitment to our brave men and women is unwavering. However, I disagree with deploying more than 20,000 more U.S. combat troops to Iraq.

The President has consistently said that the size of the force would be determined by military leaders on the ground. Yet the two previous leading commanders on the ground do not support the addition of more troops. General George Casey, the former commander of the Multinational Force in Iraq and current chief of staff of the Army, advocated transferring security duties to Iraqi soldiers.

General Casey said, ''The longer we and the U.S. forces continue to bear the main burden of Iraq's security, it lengthens the time that the Government of Iraq has to make the hard decisions about reconciliation and dealing with the militias.'' He goes on to say, ''And the other thing is that they continue to blame us for all of Iraq's problems, which at face are their problems. It has always been my view that a heavy and sustained American military presence was not going to solve the problems in Iraq in the long run.''

Additionally, General John P. Abizaid, the former commander of U.S. Central Command in the Middle East, has said that he did not believe that adding more American troops right now is the solution to the problem, and also advocated transferring responsibility to the Iraqis.

General Abizaid said, ''I met with every divisional commander, General Casey, the Corps Commander, General Dempsey. We all talked together. And I said, in your professional opinion, if we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq? And they all said no. And the reason is because we want the Iraqis to do more. It is easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.''

During the course of the war, I visited Iraq twice, in 2003 and 2005. While I was there, the main goal, other than achieving victory, was developing Iraq's infrastructure. Yet after 4 years and hundreds of billions of dollars, we have not had much success in improving infrastructure and still face serious problems. Oil production is one-half of the prewar level, while conditions of basic services, such as water, power and sewage, are below that. In Baghdad, electricity levels are at an all-time low. And while we have spent billions of dollars on these problems, $9 billion is lost and unaccounted for.

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That is why I also rise today in support of the Blue Dog resolution which provides cost accountability for Operation Iraqi Freedom. This resolution will directly address the infrastructure and security failures in Iraq. More specifically, the resolution requires the Department of Defense Inspector General and the Special Inspector General for Iraqi Reconstruction to report to Congress every 90 days with:

One, a detailed accounting of how military and reconstruction funds in Iraq have been spent;

Two, a detailed accounting of the types and terms of contracts awarded on behalf of the United States;

Three, a description of efforts to obtain support and assistance from other countries toward the rehabilitation of Iraq; and, finally,

Four, an assessment of what additional funding is needed to complete military operations and reconstruction efforts in Iraq, including a plan for the security of Iraq.

Mr. Speaker, our troops have done their job and performed with great courage and honor. The solution in Iraq can no longer be resolved militarily. We must win both politically and diplomatically. We must ask Iraq's six neighbors to use influence that is consistent with our own objectives, and we must convince them that stability in the region is in their best interests.

In closing, I want to offer my utmost gratitude and appreciation for our troops. Our thoughts are with these brave men and women and also with their families as we pray for them to return safely.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 4 minutes to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. Mr. Speaker, this afternoon we continue here on the House floor another chapter in the long and healthy debate on promoting freedom and democracy around the world, while maintaining the security of our country, of our cities, of our homes and our families.

The resolution before us today appropriately begins with the reaffirmation of our vigorous, unwavering commitment to the brave men and women now serving our country in uniform. We pledge to give them every tool they need to fulfill their assigned missions while providing the maximum protection possible. Additionally, we pledge their families every means of support when their loved ones are overseas and when they return home.

My district in eastern Washington is the proud home to Fairchild Air Force Base that houses the 92nd Air Refueling Wing. These men and women have been an important part of fighting the global war on terror. Our community, like every community around the country, supports our men and women in uniform. Together, we have celebrated victory; and, together, we have mourned losses.

We unanimously stand by our troops because, almost 5 years ago, this Congress asked them to step forward to protect our country and win the fight against terrorism.

On October 10, 2002, before many of us were here, including myself, 296 Members of this body, including 81 Democrats, passed a bipartisan bill authorizing the use of military force in Iraq. The next day, 77 Members of the Senate approved a motion authorizing the same use of force.

What Congress realized then was the importance to the security of our own country of a free and stable Iraq and a peaceful and secure Middle East. Five years ago, Congress was at a crossroads and made a very difficult decision. Today, young girls in Iraq can now attend school, democratic elections have been held, a fledgling government is in place, and Saddam Hussein, a murderer of over 300,000 Iraqis, is no longer a threat to his own people or to our national security. In Iraq, we have acknowledged victories and successes.

In the past year, we all recognize the condition in Iraq has grown more grave. I know a lot has changed since I visited nearly a year ago. Al Qaeda operatives, Sunni death squads and Shia militias, propped up by the reckless dictatorship of Iran, have fueled violence and threatened the hopes and dreams of the Iraqi people.

So Congress is once again at a crossroads. The reality of the circumstances in Iraq require a winning strategy. The information provided by our reformed intelligence community sends a clear warning in the National Intelligence Estimate on Iraq: ''Unless efforts to reverse these conditions show measurable progress, the situation will continue to deteriorate.'' The solution cannot be in leaving things as they are. The NIE continues: ''Coalition capabilities remain an essential stabilizing element in Iraq.''

There are three courses of action: leave things as they are; we know this is not sufficient. Draw down Armed Forces in Iraq; this will only lead to deadly indiscriminate violence, costing the lives of hundreds of thousands of innocent people. Or respond by giving our commanders in Iraq the resources and the mission options needed for success.

All of us here support our men and women in uniform. We must continue to empower them to defeat the enemies of freedom in Iraq.

Congress is now in the midst of making a decision that will contribute to the future security of our great country or begin the process of chipping away at the core of this resolve. Supporting our troops by not supporting the war is not an option. Victory is the only real choice. The consequences of failure are unacceptable.

Abandoning Iraq would embolden the militants. It would create a humanitarian crisis impacting millions. Instability in the Middle East will create more violence and leave the U.S. vulnerable to future attacks.

I urge my colleagues to oppose this resolution.

Mr. ACKERMAN. Mr. Speaker, I yield 5 minutes to the chairman of the Financial Services Subcommittee on Capital Markets, Insurance and Government-Sponsored Enterprises, the distinguished gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Speaker, I rise today to join the overwhelming majority of American people, the Congress and many top U.S. military commanders to voice my opposition to President Bush's ill-conceived plan to send more American troops into the middle of an ongoing civil war in Iraq. The President's plan, which has been attempted before on four separate occasions and failed, is simultaneously too little and too much. 21,500 troops is too little to make a difference in a city of 6 million who are unwilling to see beyond their sectarian differences, and too much burden to place on an American military already stretched to the breaking point.

Mr. Speaker, in October 2002, I voted in favor of the legislation to allow President Bush to defend the national security of our country against the stated threats posed by Saddam Hussein. In large part, I based my decision on the information I learned in several classified briefings with high-level administration officials about the capabilities of the Iraqis to deliver weapons of mass destruction to the United States.

These officials pointed to an imminent threat posed by Saddam Hussein and his potential use of unmanned aerial vehicles to deliver weapons of mass destruction to our shores. Of course, we now know that these weapons, as well as the Bush administration's claims regarding Saddam's ties to al Qaeda, were fictional. The consequences of our action, however, are quite real.

To date, the Iraq war has come at a terrible cost to the United States. More than 3,100 servicemembers have been killed and greater than 23,400 have been wounded. My home State of Pennsylvania has lost 149 soldiers and over 1,000 have been wounded. Moreover, the United States has spent almost $380 billion to date, with hundreds of billions of dollars more requested by the Bush administration.

The war in Iraq has also diverted much-needed resources away from fighting the war on terrorism and eradicating al Qaeda. The focus on Iraq and away from the real threat of al Qaeda has resulted in an increasing number of deadly attacks launched by Taliban and al Qaeda forces in and around Afghanistan.

On Tuesday, The Washington Post reported that NATO's top commander, General John Craddock, does not have enough forces for the anticipated spring offensive by the Taliban. The general warned that ''failure to send reinforcements was weakening the mission and jeopardizing the lives of soldiers fighting'' in Afghanistan.

More than 135,000 troops are currently serving in Iraq. Many have completed their second or even their third tour of duty. Multiple tours of duty for the National Guard and Reserve members have created hardships for many families in my district and throughout the United States. Currently, these brave American forces are caught in the middle of a religious dispute that began in the 7th century between rival Muslim factions. These underlying sectarian hostilities have come to the fore in Iraq and have grown into a full-blown civil war.

Bringing stability to Iraq cannot be achieved through an escalation of our military involvement in that country. Rather, Shiites and Sunnis must decide for themselves to forge a political solution to this crisis in which the interests of all Iraqis are represented. Nevertheless, President Bush is ignoring the advice of his top generals, the bipartisan Iraq Study Group, the majority of Congress, and, most of all, the American people by announcing his intention to send an additional 21,500 American troops into harm's way to continue pursuing a flawed policy.

Mr. Speaker, I oppose this escalation of our troop presence in Iraq. The time for more troops was 4 years ago when General Shinseki presciently warned of the need for hundreds of thousands of military personnel to stabilize post-war Iraq. But the President, the Vice President, and the former Secretary of Defense believed they could fight this war on the cheap, with too few troops, too little armor, and too little help. They were wrong, and now it is too late.

Mr. Speaker, from my perspective, the resolution before us today has been long overdue. The American people have called on this Congress to express their disapproval of this war of choice in Iraq and this President's prosecution of it. To that end, I will support this resolution and urge my colleagues to do the same.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3½ minutes to my friend and colleague, the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, national security should be the highest priority of the U.S. Congress. I talk to my constituents in western North Carolina a lot about the situation in Iraq. We understand the challenges. I think the American people understand the challenges of this war. But we also know the consequences of quitting are too dire and too dangerous.

We know that leaving an unstable Iraq endangers Israel, other Western democracies, as well as our own national interests and our constituents here in the United States.

The President put forward a plan that he and his generals believe will lead to a safe, secure, and stabilized Iraq. Let me repeat that: he put forward a plan, a plan of action and a plan for success.

The Democrats, in response, put forward a nonbinding resolution. Now, this is Washington-speak for legislation that does not have the force of law. Now, the disturbing thing is not that it is a nonbinding resolution; but the message that this legislative tool sends, it sends not only to our American people, not only to the troops in the field, but our allies around the world, and it also emboldens our enemies.

This resolution says that this time the Democrats are not prepared to offer a new direction, a plan or a solution for the challenges we face in Iraq. I offer this bit of wisdom to the Democrats: you must be the change you want to see.

If the Democrats are serious about developing a new plan, then the right thing to do is submit it. That is a true test of leadership, to submit solutions, solutions; and in order to effect change, you have to put forward ideas for that change.

I ask the American people to imagine what it would be like if their Representatives used this time to hammer out ideas and positive solutions. That is the American ingenuity that we should focus on as a Congress. This is the American way.

The Democrats say this debate is to send a message to the President. Well, I will tell you, I think he has heard you loud and clear.

But let me give you a message from the battlefield from a friend of mine in Iraq. He says the argument over what got us to this point is a diversion. The problem set is the present. The terrorists and would-be terrorists that have flowed into Iraq will not stand at the border and wave us good-bye and good luck. They understand our politics, our systems, and our weaknesses.

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They believe that it is a war of endurance, and that we have shown historically and repeatedly that we don't have the national will for prolonged engagement.

Unfortunately the political grandstanding has endorsed their belief and ensures the terrorists' continued bloody engagement until November 2008.

The bottom line, we need reinforcements to set the conditions for success, and we need political support for the endurance to continue this fight. That is from my friend in the battlefield.

And I say to my colleagues, the American people need better than this. We need a plan of action for results and success in Iraq.

And I say, ''Madam Speaker, you have made your points. Now where is your plan?''

Mr. ACKERMAN. Mr. Speaker, I yield 5 minutes to the chairman of the Energy and Commerce Subcommittee on Energy and Air Quality, the distinguished gentleman from Virginia, RICK BOUCHER.

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, I rise in support of the resolution, and I hope that its adoption by the House will send yet another powerful message that a change in the direction of our Iraq policy is required.

Sending an additional 21,000 troops into Baghdad only serves to put more American forces in harm's way. The troop increase will not bring long-term stability, it will not halt the sectarian strife which has plunged Iraq into a civil war, it will do nothing to speed the day when U.S. forces can hand over the mission to the Iraqis and come home. But there is a better way.

Our Virginia colleague FRANK WOLF originated the formation of the commission that was chaired by former Secretary of State James Baker and by Lee Hamilton, who for years, with distinction, chaired the Foreign Relations Committee in this House. I commend Congressman WOLF for his foresight and for the public service that he provided to our Nation when he originated the formation of the Baker-Hamilton Commission. That commission was bipartisan. It was composed of our most experienced foreign policy experts, spanning administrations of both Republican and Democratic Presidencies. Its recommendations were unanimously presented by the members of the Commission. They embody the collective wisdom of these highly experienced Americans for the best course that our Nation can take for a new and more promising direction in Iraq.

At the core of their proposals was a bold recommendation: that the United States begin a dialogue with Iraq's neighboring countries about a way to achieve regional stability and, most particularly, stability in Iraq.

Iran, Syria, Jordan, Saudi Arabia all have influence with the various warring factions in Iraq. Iran and Syria in particular have a strong interest in a more normal relationship with the United States. All of these countries have a long-term interest in a stable Iraq. The Baker-Hamilton Commission's direction for a U.S.-led negotiation among these nations is the only real option we have left in order to achieve under United States guidance a peaceful Iraq. President Bush has rejected this recommendation. He has acted, in my view, very unwisely.

More United States troops are not the answer. Blind faith in the Iraqi Prime Minister with his ties to the Shia militia leader, al-Sadr, is not the answer. A military solution standing alone is not the answer. The only path to success lies in diplomacy and accepting the wise counsel of the Baker-Hamilton Commission.

Finally, the administration decided to try real diplomacy in North Korea, and it is working. It is also the only hope we have for stability in Iraq.

Mr. SAM JOHNSON of Texas. Mr. Speaker, at this time we would like to allow 3 minutes to the gentleman from Florida, TOM FEENEY.

(Mr. FEENEY asked and was given permission to revise and extend his remarks.)

Mr. FEENEY. Mr. Speaker, first I want to thank the genuine American hero from Texas, Mr. JOHNSON, for leading us this afternoon.

I supported the use of military force to remove Saddam Hussein's regime because it was in America's interests. Afterwards, it should have been up to the Iraqi people, and not Americans, to determine their fate and how they govern themselves. President Bush has stated: The survival of our liberty depends on its expansion throughout the world and America must actively construct those institutions. Which, to me, seems like a Wilsonian view of America's role in the world.

In 2000, Candidate Bush rejected nation-building. A view held by the Founding Fathers who believed the exceptional calling of the American people was not to shape the world in our image, but to be a light that lightens the world. I prefer Candidate Bush's position.

Having said that, I cannot support Representative SKELTON's resolution. Nothing better illustrates America's democratic institutions than this body having a full and open debate about this topic.

I hope the Commander in Chief will recognize the desires and concerns of the American people as expressed today through their elected Representatives. But America has only one, and not 535 commanders in chief. We cannot micromanage the conduct of a war. Representative SKELTON's resolution sends horribly mixed signals to our troops who must solely focus on carrying out their assigned and dangerous mission.

Once a decision has been made and mission assigned, this body should support the troops and their one and only Commander in Chief, as Representative JOHNSON's resolution, had it been heard, would have been done.

Critics of tactics who resort to a congressional resolution tell our servicemen and women and their families, intentionally or not, that their mission is futile. When we undermine hope, we undermine resolve, and we reduce the likelihood of success.

As Senator LIEBERMAN has stated, a resolution would, in quotes, ''give the enemy some encouragement, some clear expression that the American people are divided.'' Or, as Army Sergeant Daniel Dobson expressed, ''There is no honor in retreat, and there is no honor in what the Democrats have proposed.''

Instead, the responsible thing for this Democratic-led Congress would have been to propose a new way forward, new tactics, new strategies, not just in Iraq but in the entire war on terror. Speaker Rayburn, a Democratic Speaker, once famously remarked, ''Any jackass can kick down a barn, but it takes a carpenter to build one.'' There are no carpenters at work with this resolution.

God bless our troops. God bless their Commander in Chief. God bless America.

Shortly after I entered Congress in 2003, America used military force to remove the Saddam Hussein regime. I supported that action because it was in America's interest.

The Hussein regime repeatedly defied the terms that ended the 1991 Gulf War—the transparent and verifiable dismantlement of the capability to produce weapons of mass destruction. Previously, that regime had used such weapons and wielded the potential of such weapons against its enemies. Rather than resorting to openness to demonstrate good faith compliance with its promises, the regime relied on Soviet-style deception and defiance.

In the face of such opaqueness, why are we surprised that the intelligence agencies of the United States and its Allies veered to a worst-case scenario? After all, the perceived ''missile gap'' that fueled the arms race between the United States and the Soviet Union stemmed from Soviet deception about its actual nuclear weapon capabilities. The fault lies with those who deceive and not those searching for the truth.

The perceived threat extended beyond the Middle East and raised the specter of arming terrorists dedicated to harming the United States and the West. To those who scoff at this notion, I remind them about the dangers posed by ''loose nukes'' and how the West works everyday to counter this threat.

Furthermore, this brutal regime repeatedly attacked its neighbors—threatening the stability of America's allies and interests in this region.

So with some sturdy allies, America took action. The Hussein regime was toppled. Others took notice. Libya surrendered its weapons of mass destruction capabilities to the U.S. including materials related to its nuclear weapons program and ballistic missile capabilities.

Today's U.S. military is the finest in world history.

America can defeat any contemporary enemy by itself. But, we cannot win the peace alone. We need help—not just from loyal friends like the British, Poles, and Australians. To win a peace, we need less reliable allies like France, Germany, and Spain to help. And we need support, or at least not hostile opposition, from former adversaries we are trying to befriend, like Russia and China. In this case, we have had too little help to win the peace.

And instead of focusing on establishing a free and stable Iraq, America strayed from the wisdom of its Founding Fathers who warned us of the hazards of trying to shape the world in our image. As John Quincy Adams noted in his 1821 Fourth of July Speech:

''America does not go abroad in search of monsters to destroy.'' To do so would involve the United States ''beyond the power of extrication, in all wars of interest and intrigue, of individual avarice, envy, and ambition. . . . She might become the dictatress of the world. She would be no longer the ruler of her own spirit.''

The Founding Fathers believed that the exceptional calling of the American people was not to shape the world in our image but to be a light to lighten the world. Our exercise and preservation of liberty served as an example to other peoples. In today's world, we can see how our culture and international trade influence other peoples. But a critical difference

exists between being an example and trying to impose a set of beliefs.

The historian Walter McDougall describes this original tradition as follows:

. . . the leaders . . . did not interpret [American] Exceptionalism to mean that U.S. diplomacy ought to be pacifist, rigidly scrupulous, or devoted to the export of domestic ideals. Rather, they saw foreign policy as an instrument for the preservation and expansion of American freedom, and warned that crusades would belie our ideals, violate our true interests, and sully our freedom.

Accordingly, I support using American military might to defend our interests as needed including preemptive strikes to those who would do us harm.

But we strayed from this tradition by undertaking a mission to hold Iraq together, build a nation based on Western liberal democracy, and then spread that way of life throughout the Middle East. This Administration labels this effort ''transformational democracy.'' But it really is what Walter McDougall calls ''Global Meliorism,'' that assumes:

The American model is universally valid, that morality enjoins the United States to help others emulate it, and that the success of the American experiment itself ultimately depends on other nations escaping from dearth and oppression.

Nothing is further from the conservative tradition. Conservatives understand that free societies and peoples take centuries to evolve. America traces its roots back to the Magna Carta. If you want to illustrate the shortcomings of social engineering and the illusive goal of remaking foreign societies, take these 792 years of hard earned experience and impose it on a nation cobbled together by the British after the collapse of the Ottoman Empire and on a people who identify more with a tribal than a national identity.

Conservatives take a realistic assessment of human nature—including as George Will has noted ''the limits of power to subdue an unruly world.'' This sobriety contrasts with the idealistic dream of engineering the world—a dream with roots in Woodrow Wilson's visions for a post-World War I world. As George Clemenceau remarked after Wilson's 1917 Peace Without Victory speech:

Never before has any political assembly heard so fine a sermon on what human beings might be capable of accomplishing if only they weren't human.

President Bush has stated that the survival of our liberty depends on its expansion throughout the world and America must actively construct those institutions. In 2000, Candidate Bush rejected nation building. I prefer Candidate Bush.

It is up to the Iraqi people—and not us—to determine their fate and how they govern themselves. That is why in 2003 I proposed that the Administration loan and not grant $20 billion for Iraqi infrastructure. We weren't rebuilding things we destroyed during the war. Rather, we were attempting to build an infrastructure degraded and neglected by the Hussein regime. I wanted the Iraqi people from oil proceeds—and not Americans—to build, fund, and protect their assets. As T.E. Lawrence noted in an earlier era:

Do not try to do too much with your own hands. Better the Arabs do it tolerably that you do it perfectly: It is their war, and you are to help them, not to win it for them. Actually, also under the very odd conditions of Arabia, your practical work will not be as good, perhaps, as you think it is.

Having said that, I cannot support Representative SKELTON's resolution. Nothing better illustrates America's democratic institutions than for this body to have a full and open debate about this war. We are a strong and outspoken people. This Chamber has witnessed similar debates at crucial times in our past. I hope the Commander in Chief will recognize the desires and concerns of the American people as expressed through their elected representatives.

But America has only one and not 535 Commanders in Chief. We cannot micromanage the conduct of a war. Representative SKELTON's resolution cannot bring good. Rather, it sends horribly mixed signals to our troops who must solely focus on carrying out their assigned and dangerous mission. Once a decision has been made and a mission assigned, this body should support the troops and their one Commander in Chief as Representative SAM JOHNSON's resolution would. We should deny the enemy encouragement and provide resolve to our servicemen and women.

Critics of tactics who resort to a Congressional Resolution tell our servicemen and women and their families—intentionally or not—that their mission is futile. When we undermine hope, we undermine resolve and reduce the likelihood of success. As Senator LIEBERMAN has stated: such a resolution would ''give the enemy some encouragement, some clear expression that the American people are divided.'' Or as Army Sergeant Daniel Dobson expressed:

Most service members would tell you the same thing: There is no honor in retreat . . . and there is no honor in what the Democrats have proposed. It stings me to the core to think that Americans would rather sell their honor than fight for a cause. Those of us who fight for [peace] know all too well that peace has a very bloody price tag.

Instead, the responsible thing for this Democratic Congress would be to propose a new way forward, new tactics, and new strategies—not just in Iraq but in the war on terror. Speaker Sam Rayburn famously remarked: ''Any jackass can kick a barn down, but it takes a carpenter to build one.'' No carpenters are at work with this resolution.

God bless our troops. God bless their Commander in Chief. And God bless America.

Mr. ACKERMAN. Mr. Speaker, I yield 5½ minutes to the distinguished chairman of the Science and Technology Committee, and Science Education, the gentleman from Washington, Representative BRIAN BAIRD.

(Mr. BAIRD asked and was given permission to revise and extend his remarks.)

Mr. BAIRD. Mr. Speaker, every Member of this Congress, every Member is absolutely committed to the security of our families, our communities, and this Nation. And every Member is absolutely committed to supporting our troops and our veterans.

The real question today is not whether we are committed to security or whether or not we support the troops; the real question is how we believe that security is best achieved. On that, there is legitimate disagreement which is, or should be, what this debate is about. To have this debate is not only a right but a responsibility of the elected Representatives in a Republic such as ours. Indeed, it is to defend that very right that our young men and women are serving not only in Iraq but around the world.

None of us here today need to be reminded about the threat of terrorism from floor speeches or from Presidential homilies. But let us not forget that the terrorists of 9/11 did not originate in Iraq, they came from Afghanistan. And, with only one exception, every Member of this body, Democrat and Republican alike, voted to prosecute the war against the terrorists in Afghanistan, bring al Qaeda to justice, and topple the Taliban.

We were united then, along with virtually the entire world, and the fight was right. Iraq, however, is different. The focus on Iraq has distracted and detracted from the mission in Afghanistan and the real battle against terrorists. The President and the rest of the administration took this Nation into an unnecessary and ill-conceived war based on false threats and with a deeply flawed plan.

Before this war, I and many of our other colleagues asked the administration some fundamental questions: How many troops will this take? How many lives will be sacrificed? How long will we be there? What will it cost financially? How will we pay for it? And how will this impact our security profile elsewhere in the world?

The fact is, this administration has never answered any of those questions fully or honestly. Never. Either they know the answers and refuse to say them, which is duplicitous; or, they do not know the answers, which is incompetent. Sadly, it appears a little of both is operating.

I voted against this war from the outset, and believe to this day it was the right vote. But once we were committed and engaged, I, along with most of my colleagues, voted to continue to support our troops, to try to achieve success in our mission, and do our best to help the Iraqis rebuild their country. We fervently hoped and continue to hope the mission would succeed; but now, several years later, more than 3,000 lives later, U.S. lives alone, and nearly $1 trillion later, as we consider the President's latest proposal, we must ask again, ''Mr. President, how many lives? How long will we be there? How much will this cost? And how will you pay for it? And what does it do to the rest of our security position?''

We still have no answers to those questions. And lacking such answers, which are fundamental to the security of this country and the safety of our troops, I must vote ''yes'' on this resolution and ''no'' on expansion.

My colleagues, it is irresponsible to allow a Commander in Chief who has not been honest or accurate from the outset to continue sacrificing the lives, the bodies, and the families of our

troops in a mission that lacks a clear end point or a successful strategy. It is dangerous to permit a Commander in Chief to jeopardize our Nation's security by letting our military equipment, readiness, and troop morale continue to decline, and it is shortsighted and unwise to leave our National Guard and Reserve unprepared and underequipped to respond to challenges overseas or at home. It is strategically unsound to concentrate so much of our intelligence resources in one nation. It is unsustainable for our economy to keep pouring billions of dollars every week into this ill-conceived plan, and to pile debt upon our children with no strategy for paying it back. It is a breach of trust to not fund the needs of our veterans when they return home. And it is immoral to leave our soldiers dying and bleeding in the midst of a centuries-old religious conflict that is not of our making and is not of our power or responsibility to resolve.

In written comments, I describe what I believe is a better course. Some of our friends have said there are no plans. I have offered a plan, and I urge you to look at it.

But before I conclude, I must also respond to those who suggest that if we don't give unquestioning support to this administration regardless of what they ask for, regardless of history, and regardless of the evidence on the ground, that we are empowering the terrorists or undermining our troops. I believe the evidence suggests, from this war, that while there may be differences of opinion about policy, this Congress and the American people have and will continue to support our troops. It is a sign of strength of our very form of government, which is, after all, what we are hoping to promote in Iraq and elsewhere in the world that we should have this debate.

Our allies and adversaries understand that if we turn the course of a failed policy and the President has not been honest with us, that is not cutting and running; that is wisdom, it is courage, and it is honesty. That is what this resolution is about. That is what we owe the soldiers who have already given their lives, and that is what we owe the families and that is what we owe the future of this Nation.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would like to yield now to the chairman of our Republican Study Committee, Mr. JEB HENSARLING from Texas, 5½ minutes.

(Mr. HENSARLING asked and was given permission to revise and extend his remarks.)

Mr. HENSARLING. First, I want to thank my dear friend, and a genuine American hero, for yielding time to me today.

Mr. Speaker, speaker after speaker on the other side of the aisle have come to the floor to speak against the past decision to go into Iraq. They criticize past lapses of intelligence, they criticize past actions, they criticize past setbacks. They want to live in the past.

Regardless of whose war this was in the past, today it is an American war. And the Democratic majority must decide do they support the mission, or do they not support the mission?

Now, certainly we are all disappointed that we have not achieved the success that we would have desired by now. And I myself do not know if the new strategy will prove successful. I think it can be successful. I hope it will be successful. And I know it is a strategy that has been recommended by the Iraqi Study Group and our new battlefield commander.

So until such a time as somebody comes to me with a more compelling strategy, or until somebody convinces me that somehow my Nation and my family will be more secure by our premature withdrawal from Iraq and subsequent implosion, I feel I must support this new strategy. I will support this new strategy. Defeat is not an option.

What are the options, Mr. Speaker? Clearly, many. Many, if not most, of my Democrat colleagues want to cut off funding for our troops and withdraw from Iraq. This is well known. And I respect their views when they are heartfelt. But since Democrats control a majority in both houses of Congress, why are we voting on a nonbinding withdrawal resolution?

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That is why this is a sad day. Somewhere over in Baghdad right now is a marine sergeant who is tired, he is resolute, he has dirt on his face. But you know what? He volunteered, he loves America, he loves his freedom. He has a picture in his wallet. His parents are praying for him. He is thinking about his wife.

Who, who in this body, what Member can go to that marine and say, you know what? I don't believe in your mission. I don't believe you can succeed. I don't believe you can win, and I am going to oppose reinforcements. Guess what? I have the power to bring you home, but I am just not willing to do it. Because if I do it now everyone will know it, and I have to take responsibility, and I am just not willing to do that.

Mr. Speaker, if you believe in something, stand up for it. Where is the courage? Where is the conviction in a nonbinding resolution?

Mr. Speaker, we all know that fighting this war is costly. Like many Members of this body, I have met with the mothers of the fallen soldiers. Their burden and sacrifice is profound. But I never, never, never want to meet with the mothers whose children may perish in the next 9/11 if we accept defeat in Iraq.

Iraq must be seen in the larger context of the war with radical Islam, and whether we like it or not, the battle lines are drawn in Iraq. Don't take my word for it, listen to what the jihadists have to say. Listen to Osama bin Laden, ''The epicenter of these wars is Baghdad. Success in Baghdad will be success for the United States. Failure in Iraq is the failure of the United States. Their defeat in Iraq will mean defeat in all their wars.''

We must soberly reflect on the challenge that we face. Listen to al-Zawahiri, who is number two in command. ''Al Qaeda has the right to kill 4 million Americans, 2 million of them children.''

Listen to Hassan Abbassi, Revolutionary Guard's intelligence adviser to the Iranian President. ''We have a strategy drawn up for the destruction of Anglo-Saxon civilization.''

Listen to Iraqi Ayatollah Ahmad Husseini. ''Even if this means using biological, chemical and bacterial weapons, we will conquer the world.''

This is the enemy we face, and we face him foremost in Iraq. If we leave Iraq before subduing him, he will follow us to America. Make no doubt about it, the consequences in Iraq are immense. Don't take my word for it. Read the report of the Iraq Study Group. Read the National Intelligence Estimate. Read the work of the Middle East scholars at the American Enterprise Institute, Heritage Foundation, Brookings Institute.

If we do not pursue success, Iraq will become what Afghanistan once was. It will be a breeding ground, a safe haven for the recruitment, training, financing and sanctuary of radical Islamists bent upon attacking our Nation and our families. We cannot wish it away, we cannot hope it away, we cannot dream it away. There will be no greater event to empower radical Islam than our defeat in Iraq.

Mr. Speaker, it doesn't have to be this way. We are Americans. We can meet this threat. We can work together. Vote against this resolution. Support our troops. Protect our Nation and our children from this threat.

Mr. ACKERMAN. Mr. Speaker, I am glad to see so many people on the other side of the aisle have discovered the report of the Iraq Study Group.

It is now my pleasure to yield 5½ minutes to a senior member of the Ways and Means and Agriculture Committees, the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, yesterday morning I had an experience I will never forget. In the snow, in the slush and the ice, I joined the family of Major Alan Johnson as his body was laid to rest at Arlington Cemetery. He had lost his life in an IED explosion in Iraq just 2 weeks before.

On behalf of the people of North Dakota, I expressed to the extent I could our profound condolences for the family's loss. The major's grieving widow stared into my eyes and said, ''Do what you can for our troops over there.''

This is not just a plea and a prayer of the families of our soldiers, it is the demand of the American people. I believe each and every one of us here shares an intense commitment to our soldiers that comes right from the bottom of

our heart. This debate is revealing a sharp difference between us in how to proceed in Iraq.

But there are no differences when it comes to all we share about the valor our soldiers have displayed in service to our country. I have seen it personally in the four trips I have been to Iraq. I have seen soldiers in full battle gear, in 133 degree heat, doing their absolute best to perform their mission. I have seen North Dakota National Guard soldiers charged with training up Iraqi soldiers through an impossible, absolute, language barrier.

I have seen other soldiers just back from the life-threatening business of finding and detonating these explosive devices, saving American lives while keeping essential roads open. Like most of you, I have mourned and prayed with shattered families whose sons and daughters have lost their lives in selfless service to our country and all we care about.

So I cannot get Tori Johnson's fervent request out of my mind, take care of our soldiers over there. Honestly, there is nothing I care more about as a Member of this House.

So, how do we respond? We take care of our soldiers over there by making certain they have the equipment they need as they undertake this most difficult and dangerous mission. We take care of our soldiers over there by making certain their deployments are only for acceptable periods and at acceptable intervals, with enough time at home in between to heal, to rest and to train. But beyond these things, we take care of our soldiers over there when we as a Congress make certain the mission they have been sent to perform has a reasonable chance of success.

In a war where so many tragic mistakes have been made, this Congress must not sit quietly by while additional plans are cooked up in Washington, whose only certainty is to accelerate the loss of American lives, compound the already severe strain on our military capability and accelerate the burn rack of taxpayer dollars spent in Iraq.

For these reasons, this resolution is a very important opening statement for this Congress to make in Iraq in 97 words. It states our support for our soldiers, while opposing the President's plan to escalate the number of troops we send into the middle of the Shia-Sunni violence taking place in Baghdad.

On one of my trips to Iraq, a soldier said to me, ''We can stand up an Iraqi Army, but we cannot create a country for this army to defend.'' This simple truth goes right to the heart of the issue and exposes the flaw of the President's plan.

Without the commitment between the warring parties in Iraq to stop the killing and create a political agreement upon which a national government can exist, 20,000 more U.S. soldiers are not likely to bring about a lasting peace. Our soldiers are disciplined and determined. They have superbly performed everything that has been asked of them.

However, the United States alone cannot create a democracy in Iraq. Only the Iraqi people can achieve that.

A broad group of experts, including the bipartisan Iraq Study Group, former Secretary of State Colin Powell, the former senior military commander in the region, General John Abizaid, have all rejected the strategy of escalating U.S. troop numbers as a means of bringing the factions of Iraq together.

The bottom line is that this troop escalation will increase the terrible cost of this endeavor, more lives lost, more young men and women maimed forever, more tens of billions spent, all without improving our prospects for an acceptable outcome.

Under these circumstances, I will vote to oppose this escalation of troops. It is part of what I believe we must do. Under these circumstances, I will oppose this escalation of troops. It is part of what I believe we must do to support our soldiers over there and the American interests they have put their lives on the line to defend.

Mr. SAM JOHNSON of Texas. Mr. Speaker, at this time I would like to yield 4½ minutes to Mr. GARRETT from New Jersey.

Mr. GARRETT of New Jersey. Mr. Speaker, the authors of this resolution say that we should provide our troops with all the resources they need, whether it be armor, bullets and Humvees. That is, all the resources they need, except two; and I would argue they are the two most critically important ones: manpower and the support of our national leaders.

This Democratic resolution can be summed up in three simple words, to ''stay the course.'' The irony here is inescapable. Just months ago the very same supporters of this resolution derided the Pentagon and the White House for proposing to stay the course, but today they bring exactly that same strategy to life in their resolution.

This resolution doesn't propose a new course of action. It doesn't have the courage of its author's rhetoric, convictions, to change the course of the war. It simply states that this Congress will not support the new approach proposed by our new commander and the Iraq Study Group.

General Petraeus, the chief architect of this new plan, was confirmed unanimously by the Senate, and yet many in that body and this body are adamantly opposed to this very strategy he now seeks to implement. So it begs the question: If the general is the right man for the job, then why is his plan now not appropriate?

They claim to support the troops but seek to undercut their new leader's strategy. How can we support the troops when we insist that their orders are faulty? We cannot praise the general out of one side of our mouth while mocking him out of the other.

We have heard it said that this resolution calls for a new direction in Iraq. But I defy those who say this, to say what that new direction is. It is certainly not apparent in this resolution. This resolution is only an empty opposition to the Commander in Chief's plan to deploy the Armed Forces as the generals on the field see fit.

This two-sentence resolution, sense of Congress, is not a new plan for victory. In fact, it is not even a new plan for bringing the troops home now, but to leave them in the field with undermanpower. It is little more than a gift to our enemies who have been patiently awaiting the American naysayers to erode the American confidence in our mission.

Our enemies do not lack morale, and we fuel their exuberance with this drive for success every time they hear us speculate on withdrawal. Our enemies are fighting us, against us and our servicemen and our allies, with the belief that each headline brings them closer to victory.

Our brave men and women in uniform are up to the task. But they need our support, not empty proposals that doubt their ability to secure the peace.

Millions of peaceful Iraqis are struggling to rebuild their Nation after the cruel reign of Saddam. They want an opportunity to build a better future for their children, and they ask for our help to secure that peace.

Will we now stand aside while al Qaeda and Iran support factions that would enslave them once again? You know, it was Franklin Delano Roosevelt who knew the repercussions of failing to support those nations that are struggling for liberty, when he said, and I quote: ''Enduring peace cannot be bought at the cost of other people's freedom.''

FDR also declared that we are committed to full support of all those resolute people everywhere who are resisting aggression and are thereby keeping war away from our hemisphere. We cannot have peace in Iraq by handing over those who have worked to build a Nation based on freedom and justice and peace, turn it over to those violent brethren who seek only destruction of those principles. Make no mistake about it: If we stay the course, as this resolution would have us do, it will not be long before this war returns to our shores

I would like to end with the words of two individuals. The paths they have traveled to now and the paths they desire to take in the future could not be any more different. But, they are equally strong in the passion they bring to their beliefs. And, their words should be instructive to us in this debate.

First are the words of Abu Omar al-Baghdadi, the leader of al-Qaeda in Iraq. He says: "We have drunk blood in the past, and we find no blood sweeter than that of the Christians. Know that offense is the best form of defense, and be careful not to lay down your weapons before the war is over." While we quibble over words here on the floor of the House of Representatives, our enemies speak

with frightening clarity of conviction. Can there be any doubt that this resolution solidifies the resolve of the jihadists he leads and inspires?

In stark contrast are the words of one of my constituents, Ron Griffin, who 45 months ago lost his son, Kyle, an Airborne Infantryman serving in Iraq. ''We never felt lost or alone for we were literally carried through our sorrow by the resolute, soothing and comforting hands of countless human beings whom I only hope can truly understand how they made life worth living. . . . What I see [now] is a people pummeled into acquiescence. The loss of these wondrous warriors is of itself a weight that is almost unbearable to struggle under, but when accompanied by the din of negativity it becomes to most people a burden.''

Can there be any doubt that this resolution does nothing more than add to the din of negativity of which Mr. Griffin speaks?

I have faith that we can stand strong. I oppose this empty resolution to stay the course. I stand up for an America that is just and free and a friend to those who seek liberty and peace.

□ 1345

Mr. ACKERMAN. Mr. Speaker, I now yield 5 minutes to the Chair of the Natural Resources Subcommittee on Water and Power, the distinguished gentlelady from California, Representative GRACE NAPOLITANO.

Mrs. NAPOLITANO. I thank the gentleman for yielding.

Mr. Speaker, I join my colleagues in total opposition to the President's plan, a plan that escalates the number of our young men and women, American troops, being sent to Iraq. But what are we talking about? What are the words in this resolution? It says, Resolved by the House of Representatives that, one, Congress and the American people will continue to support and protect the members of the United States Armed Forces who are serving or who have served bravely and honorably in Iraq; and, secondly, Congress disapproves of the decision of President George W. Bush announced on January 10, 2007, to deploy more than 20,000 additional United States combat troops to Iraq. That is what we speak to.

I did not vote for the war resolution, and I do not believe that sending more young Americans to Iraq and putting their lives at risk will change the situation. Since the beginning of the Iraq conflict, our valiant men and women in uniform have not received the adequate training nor the proper life-protection equipment required to ensure their safety. I visited one of the armories where 2 years after the Iraq war had started. They were still making the doors for the Humvees to protect them from those bombs that were killing and maiming our men and women.

The President's proposal to put more troops in harm's way, into the middle of a civil war, whether you like it or not, it may be local, but it is a civil war, where neither side backs our continued occupation, further endangers our troops.

My constituents are not in favor of the escalation by a margin of 50 to 1. We have had phone calls, e-mails, messages. They want our young men and women back. They do not want to escalate it any more. Families have suffered enough already. There is no justification for causing more pain and adding to the suffering of the mothers and of the fathers and of the husbands and the wives and the sons and the daughters and other loved ones. We speak of the soldiers who have lost their lives in Iraq in this war. We speak not of the thousands of injured and the suffering they and their families are being put through. The consequences of the war in Iraq extend far beyond the awful tally of the 3,100 killed and the 23,000 wounded.

The Nation's economic consequences of the escalation are profound. Point one: every portion of our budget has been cut and continues to be cut except for defense spending. The worst budget cuts are taking funding away from our veterans, the very men and women who put their lives on the line in Iraq and in other wars. We regularly receive letters and phone calls, e-mails, from constituents who ask me to fund vital, successful, necessary programs for their communities; but we cannot support our communities with the funds they truly need as they are instead being diverted to a war we did not seek. Vital social services, critical to the well-being of the people of my district and certainly of all other districts, are again being cut.

Other consequences of the war are the social consequences. These soldiers fortunate enough to return home alive and in good physical health suffer long-term mental health problems, Mr. Speaker, as a direct consequence of their deployment, not one, not two, but possibly three and more deployments in Iraq.

Yet our services to them and their families not only are sadly lacking and underfunded; they are being cut. We have not enough money to be able to deal with the devastation in the minds of not only these men and women but their families to be able to deal with the consequences when they return home and try to regain a normal life.

Families are being torn apart more so by this war than any other war. There are suicides. There is divorce. There is homelessness now. Their children are forced to grow up without their father or their mother. Parents are losing children. No mother should have to bury a son or a daughter.

I urge the President to work with Iraq's neighbors and the international community to ensure other countries' commitments to Iraq's security situation, the training of Iraqi troops and police, and, of course, financial support. Escalation is certainly not the answer and I cannot and will not support such a policy.

I certainly want to say thank you to our brave men and women in uniform for your bravery and your service. Our prayers are with you and your families

Mr. SAM JOHNSON of Texas. Mr. Speaker, at this point I would like to yield 5 minutes to Mr. TODD AKIN from Missouri.

Mr. AKIN. Mr. Speaker, we rise today to discuss this resolution that is in two parts before us. The first part says that we support our troops. The second part says that we are not going to send them reinforcements. This seems to be kind of a curious proposition, almost a nonsensical proposition. How do you say you support and then say, but we don't want to send them any reinforcing troops? Certainly we say that we want to give them body armor, we want to give them up-armored Humvees, we want to send them tanks; but the most important thing that you need sometimes as troops is some other troops to support you. So we are saying, oh, we want support, but we don't want to support you.

Picture Davy Crockett at the Alamo. He has his back to the wall. Santa Ana has got thousands of troops. So he gets his BlackBerry out. He checks with Congress. Congress says, Hey, Davy, we really support you but we're not going to send you any troops. That doesn't make a whole lot of sense to me.

Now, as I said, this resolution has two parts. It says, We support you but we're not really going to send any troops over.

The third part is what concerns me the most. As Congressmen, we have the responsibility to listen, to pay attention. If somebody has a better idea, that is just fine. Send your better idea forward. We are ready to be taught or to learn. If there is a better way to approach Iraq and the situation there, good. But this proposal has no positive suggestion whatsoever. It just says we support and we don't support. All that does is to encourage our enemies. And without any positive recommendation, this can only be viewed as something which strengthens our opponents' hands. They say, Goody, we've got the Americans all confused. They're saying support and don't support at the same time, with no positive recommendations whatsoever.

Now, I have heard people say that this is a civil war. It is not really a civil war yet. If we pull all the troops out immediately, it will turn into a civil war, no doubt about that. But what we do have is, we do know this, that the terrorists have been involved in setting one group of people against another. They blow up a holy place of the Shias and the Shias start fighting the Sunnis. And so, yes, they have sparked a whole lot of unrest, particularly in Baghdad. It is not a civil war yet. But do we think that the terrorists aren't going to do the same thing in other countries where you have the one leadership with a majority of people in the other tribe.

So I don't think it is much of an escape to say, oh, well, this is a civil war. What it is, it is a war against terrorists. Regardless of how you want to speculate what might happen if we leave all of a sudden, at least I would respect the Democrats more if you

would just simply say, we need to cut and run, or we need to stay where we are. But don't just leave a blank piece of paper and say we support and don't support. It doesn't make any sense. All it does is help the enemy.

It seems to me that we need to as Americans one more time as we have in the past take a good, serious gut check. I have a chance to speak to American audiences everywhere and lots of little kids and I always ask the same question. I ask the question, If you were to take America that you love and condense it down as to what do you really believe about this country, what is the heart and core of America? The answer that I almost always get is the word ''freedom.''

But freedom needs a little bit more definition. The Tiananmen Square Chinese students wanted freedom and they greased the tank treads with their bodies. But they didn't get freedom. Just because you want freedom doesn't mean you can have it.

So what is the heart of what we believe as Americans? Well, I will tell you. The first time we went to war we stated that and we had quite an argument and discussion about it. And it was put in the Declaration of Independence: We hold these truths to be self-evident that all men are endowed by their Creator with certain inalienable rights, that among these is life, liberty and the pursuit of happiness. And the job of government is to protect those basic, fundamental, God-given rights. That is what they believed and they had to decide: Are we going to fight the British or not? Those are the things that I taught to my children.

This is a picture of the Marine Club with my 9-year-old son standing here, saluting the flag as it is going up. We taught him that there are some things in this world that are worth dying for and that one of those things is the fact that God gives us basic inalienable rights. That little Marine Club kid has grown up.

There he is in Fallujah in 2005. That is the cache of terrorist weapons that they found in Fallujah. He has grown up. He understands the risk to his life. He almost died in Fallujah. He believes, as I do, that there are some things in this world that are worth defending. This is not a war about a civil war. This is head to head with terrorists.

And is it surprising that we find ourselves fighting terrorists? Terrorists believe, we blow up innocent people to make a political statement. We believe that the right to life comes from God, that it is an inalienable right. The terrorists terrorize people to compel you to take your liberty away and we believe that liberty is a gift that comes from God. We are going head to head with people that have always been the enemies of America, and I am concerned that if we do not stand up and show that we not only think that it is a nice idea in our Declaration but it is a conviction that we will defend with our lives, that we will be fighting the terrorists here.

Mr. ACKERMAN. Mr. Speaker, I yield 5 minutes to the chairman of the Small Business Subcommittee on Regulation, Health Care and Trade, the distinguished gentleman from Texas, CHARLIE GONZALEZ.

Mr. GONZALEZ. Mr. Speaker, I would like to establish a ground rule for all my colleagues, and that is, regardless of how you vote on this resolution, no one will question your patriotism. If we can just start with that benchmark, I think we will have a higher degree of debate and in good faith.

Mr. Speaker, this resolution is about duty and responsibility, the duty and responsibility that Congress owes to our men and women in uniform. Our first duty is to make wise and educated choices in identifying a threat, the necessity of action and the legitimacy of the goal before committing or continuing to commit more of our troops to the war.

When considering this resolution, which reflects that an escalation of the war is unwarranted and is not in the best interests of our Nation and our troops, each of us must ask one fundamental question: Is escalating and continuing the war in Iraq worth fighting and dying for? Because that, in the final analysis, is what we decide. We seek an answer to this question, but we must be ever mindful that the courage and bravery of our troops is never questioned. Our soldiers' valor and commitment are not diminished by the errors in judgment made by their civilian leaders. The question is whether the mission in Iraq is worth their sacrifice. As we move forward with this decision, we must recognize the lessons of history, or we are doomed to repeat its grave mistakes.

□ 1400

For example, ''The public has been led into a trap from which it will be hard to escape with dignity and honor. They have been tricked into it by a steady withholding of information. The Baghdad communiques are belated, insincere, and incomplete. Things have been far worse than we have been told, our administration more bloody and inefficient than any that public knows. We are, today, not far from a disaster.''

Now, the parallels are uncanny, and you are wondering who may have said that. The quote was 86 years ago, and it was a communication from T.E. Lawrence, better known as Lawrence of Arabia, in August of 1920, from Baghdad.

Continuing. ''The situation in Iraq is grave and deteriorating. In addition, there is significant underreporting of violence in Iraq. The standard for recording attacks acts as a filter to keep events out of reports and databases.'' More Lawrence of Arabia? More 1920? No. 2006, the Iraq Study Group report.

Let me continue. 1992, General Colin Powell. ''The Gulf War was a limited objective war. If it had not been, we would be ruling Baghdad today, at unpardonable expense in terms of money, lives lost, and regional relationships.''

Now, a year earlier there was an observation, ''Once you got Baghdad, it's not clear what you do with it. It's not clear what kind of government you would put in place of the one that is there now, Saddam Hussein. Is it going to be a Shia regime, a Sunni regime, or a Kurdish regime? Or one that tilts towards the Baathists, or one that tilts towards the Islamic fundamentalists? How much credibility is that government going to have if it is set up by the United States military when it is there? How long does the United States military have to stay to protect the people that sign on for that government? And what happens to it once you leave?'' That was 1991, spoken by then-Secretary of Defense and current Vice President of the United States, Dick Cheney.

We remain a good and great Nation, but we have done all the good in Iraq that we are going to do. An escalation only delays the day that the Iraqis assume the responsibility of setting aside their sectarian differences and embrace the promise of democracy that we have delivered to them. We cannot do this for them, whether we send in 20,000 or 200,000 more troops. And we cannot ignore the lessons of history, the views of military experts and the will of the American people.

It is time for our troops to start coming home. And it is time for the Iraqis to start building a home. Vote ''yes'' on this resolution.

Mr. ENGEL. Madam Speaker, for the purpose of unanimous consent, I recognize the gentleman from Arizona.

(Mr. PASTOR asked and was given permission to revise and extend his remarks.)

Mr. PASTOR. Madam Speaker, I rise in support of the resolution.

Madam Speaker, I am proud that under our Speaker's leadership, Congress today is voicing the will of the American people in opposition to the Administration's deployment of more U.S. military personnel to Iraq. Voters made it clear in November that they do not support the administration's current strategy. It is time that Congress act to bring U.S. policy in line with reality.

I opposed the initial resolution authorizing the President to invade Iraq, because I felt that the administration had failed to exhaust diplomatic remedies and allow the U.N. weapons inspectors to finish their job. Since the invasion, however, I have supported funding the war effort to ensure that our troops on the ground have the equipment and support that they needed. But increasing troop levels and failing to question the President's policy is a disservice to our courageous men and women in uniform. We cannot keep asking them to put their lives on the line every day for objectives that have become increasingly unclear.

The President declared ''mission accomplished'' in May 2003, and in a sense he was right. Saddam Hussein and Iraqi weapons of mass destruction are no longer a threat to our nation. The Iraqi people have held free elections and drafted a constitution. The violence we see in Iraq today is based in sectarian conflict—it has become a civil war. The outcome depends not on the American will to stay in the fight, but on the will of the Iraqi people to forge their own future. We cannot do it for them.

Troop surges in the past have not worked. No number of American troops in Iraq can fix what is essentially a political problem. The only surge I support is a surge of diplomacy. It is time to bring our brave young men and women home from Iraq. Their job there is done, and their skills and dedication can be better used on the real fronts of the war on terrorism, both domestic and abroad.

Mr. SAM JOHNSON of Texas. Madam Speaker, at this time I would like to yield 3½ minutes to my colleague from Michigan, TIM WALBERG.

Mr. WALBERG. Madam Speaker, throughout our Nation's rich history, we have reached moments where we arrive at what President Ronald Reagan described as a time for choosing. Today is such a day.

This week, the House is asking ourselves a simple question: Will we choose to go forward with the resolve and determination needed to win the war on terror by supporting our brave troops, or will we retreat and wait for the fight to return to American soil?

It was Winston Churchill who once said, ''Never believe any war will be smooth or easy or that anyone who embarks on a strange voyage can measure the tides and hurricanes he will encounter.''

With this in mind, I acknowledge that the war in Iraq is not going as well as we all had hoped or wanted. Mistakes have been made. Thousands of precious lives have been lost, and there are likely more tough times to come.

My wife and I pray for the men and women in uniform and grieve for every loss of life and injuries inflicted on these heroes who proudly serve our Nation. I, as much as anyone else speaking today, want this war to be over. But this resolution essentially tells these soldiers to give up because the cause they have nobly served is no longer worth the courage and vigor necessary, and protecting the American people and keeping terrorists off American soil are no longer national priorities.

As Americans we are reluctant warriors, but throughout history, when our troops have been in harm's way, America has supported them and made certain our troops have the necessary resources to accomplish their mission.

In a cynical way, this resolution says America has already lost and the leaders of our country no longer believe our troops can achieve victory. It tells other nations that we are unreliable as an ally, and they can no longer count on us in times of distress.

My son proudly served in the Army. And during this time of service, I got to know many of his peers in uniform. I am not prepared to say to these men and women, nor to the young man fallen in battle, that I will go to right after this speech at Walter Reed Hospital, that I support you but I don't support the mission you serve, and the blood you shed on the battlefield was in vain.

I am not prepared to call for a precipitous withdrawal from Iraq that will leave the Nation ripe for terrorism and ultimately bring the war on terror back to American soil.

My neighbors in south central Michigan and across the country deserve to be protected from enemies of freedom. And they ought to have a Congress that doesn't shirk its responsibilities to soldiers and sailors and airmen sent into harm's way to ensure this war is fought off American soil.

So we come to this time of choosing today. Are we willing to abandon our troops as they implement the new strategy based on quantifiable goals and measurable results? I hope not.

I challenge my colleagues to honor America's brave men and women serving in the name of freedom and oppose this resolution of retreat.

Mr. ENGEL. Madam Speaker, I now yield 5 minutes to the gentleman from Massachusetts, a member of the Financial Services, Oversight and Government Reform Committees, and chair of the House Task Force on Anti-Terrorism Funding, Mr. LYNCH.

Mr. LYNCH. I thank the gentleman for yielding.

Madam Speaker, I rise in support of House Concurrent Resolution 63, which opposes the President's plan to escalate the war in Iraq. I do so because I am in total agreement with Generals Casey and Abizaid, who have said that what is needed in Iraq is a political solution and not a military one, and that additional troops are not recommended.

I have had a chance to travel to Iraq five times now, and based on my own observations in places like Fallujah and Tikrit and Al Qaim out on the Syrian border, I firmly believe that it is the Iraqi people who must ultimately decide whether they are committed to building a better life for their children through democracy, or whether they are more committed to an all-or-nothing sectarian conflict between Sunni and Shia.

Madam Speaker, I believe that packing more troops into the narrow streets of Baghdad would be a disaster. As our daily briefings indicate, the dominant conflict now on the ground in Iraq is no longer Coalition forces against al Qaeda and supporters of the Baathist regime. As the daily body counts of tortured and executed Iraqis indicate, the prevailing conflict on the ground in Iraq now is a brutal civil war between the Sunni and Shia militias, with our troops in the middle.

In fact, in a recent hearing here in Washington, it was entitled, ''Iraq: What Will it Take to Achieve National Reconciliation?''

Basically, as this hearing pointed out, the key mission that we have given to our troops is to somehow now reconcile the differences between Sunni and Shia in Iraq. Just to be clear on this, Madam Speaker, the Sunni and Shia have been in frequent conflict since the year 632 A.D., following the death of the prophet Mohammed. That is what we have asked our troops to do, in essence, to convince the Iraqis now to stop killing each other and to embrace democracy instead.

The President has now asked our brave sons and daughters to take up a police action or essentially a civil affairs action, going door to door in Baghdad. The mission in Iraq has changed.

I have to wonder, how many votes would the President and Vice President have gotten initially if they had been honest and said, We want to send our sons and/or daughters to Iraq in order to reconcile the differences between the Sunni and the Shia who have been fighting for almost 1,400 years. Not many, I think. But that is where we now find ourselves and our troops. While the mission in Iraq has changed, the President is staying the course. What's more, he has decided to push even harder in the wrong direction.

Now is the time that the American people have fairly asked, What will Congress do? Many of my colleagues believe that this resolution doesn't go far enough; and in honesty, I tend to agree with that assessment. But I do believe that this resolution presents a solid and meaningful step in the right direction.

There will be a further debate in coming weeks on the funding on how to best protect our troops while transitioning to Iraqi control in Iraq, and we will have more opportunity to do that.

Lastly, I would like to address the argument that the continuing war in Iraq is necessary for fighting the global war on terrorism. As I have said before, I have been to Iraq five times now. One of the questions that I have repeatedly asked our people on the ground is, How much of this fight in Iraq is part of the global war on terror? How much of it is involving foreign fighters in al Qaeda? Unanimously, they have recommended that it is about 10 percent of the fight in Iraq.

So 90 percent of our cost, 90 percent of our sacrifice, is in a matter that has nothing to do with the global war on terror. In fact, the Defense Department now says that the Mahdi Army, the main Shia militia, has replaced al Qaeda as the most dangerous force in the increasing violence there.

If we are truly committed to the global war on terror, I might point out we have a situation in southeast Afghanistan and in Waziristan, where the

Taliban, who actually did support al Qaeda and who actually did involve themselves in the attacks on September 11, are building support.

While we spend $350 billion in Iraq, Pakistan has meanwhile allowed a safe haven to be established for the Taliban. If we are indeed committed to protecting America and the global war on terror, I would suggest that there are smarter and better ways to do that.

Yes, the American people are waiting for this Congress to take a stand. It is time to step up. I ask my colleagues to support this resolution. It is the first step in eventually bringing the troops home safely

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. BALDWIN). The Chair must remind all Members that it is not in order to engage in personalities toward the President or the Vice President

Mr. SAM JOHNSON of Texas. Madam Speaker, at this time I would like to yield 4 minutes to Mrs. SHELLEY MOORE CAPITO of West Virginia.

Mrs. CAPITO. I would like to thank the gentleman from Texas for yielding me time.

Madam Speaker, I rise today realizing the seriousness of this resolution and the importance of the debate on the war in Iraq.

As we continue this debate, I hope that all of us remember we have serious disagreements about what this resolution says or intends to do, but that we cannot and should not besmirch one another's opinions and the right to that opinion and belief.

I would also like to say how proud I am to be an American, to realize the bounty of our Nation, to appreciate the strength of our forefathers, and to stand in awe of our democracy.

As the daughter of a World War II Purple Heart veteran, I have a great understanding of the sacrifices that have been made in the past to allow us to live freely. I understand and fullly appreciate the men and women who have so bravely put themselves on the frontline to protect our country.

I have thought a great deal about what I want to say today and how I want to say it. When the President announced his plan for a troop surge last month, I expressed my disagreement. And as we debate this resolution today, I still harbor those grave concerns. While I have voiced a disagreement over tactics on how to achieve success in Iraq, the fact remains that I have not backed away from my belief that success in Iraq is vital, and that leaving Iraq prematurely would be disastrous for our Nation's security and the stability of the Middle East.

And let me stress that I will never back away from my commitment to the men and women who serve in our military, and I will not support anything that I believe endangers their safety while they serve in harm's way to protect our country.

So I rise today in opposition to this resolution. My opposition lies not in what this resolution says, but what it intends to do; and that is, to lay the foundation to begin cutting funding for our troops as they fight the radical jihadists who want to destroy our Nation. My fear is not based on wild assumptions or partisan politics, but what leaders are already saying they are planning to do.

The passage of this resolution has been called a baseline. And the Speaker of the House has called it a first step. And then she added that approval of this resolution will set the stage for additional Iraq legislation which is set to come before the House.

□ 1415

Leaders have been tight lipped about the pending legislation. But we have learned that what they want to do is set the stage for legislation that will fence off and limit funding by tying the hands of our commanders on the ground, by presenting benchmarks that will be written so that certainly those funds cannot be spent. To be sure, such actions would restrict funds and tie the hands of our commanders in Iraq. I cannot and will not support any effort to systematically disassemble our greater effort, to defend our liberties and our way of life, and to provide our enemies with a breath of hope that we have lost our will.

Let me be very clear to my constituents and the men and women in uniform. I will never vote to cut funding for our troops, nor will I allow my vote on a symbolic resolution, one that has the force of politics and not the force of law, to be used as a baseline or a first step towards cutting funding for our troops.

I will assertively maintain my support for the troops in my words and my vote, and I will continue to analyze how I can best help achieve success in Iraq so that we may begin to bring our men and women home.

In that spirit I plan to vote against this resolution.

Mr. ENGEL. Madam Speaker, I now yield 5 minutes to the gentleman from Massachusetts (Mr. NEAL), a classmate of mine and distinguished member of the Ways and Means Committee.

Mr. NEAL of Massachusetts. Madam Speaker, I thank Mr. ENGEL for yielding.

Last Saturday in my hometown of Springfield, Massachusetts, I spent the day welcoming back 150 brave American soldiers from the 181st Engineer Battalion of the National Guard who just completed a year-long deployment in Iraq. Their mission was to provide security for their fellow servicemembers and to protect military facilities. This group included members who possessed the Bronze Star, the Combat Action Badge, and the Purple Heart. Every Member of this House and Senate has participated in ceremonies similar to this across the country. We might have our differences about the war, but we find common ground in our steadfast support for these soldiers both in Iraq, on their way to Iraq, and around the world. And that is one of the reasons I intend to vote in favor of this bipartisan resolution today.

There is a reason that the framers of our constitutional system chose in Article I to establish that Congress is the first branch of the government, to oversee the Executive. One of the reasons that we are here today is because the majority at the time never asked a question of the Administration. Everything the Administration said, the Republican majority at that time in Congress went along with.

I am mindful of the thousands of soldiers who have died, more than 3,200. I am mindful of the 21,000 today who have been wounded. I am mindful of those who continue to serve our country bravely and honorably, and that the burden of this war has fallen on these troops and their families. There has been very little sacrifice asked of the American people.

But those who have sacrificed deserve a frank and honest debate about President Bush's policy. This is the debate we should have had 4 years ago.

You cannot edit history. We know today there were no weapons of mass destruction. There was no enriched uranium from Niger. There was no connection to al Qaeda. We were not welcomed as liberators in war. And 3½ years later, the mission has not been accomplished.

Madam Speaker, like the vast majority of the American people, I agree that the war in Iraq is going badly and getting worse. I attach great significance to the National Intelligence Estimate. The overall security situation in Iraq has deteriorated, as they have said, with 2006 being one of the deadliest years to date. The war has increased Islamic radicalism around the world and has helped to destabilize the entire Middle East. By any objective standard, Iraq has descended into something worse than a civil war, as noted by the Iraq Study Group, and our American troops are caught in the middle. And let us call it for what it is: a civil war.

Yet President Bush, nearly 3 years after declaring an end to major combat operations in Iraq, is sending another 20,000 American troops into battle. And Vice President CHENEY, in the face of insurmountable evidence, continues to declare that Iraq is a success.

As we debate this resolution today, it is clear that support for the war is at a tipping point. Our intelligence community, speaking collectively in the recent NIE, they believe that the future of Iraq is grim. And, most significantly, our distinguished military commanders believe it is time for a new direction. General Powell, General Zinni, General Batiste, General Gregory Newbold, and others have all expressed concern about the future of Iraq. These are individuals who were involved in the planning and execution of the war; and, obviously, they do not like what they see.

Even former director of the National Security Agency under President Reagan, retired Lieutenant General William Odom, acknowledged on Sunday that ''the President's policy in Iraq is based on illusions, not realities.''

I do not believe that public opinion alone should shape public policy, but no one should underestimate the intelligence of the American people. They are convinced that ''stay the course,'' as President Bush has suggested, has not succeeded.

Every Member of Congress wants our soldiers to succeed in Iraq. No elected representative in this institution would ever seek to undermine our servicemen and women. But the facts are clear. The war in Iraq is the most important issue facing America today, and our constituents are entitled to know where their representatives stand on the way forward. That is why this debate, finally, is so important. Just as the debate in 2002 led us into the war with Iraq, perhaps this conversation with the American people that we are having today will begin the process of bringing our troops back home.

More than 4 years ago, I came to the floor of the House with deep reservations about granting President Bush unlimited powers to authorize this invasion of a sovereign country. It is the best vote of opposition that I have offered in my 19 years in this House of Representatives

Mr. SAM JOHNSON of Texas. Madam Speaker, at this time I would like to yield 4½ minutes to the gentleman from Ohio, Mr. JIM JORDAN.

Mr. JORDAN of Ohio. Madam Speaker, I thank the gentleman for yielding, and I thank him for his amazing service to our country.

Madam Speaker, I rise in opposition to this resolution. There have been many good arguments made as to why this resolution is not in the best interest of our military, not in the best interest of our country. But I want to focus on one point, and that is just how real and how serious the threat of terrorism is, because that is what this struggle in Iraq is really about. And I am just going to read the list of terrorist attacks against Americans, and we have heard this list before, but I think it is important to refocus on this:

In 1979, 66 American hostages were taken in Iran. In 1983, 241 Marines were killed in Beirut. In 1988, 189 Americans were killed in the PanAm bombing. In 1993 in the first World Trade Center bombing, we lost six Americans. In 1996, 19 servicemembers were killed in the Khobar Towers bombing. In 2000, 17 American sailors lost their lives in the USS *Cole*. And, of course, in 2001, that date we all remember, 9/11, 2,973 Americans lost their lives in the World Trade Center bombing, in the Pentagon, and in Pennsylvania.

When you think about the actions of these terrorists and how real and dangerous they are, I am reminded of last summer when the Pope made a statement in a speech about the radical element, small but radical element, within the Islamic faith and the violence associated with that element. And the reaction to the Pope's statement about violence among this radical, but small, element, the reaction to his statement about violence was violence. It was the destruction of churches, the destruction of buildings. It was the taking of a life of an innocent nun in Italy. That is what we are up against.

This Democratic resolution puts us on a path towards leaving Iraq before victory is attained. It puts us on a path that will cut funds to our brave men and women already in battle. It puts us on a path that is wrong for America. And, most importantly, I think, it puts us on the wrong path that will most assuredly embolden the very people who are responsible for the terrorist acts I just listed.

If you remember, shortly after 9/11 the President gave a series of speeches where he outlined a policy. He said if you are a country that harbors terrorists, if you are a country that provides financing to terrorists, if you are a country that trains terrorists, if you are a country that is producing weapons that are going to harm vast numbers of people, if you are doing those things, we are going to put you on notice that we are not going to tolerate it.

And if you remember, it was amazing how quickly Moammar Kadafi in Libya found the Lord and saw the light and how quickly he was willing to say, I am going to work now with the United States. He understood that when America says something, we mean it. If we just do what this Democratic resolutions puts us on the path to do, I am afraid of the message it sends to the Kadafis around the world and what that can mean for the future safety of Americans and for our military.

This is a great country. We have been able to overcome whatever challenges have presented themselves to us throughout our history. And it is important that we have the same resolve as we approach this challenge.

I am just a freshman Member of the Congress; and just a few weeks ago it was put on display about what is so great about America, as we said, in this Chamber during the State of the Union address. And during that speech, the President pointed up to the gallery, and he highlighted some great Americans, some American heroes. And the one that stuck out in my mind, and many of you may remember this, was Wesley Autrey, the subway man. And I thought it was so amazing to see what this man had done and how that contrasts with the actions of the terrorists. Wesley Autrey in the subway, willing to jump in front of a train on the track to save a complete stranger simply because he was a fellow human being. Contrast that action with the action of the terrorist who will jump into that same subway, blow himself up to kill as many innocent people as he can.

What is great about this country is the respect we place on human life, the preciousness and sacredness that Americans have for human life. That is the difference between us and the terrorists. That is why it is so important to confront these folks wherever they choose to fight us. Right now that place is Iraq. That is why this resolution is bad.

Ladies and gentlemen, we should not pass a resolution in which politicians second guess our military leaders in the field. We should not pass a resolution that will embolden our enemy. And, most importantly, we should not waver in our commitment to protect human life and to confront the evil that is among us.

I urge a ''no'' vote on the resolution

Mr. ENGEL. Madam Speaker, I now yield 5 minutes to my sister's Congressman, a gentleman who worked hard to become a member of the Ways and Means Committee, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Madam Speaker, the Wall Street Journal accused us of trying to micromanage this war. Well, this President has not listened to the generals. He hasn't listened to the American people. And he hasn't listened to the Iraqi people. He has micromanaged this failure.

Four and a half years ago, Madam Speaker, on this floor I stood in this Chamber, along with 295 of my colleagues, to support the resolution authorizing the President to attack Iraq. I regret that vote deeply. And I told my constituents in my district 1½ years ago that I made a mistake. Down the street they make no mistakes. They are infallible.

I did so because the premise on which we authorized this war was false, the military plan for victory has been weak, and more than 5 years later, this war has made our Nation less safe.

We stand ready to vote on a different resolution that could take a significant step towards remedying the historic mistake we made in October of 2002. The troop escalation advocated by President Bush will only widen our involvement in this conflict and put more brave American troops in the middle of a vicious civil war. Voting in favor of the President's escalation plan is an historic error, and I stress the historic nature of this debate because I am a firm believer that history is telling of the future.

The history of this war shows that this President cannot form the right policy for victory. He should have sent additional troops in 2003 when the generals asked him to do that, when it was possible to restore order in Baghdad, instead of now in 2007 when violence reigns supreme.

The history of Iraq shows it has been wracked by sectarian and ethnic division long before it was even a state, a fact conveniently ignored by this President and his supporters on their march to Baghdad.

Remember, Iran and Syria and others are possibly fighting a proxy war by

supplying insurgents against an unpopular foreign occupier, the same role that we played in helping the Afghans to fight the Soviets 20 years ago; and we know how that conflict turned out.

In history I see the lessons, Madam Speaker. As I speak today, in 280 B.C. when King Pyrrhus of Greece defeated the Romans during the Pyrrhic War, his army suffered irreplaceable casualties in battle. And when he was congratulated on his victory, he replied: ''Another such victory like that over the Romans and we are undone.''

We have heard the word ''success'' and we have heard the word ''victory'' so many times that they are now as pyrrhic, empty, fleeting, hollow.

□ 1430

The lesson is clear. The President's escalation plan offers an illusion, when only the real hope is that it offers a Pyrrhic victory at best.

Our Armed Forces have been used, abused, refused and accused. They have been overstretched. They were ill-equipped from the very beginning. Don't tell us we don't support the troops, when you did not give what they deserved in the field of battle. Our military readiness to fight the ongoing war on terror is now in serious doubt because of this war. Don't question our patriotism. Don't question our support or the American people's. Listen.

By the way, Madam Speaker, have we asked the Iraqis what they feel? Well, 80 percent of them want us out. Don't they count? Can't we ask and listen to at least the very people whose country we occupy, this sovereign nation? This is unbelievable. It is illusionary at best. And what will we say to these Iraqi people? I want to hear the answer from the other side. What is your answer for them when they say, Don't stay here, and certainly don't escalate. I ask the loyal opposition to our resolution to tell the American people how much do the intentions of the Iraqi people really matter to you?

The epicenter of our fight against terror is on the border of Afghanistan and Pakistan. Many of us have been there. Many of us have gone there. You have forgotten that part of the world, which many did not even know on September 11, 2001, where Afghanistan was in the first place.

The clear message we send to the Iraqi people and the American people is that we will bring freedom to Iraq, even if it takes the blood of every Iraqi and the lives of more American soldiers. That is not good enough. That is not acceptable.

You have heard the statistics from speaker after speaker. Previous escalations in this war have not worked. Why will this one work? Our ill-fated presence in Iraq is being used as a propaganda tool for the enemy, al Quaeda, and other terrorists worldwide.

In the years since 9/11, more terrorists have been created through this President's policies than were captured or killed. There weren't any terrorists in Iraq in 2003, but there are now.

I urge my colleagues to support this resolution.

Mr. SAM JOHNSON of Texas. Madam Speaker, I yield 4 minutes to Mr. PETER ROSKAM from Illinois.

Mr. ROSKAM. I thank the gentleman for yielding.

Madam Speaker, we are here to debate a House Concurrent Resolution, and the root verb of ''resolution'' is resolute. I just want to challenge the House today to consider the resolution of our enemies. I would like to read three quotes to you.

Resolved, by Osama bin Laden. The whole world is watching this war, and the two adversaries, the Islamic nation on the one hand and the United States and its allies on the other. It is either victory and glory or misery and humiliation.

Or how about this? Resolved, in the al Quaeda charter: There will be continuing enmity until everyone believes in Allah. We will not meet the enemy halfway, and there will be no room for dialogue with them.

Or how about this, and I am paraphrasing: Resolved, from Osama bin Ladens deputy, who said that the plan is to extend the jihad wave; to expel the Americans from Iraq and extend the jihad wave to secular countries neighboring Iraq, clash with Israel and establish an Islamic authority.

Is there anyone among us who doubts the resolve and clarity with which our opponents are speaking? I don't.

I think what is lacking today in our conversation is the consequences of failure. The previous speaker used the words ''victory'' and ''success.'' He had a very low view of them, and I understand his characterization of those words. He said we have heard those words before. That is what the gentleman from New Jersey said.

But, do you know what? We will hear the word ''failure'' when it is used in the context of this challenge that is before us.

There is no question that there has been great difficulty that has gone before us in this fight. There is no question that there have been great mistakes that have been made, and I am wholeheartedly in favor of us acting as a coequal branch of government and calling for benchmarks and demarcation and holding the administration accountable for its decisions.

But if we fail in this, if we pull out, if we retreat, if we yield, what will happen? Is there anybody really who thinks that Iran, for example, will be less provocative? Is there anybody who thinks that al Quaeda will be less provocative?

If we fail, extremism in this world, will it be ascendant or will it be descendant?

Madam Speaker, I close with a simple question, and that is, we need to ask, What is it about this resolution that will do one of two things? Does this encourage our troops, or does this discourage our enemies? I would suggest that this resolution, while it is serious, oh, it is very serious, it is not substantive. This is the ultimate expression of legislative passive aggression. It offers no substantive alternative.

Madam Speaker, I rise in opposition, and ask my colleagues to do the same.

Mr. ENGEL. Madam Speaker, I yield 5 minutes to my dear friend in the adjoining district, the gentlewoman from New York (Mrs. LOWEY), the Chair of the Foreign Operations Subcommittee of the House Appropriations Committee.

Mrs. LOWEY. Madam Speaker, a violent civil war is raging in Iraq, with atrocities against innocent civilians mounting every day. Our troops, our brave troops, are caught in the crossfire, dying and being maimed driving on local roads, patrolling neighborhoods and moving about by helicopter. What is their mission today? What is the strategic objective of the escalation proposed by the President?

President Bush's plan to deploy 20,000 additional U.S. combat troops to Iraq is not a new strategy, and nothing I have seen or heard has convinced me that this escalation will make a positive difference in Iraq or hasten the safe return of U.S. troops. In fact, General Abizaid said that ''more American forces prevent the Iraqis from taking responsibility for their own future.''

Four previous troop surges between December 2003 and October 2006 have not made a dent in the level of violence nor in the number of U.S. casualties. We have spent nearly $500 billion in Iraq and Afghanistan, and yet inexplicably our troops still do not have the protection they need. Throughout this war, many in Congress have addressed the lack of equipment and protection for our troops. Now, military leaders are saying there are not enough armor kits and vehicles to protect these additional five brigades the President plans to send to Iraq. It is unacceptable to send more soldiers to Iraq, but it is unconscionable to send them without proper armaments or an explanation from the administration about how our troops will be protected.

Madam Speaker, 3,132 Americans in uniform have died and 23,417 have been wounded since the start of the war in Iraq. I visited our wounded soldiers at Walter Reed, Bethesda Naval Hospital, and, most recently, at Landstuhl Military Hospital in Germany during my visit to Iraq with the Speaker.

I stood at the bedside of a 23-year old severely wounded soldier, a soldier who was holding the hand of his 21-year old brother, currently serving in Iraq, and the hand of his father, who had also served in the Armed Forces, a soldier who will likely never come home. These families are making the ultimate sacrifice for our family. I am humbled by their commitment, their professionalism and dedication. We have a responsibility to our Armed

Forces, our citizens, and the constituents who have elected us to bring them home as quickly and safely as possible.

I am convinced that the thorough analysis and conclusions of the bipartisan Iraq Study Group are correct. Iraqi leaders must take responsibility for the country's security and government and we must engage the international community to work towards stability in the region. There is no military solution to the crisis in Iraq, and we cannot send more brave men and women to police a civil war.

As I have said many times before, there are no good solutions to the quagmire in Iraq. This war was ill-conceived, poorly planned and incompetently executed. The best military minds must now focus their efforts on the safe and responsible redeployment of our troops rather than on this escalation. I cannot support sending more of our brave men and women in uniform on a last-ditch, misguided mission.

We best support our troops, my colleagues, and our national interests, by adopting this resolution, and by expressing clearly on behalf of the American people our firm determination to change course in Iraq.

Mr. SAM JOHNSON of Texas. Madam Speaker, I yield 3 minutes to the gentleman from Idaho, Bill Sali.

(Mr. SALI asked and was given permission to revise and extend his remarks.)

Mr. SALI. Madam Speaker, before I begin, I would first like to thank you for reminding the body of the need for decorum in our remarks

Madam Speaker, several points. First is, it is stunning to me that this body will consume over 36 hours of floor debate on a nonbinding resolution. This should be on the consent calendar. Irrespective of one's position on the war in Iraq, all taxpayers are right to be incensed at such waste in this Congress.

This legislation will not have the effect of law, will neither inspire nor impede military action in Iraq or elsewhere, will not encourage our troops on the ground nor foster victory over America's enemies that practice terror. It will have one effect: poking the President of the United States in the eye, diminishing his credibility among the international community and eroding his ability to lead here at home. It will also have the very genuine result of undermining and demoralizing our soldiers that are now in harm's way.

Second, equally stunning is the apparent preoccupation with demeaning President Bush while ignoring those who are our real enemies. Our enemies are not in the White House or the Defense Department. They are not people like David Petraeus or his staff. They are not the vast majority of Muslims throughout the world, who, like us, want simply to live peaceful and secure lives.

America's enemies are radical Islamists, less than 1 percent of all Muslims, whose faith requires that a pure Islamic state be established and that violence is the instrument by which to establish it. Their faith requires terrorist acts against the West and all Muslims who stand in the way of that agenda. That is why Osama bin Laden can say that he and his followers are ''in love with death.'' Indiscriminate slaughter is, for these sick people, merely a tool in their arsenal of moral barbarity.

That is why his second-in-command has declared that Iraq and Afghanistan are ''the two most crucial fields'' in their war. That is why al Qaeda in Iraq has declared an Islamic state in Iraq's Anbar Province.

Third, how do America's enemies view us? For one thing, they fear George W. Bush and our military. That is why Libya's Mu'ammar Qadhafi 3 years ago surrendered his nuclear materials to the U.S. That is why Moqtada al-Sadr, Iraq's most powerful militia leader, just made a beeline for Iran; not for a sunny vacation from long, tiresome days of planning suicide bombings, but because he feared for his life.

□ 1445

But America's enemies view Congress quite differently. They see us as divided, irresolute, unwilling to face honestly their concerted plan for our destruction. Hence, this nonbinding resolution.

In light of this reality, I would ask my friends across the aisle, what is your binding plan for defeating America's enemies? America, our allies and our enemies are still waiting for your binding plan.

More than 3,000 Americans have died upholding the hope of defeating America's real enemies and bringing freedom to Iraq. We must not allow their deaths to become a pretext for the abandonment of that hope of victory or abandoning the Iraqi people. But rather, they must serve as the inspiration of a renewed commitment to hope of victory and security for Iraq. We owe to their heroism and sacrifice nothing less than one thing, victory over America's enemies in Iraq.

America is the last best hope of man on Earth. A victory in Iraq is our last best hope of defeat of America's most dangerous enemies and also the freedom and security in the Middle East. We must not fail.

Mr. ENGEL. Madam Speaker, I yield myself 5½ minutes.

Madam Speaker, I am going to come here and speak from the heart. I do not want to read a speech because I think it is important to speak from the heart. I am not here to point fingers. I am not here to chastise anyone. I am not here to talk about what might have been.

I support our soldiers. I support the war against terror, but I rise in support of this resolution which is Congress' responsibility. We have to look, Madam Speaker, at the current situation in Iraq as it is, not as we might wish it to be, but as it is.

Several years ago, I voted to give the President the authority to go to war in Iraq based on what we were told then. I must say that I regret that vote.

I regret it not only because no weapons of mass destruction were found or that there was no connection between al Qaeda and Iraq at that time, even though we were told there was. There was obviously faulty intelligence. We will never quite know if we were misled or if our intelligence was bad. But one thing is very, very clear to me, that this war has been mishandled from the beginning.

The President is now talking about a surge of sending 21,500 more troops to Iraq. When we first went into Iraq, I am a big believer if you are going to do something, you do it right or you do not do it at all. We were told by General Shinseki that there were not enough troops in Iraq, not enough troops at that time several years ago to be able to protect the borders, to protect insurgents from coming in, to protect people that would do us ill from coming in.

And his statements were dismissed. Not only were his statements dismissed, but then he was dismissed; and now here it is 3 or 4 years later, we are being told that the solution is to send more troops again. It is obvious to me that this is too little too late.

The war in Iraq has morphed into a civil war. It is obvious to anybody who looks at the situation that the Shia and the Sunni are fighting each other, and our brave men and women are caught right in the middle of it. Eighty percent of the people of Iraq on both sides do not want us there, and more and more our people are becoming sitting ducks.

I grieve for the more than 3,200 brave Americans who have died and the countless thousands more who have been injured; but it is one thing, Madam Speaker, to die in fighting for the freedom of your country, defending your country. It is quite another to die in a senseless civil war that more and more we see we cannot control nor probably should we attempt to anymore.

From the minute we came into Iraq, unfortunately, not only did we have no troops, there was mistake after mistake. We fired the Ba'ath Party people. So we had people who were angry at us to begin with. We have not been able to give the Iraqis what we said we would give them. They find that their way of life is worse now than ever before. We were not greeted as liberators, but we were greeted as occupiers.

And when we look at what we supposedly are there to protect, we look at the leader of Iraq, Mr. Maliki. He is propped up by the al-Sadr brigade, viciously anti-American, viciously killing Iraqis. He cannot go after them. They are the base of his support, and we are to believe that somehow he is a great patriot and is fighting for democracy in Iraq.

We talk about al Qaeda. Al Qaeda is certainly a threat. I am a New Yorker.

I will never ever forget September 11, 2001. And we have to go after al Qaeda and we have to fight terrorism, but I believe that the war in Iraq has now become a distraction against the war on terror.

So by staying in Iraq, are we fighting the war on terror, or are we making it more difficult? A troop surge will not work. There are other priorities that we have. Our young people are sitting ducks. This is more and more like Vietnam. You cannot leave and you cannot stay.

We support our troops. This surge will not work. Congress needs to send this message to the President and to Iraq and to the world.

Mr. SAM JOHNSON of Texas. Madam Speaker, I yield 5 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Madam Speaker, I am proud to be yielded time from a true American hero.

If at any time while I am in the Congress and I am asked to vote to authorize war, I will ask myself two fundamental questions, two caveats to such action. Number one, what are the United States' vital interests? How are our vital interests being advanced? Number two, what is the mission and how is the mission being defined?

I was not in the Congress when the vote to give the President the authority to go to war in Iraq was taken, but as I remember the debate during that vote, it was heavily predicated on the fact that we thought that Saddam Hussein had weapons of mass destruction, and the mission seemed to be principally defined as finding WMDs. It is clear that he had them at one time because he used them on his own people.

However, since we have gone into Iraq, whether it is because they have transited the country or they were destroyed, or whatever the reason, we have not found them.

Then the mission was defined as toppling the oppressor, the butcher of Baghdad, Saddam Hussein. And we have done so. We let the Iraqi courts exercise their due diligence in a court of law, and he is dead now. Good riddance, and hanging was too good for him.

Then we defined the mission as providing a stable framework that would allow the Iraqis to build a democracy because we can all agree that having a democracy in an Arab country in the Middle East would be optimal for the entire world. They have had their elections. They have adopted a Constitution, and they have elected leadership that is in place.

Again, I ask about the United States' vital interests and how we are defining the mission because, Madam Speaker, the mission needs to be understood. It is important that those of us in Congress can understand it, of course. It is important that the American people can understand it. But most importantly, the brave men and women who wear the uniform and are in theater risking their lives and their limbs need to be able to understand the mission.

President Bush has said that the mission is to achieve stability in Iraq, to train the Iraqi forces so that they will be able to stand up so that we will be able to stand down. He says that the so-called surge is a necessary thing to do.

As a member of the Armed Services Committee, I have listened to the testimony from the Joint Chiefs of Staff, the Secretary of Defense as well, about how this surge will work, and in my mind, a surge is a quick, overwhelming show of force. However, as it has been explained to me, this action will have two of a total of five brigades begin to deploy to Baghdad and the Anbar province and then gradually the other three brigades will be deployed as an assessment can be made on how the first two are doing.

I will note that I have read that General Schoomaker, Army Chief of Staff, has said in a closed door hearing that he thought the surge had a 50–50 chance of success.

Madam Speaker, our troops have done everything that we have asked them to do and more, and you cannot blame America for the Iraqis' failure to stop killing one another in a religious frenzy.

I am a product of the Vietnam era. My husband was an Air Force pilot in Vietnam. My county has the largest chapter of Vietnam veterans in the entire Nation, and although I have resisted making any analogy from Iraq to Vietnam, I will make this one personal observation.

From the very beginning of the Iraq conflict, we should have allowed our troops to go in and use overwhelming force; but we were told, no, that we had enough. Those that suggested otherwise were dismissed, and so they micromanaged from the White House, and now I think they are doing the same with this surge. Our troops can win, but they are being held back. They are being micromanaged by our politicians. We are not letting them win, and this is the lesson that I learned from Vietnam.

In Vietnam, we used a graduated response. We held back our troops. We did not use overwhelming force, and after many died, we left the field and I cannot believe in my lifetime that once again we are repeating this mistake.

I support the troops and I support victory. I recognize how incredibly complex this situation is. I recognize that having our troops leave will probably result in a loss of human life that will be horrifying. I recognize that leaving will probably encourage the neighbors to move in to protect their own interests, and I recognize that the war on terror will follow us if we leave.

Yet, recognizing all of this, since the Iraqis will, for whatever reason, not stand up to ensure their own freedom, how can we ask Americans and for how long to continue to do so for them? Either use overwhelming force to win, or get out and do not continue to ask our troops to fight with one hand behind their backs.

Mistakes have been made, as they always are in war; but another lesson that I learned from Vietnam is that the only thing worse than micromanaging a war from the White House is micromanaging it from here in Congress. And this is a time when every Member in this House needs to dig down deep and vote their conscience, knowing that sending the right message to the administration has the very real consequence of sending the wrong message to the troops who so bravely and professionally fight for freedom and liberty and democracy.

Vote ''no'' on this resolution.

Mr. ENGEL. Madam Speaker, I yield 5½ minutes to my fellow New Yorker (Mr. BISHOP).

(Mr. BISHOP of New York asked and was given permission to revise and extend his remarks.)

Mr. BISHOP of New York. Madam Speaker, I rise in strong support of this resolution which is a clear and concise response on behalf of the majority of Americans who share our opposition to the President's misguided plan to escalate the presence of U.S. troops in Iraq.

We can all agree upon and indeed must take this opportunity once again to affirm that our support for the brave men and women of the United States Armed Forces is steadfast and unyielding.

As this resolution declares, our first priority must continue to be protecting the brave men and women in uniform who have served this Nation honorably and valiantly. The decision to invade Iraq is the single most devastating and misguided foreign policy decision our Nation has ever made, and the process of protecting our Nation from compounding this tragic error must begin this week under new leadership with a clear vision and a plan that finally acknowledges that we can no longer stay the course in Iraq.

□ 1500

After nearly 4 years of war, the sacrifice of more than 3,100 brave servicemen and -women, tens of thousands more injured, and over $600 billion spent on the war to date, President Bush's ''mission accomplished'' declaration certainly rings hollow.

We must not forget whose war and misguided strategy failed us, and we must ask who the President is listening to beyond the small circle of advisers who were the architects of this fiasco in the first place.

The only strategy this administration has proposed is to stay the course, augmented by four earlier surges, along with the most recent plan to deploy the additional 21,500 U.S. troops, likely to escalate further to 40,000 to 60,000 more troops before the year's end. This latest policy is stay the course writ large.

The President's plan operates under the assumption that somehow, despite

all the evidence to the contrary, there is a military path to success if only more forces are on the ground. Not only is this logic flawed, it flies in the face of the wisdom of his top generals in the field, such as the former commander of the U.S. Central Command, John Abizaid, who told the Senate Armed Services Committee that ''more American troops right now is not the solution to the problem.''

I agree. We cannot afford to inject more of America's best and bravest into the chaos, particularly without the armor and training to protect them. Shortchanging our heroes in the face of a relentless insurgency is unworthy of this Nation. If we can't supply our troops with what they need, how can we possibly contemplate an escalation?

Without a reduction to the violence against U.S. troops, without stability in the region, and without evidence of a correlation between the raging violence and the number of U.S. troops and the number of trained Iraqi troops, now is the time to reduce the U.S. combat presence in Iraq, not expand it.

The Republican mantra has been that the Democrats don't have a plan for Iraq other than cut and run, an assertion that is simply false. We do have a comprehensive plan for Iraq that includes implementing the recommendations of the Iraq Study Group, a regional conference to engage Iraq's neighbors diplomatically, and seeking political solutions to the escalating turmoil in the region. But again I would ask, what evidence is there to suggest that this President will listen to anyone's plan other than his own?

This is simply not an insurgency that needs to be crushed. Confirmed by the President's most recent National Intelligence Estimate, Iraq is in a state of civil war, and thus political solutions are needed to address the real problem. Although al Qaeda remains active in Iraq, they have been surpassed by ethnic violence, the primary source of conflict and the most immediate threat to stability in Iraq.

Proponents of the war claim that those opposed to the surge aren't supporting the troops. I would ask them how we are supporting our troops while keeping them in a country where 70 percent of Iraqis believe it is acceptable to attack U.S. troops, where 78 percent believe that our troops provoke more violence than they prevent, where three-quarters of them would feel safer if American forces left Iraq.

By staying the course in Iraq, we are putting our troops in a situation that has no positive outcome. Aren't the lives of our troops more valuable than saving political face and trying to prove a point?

And while it is well known that the claims of weapons of mass destruction were based on faulty intelligence and there was no connection between Saddam Hussein and al Qaeda, why are we committing our troops and resources towards refereeing a civil war in Iraq, thereby diverting resources required to win the global war on terror rather than fighting al Qaeda in Afghanistan, tracking down Osama bin Laden, and preventing another terrorist attack against America?

The President's earlier NIE made it very clear last September that the war in Iraq has become a primary recruitment vehicle for violent Islamic extremists, motivating a global jihadist movement and a new generation of potential terrorists around the world whose numbers may be increasing faster than the United States and our allies can reduce the threat.

Opposition to this surge does not mean a lack of support for our troops; rather, it affirms what the American people made clear last November, that our policy in Iraq is not working and that we need a new direction. I will vote for this resolution, and I will continue to join with colleagues on both sides of the aisle to bring our involvement in this misguided tragedy to an end

The NIE also indicates that, rather than contributing to eventual victory in the global counter-terrorism struggle, the situation in Iraq has diminished America's position, What additional evidence does the President need to prove that his policies in Iraq are only making matters worse for Iraqis and making the world decidedly less safe for America?

And to those who would argue that this resolution sends a signal to our enemies that we are weak and divided, you are wrong. This debate proves why democracy works, unites us, makes us stronger, more resolute, and why these strengths—that our enemies envy and seek to overcome—will ensure that we ultimately prevail over them.

Opposition to this surge does not mean a lack of support for our troops. Rather, it affirms what the American people made clear last November—that our policy in Iraq is not working and we need a new direction.

I will vote for this resolution, and I will continue to join with colleagues on both sides of the aisle to bring our involvement in this misguided tragedy to an end. Voicing opposition to this war, to this President's policies, and to more of the same is our solemn responsibility, consistent with the objectives of this resolution, the hopes of the American people, and the mission of the U.S. Armed Forces.

Mr. Speaker, I commend the Majority leadership and the distinguished chairmen of the Armed Services and International Relations Committees for their hard work and making this debate a priority of this Congress.

Mr. SAM JOHNSON of Texas. Madam Speaker, at this time I would like to yield 5 minutes to my friend from Virginia, VIRGIL GOODE.

Mr. GOODE. Madam Speaker, it is an honor to receive time from someone who served our Nation in the finest way and who knows firsthand how hurtful a resolution such as this can be to those in theater.

We are in the middle of a 4-day marathon here. While I cannot say that I agree with all of the actions of the President in dealing with Iraq, I will not be supporting H. Con. Res. 63. The eyes of the world are upon this House, and there will be commentary from the Middle East to the streets of small-town America about what we do here over this 4-day period, even though this resolution does not carry the weight of law.

When the commentary begins in the Middle East, in no way do I want to comfort and encourage the radical Muslims who want to destroy our country and who want to wipe the so-called infidels like myself and many of you from the face of the Earth. In no way do I want to aid and assist the Islamic jihadists who want the green flag of the crescent and star to wave over the Capitol of the United States and over the White House of this country. I fear that radical Muslims who want to control the Middle East and ultimately the world would love to see ''In God We Trust'' stricken from our money and replaced with ''In Mohammed We Trust.''

I am not sure that reinforcing the existing troops by 20,000 will save us from the jihadists, and I am not sure it will prevent chaos in Iraq. I do hope that these additional forces will stabilize Baghdad and will lead to democracy and a tolerance of divergent views and religions in Iraq. Unfortunately, the history of that region does not bode well for such conclusions.

In my view, the United States by removing Saddam Hussein has provided a great opportunity for Iraq to be a showcase for tolerance and understanding. Perhaps one day Iraq may want to adopt something like the first amendment of our country. That may only be an optimistic hope.

I hope my fears and the fears of others about chaos and calamity prove false. If the Shiite and Sunni controversy escalates and the situation worsens, we could be faced with a clamor to admit thousands and perhaps millions into this country. I call on the President and our Secretary of State to not allow a mass immigration into this country with the dangers and pitfalls that it could bring to our safety and security. The terrorists would surely enter into this country in such a way as the 9/11 terrorists swam around in a sea of illegal immigration before we were struck on September 11.

Let us vote ''no'' and let us forestall, if not prevent, calamity.

Mr. ENGEL. Madam Speaker, I now yield 5 minutes to one of our freshmen, Representative JASON ALTMIRE of Pennsylvania, surely a rising star.

Mr. ALTMIRE. Madam Speaker, in the lead-up to the war in Iraq, the President offered the American people many reasons why we should enter into this conflict. We were told unequivocally that Iraq possessed weapons of mass destruction and posed an imminent threat to the United States. We have since learned that pre-war intelligence was completely inaccurate.

We were told that proceeds from Iraq's oil reserves would pay for the cost of the war. Instead, the American people have paid for the cost of the

war. So far, $400 billion, with an additional supplemental request of $100 billion pending.

We were told that we would be greeted as liberators. Nothing could be further from the truth. More than 3,000 American troops have been killed, more than 23,000 injured, and violence in Iraq continues to escalate. There are over 900 weekly attacks on U.S. troops.

These predictions were in the past, but they are instructive as we consider the President's current predictions on how to achieve success in Iraq.

The American people have expressed their clear frustration with the conduct of the war. The bipartisan Iraq Study Group offered a comprehensive strategy to successfully move combat forces out of Iraq. High-level military leaders, including General John Abizaid, have expressed opposition to an escalation of troops. But the President continues to ignore public opinion, rejects sound advice, and stubbornly adhere to his failed go-it-alone policies.

He says he wants a bipartisanship study; but when his results are not to his liking, he dismisses it. He says he wants to hear from his advisers; but when they disagree with them, he dismisses them. He says he wants to hear from his generals on the ground; but when they tell him what he doesn't want to hear, they are reassigned.

The fact is, Madam Speaker, the President's plan to escalate the war in Iraq is not a new policy, just more of the same failed policy.

The solution in Iraq requires the Iraqis themselves to reach a political solution and take responsibility for their own government. The continued open-ended commitment of U.S. forces only deters the Iraqis from making the appropriate political decisions, training security forces, and enacting the reforms necessary to achieve stability.

The Iraq war resolution before us today is simple and straight forward. Let me explain what it does and what it doesn't do.

First and foremost, this resolution expresses our continued support for our military men and women who are serving bravely and honorably. It also expresses the sense of Congress that we disapprove of the decision made by the President to send additional troops to Iraq.

So make no mistake, this resolution is in support of our troops. Anyone who says otherwise is simply wrong. No Member of this House, Republican or Democrat, wants anything less than victory in Iraq and to support our troops.

This resolution does not affect the funding levels to carry out the war. And on that point, let me be clear. As long as we have troops in the field of battle and brave Americans in harm's way, I will never vote to withhold their funding.

I support this resolution because we have the duty as representatives of the American people to continue to voice their opinion that, with his policy of escalation, the President is heading down the wrong path.

The best way forward is for the President to work with Congress, to change course, and adopt a responsible strategy that protects American interests in Iraq, around the region, and at home.

I urge every Member of this House on both sides of the aisle to heed the call for change and vote for this resolution.

Mr. SAM JOHNSON of Texas. Madam Speaker, at this time I would like to yield 4 minutes to the gentlewoman from Oklahoma, Mary Fallin.

Ms. FALLIN. Madam Speaker, I would like to begin by reviewing a little history. There have been a number of times in American history when wars didn't go as we had hoped or planned. That winter at Valley Forge was certainly difficult. During the War of 1812, the British occupied this very building, and the Civil War was far more costly and far longer than we hoped it would be.

In World War II, the North African campaign was something of a mess. And the bloody island campaigns of the South Pacific were not something we had foreseen.

In Korea and Vietnam, we brought limited force to bear, and we wound up settling for stalemate and ultimately defeat.

So some of our wars went well, but more often they look a lot simpler and cleaner in the history books than they really were in reality. And if there is one constant warning that runs throughout our history, it is this: Congress has a vital role to play in helping America win its wars. But it can also play a role that is unintended in losing them if it says or if it does the wrong thing at the wrong time. And that is what this resolution says and does, the wrong thing.

This is a nonbinding resolution, which is nothing more than a political game. But the war on terror is not a game. We have to consider what our enemies will read into this resolution. What if Congress during the Valley Forge winter had passed a resolution saying it is time to send our troops home, retire General Washington, and go ahead and pay the tax anyway? What if Congress in the spring of 1863 had looked at the results of Bull Run and said, We can't win this, it's a civil war. Forget the idealism about freeing the slaves.

What if Congress in 1942 or 1943 had told Franklin Roosevelt to pull out of North Africa and Italy and to give up those silly ideas of liberating France? What would our enemies have thought about America's lack of will? They would have assumed that we had lost our will to win, and they would have said America can't cut it.

□ 1515

Well, make no mistake, Iraq is just one battle in our overall war on terror. If this resolution passes, it is sending a very clear message of our weakness, and our enemies are watching today. Just listen to the words of Osama bin Laden. He said, The whole world is watching this war and the two adversaries, the Islamic Nation on the one hand, and the United States and its allies on the other. It is either victory or glory, or it is either misery or humiliation.

We cannot be the Nation of humiliation. The terrorists know what is at stake, and it is time that we show them that we know as well, and that failure is not an option for our Nation. We have to ask ourselves, what is at risk for the future of our Nation? Will our Nation be safer from radical Islamic terrorists if we pull out before the new Iraqi democracy becomes stable and an ally in the war on terror? Ask yourself, what Islamic terrorist leader has said that if America leaves Iraq that he will be satisfied and the terrorists will end their attack? Has not been said.

We must take extraordinary precautions to protect our Nation from those who would do us harm, and someday our children and our grandchildren will look back on this decision this week, and they will reflect on their lives, and the question we have to ask ourselves today is will our children live in a safer America?

I urge the rejection of this resolution.

Mr. ENGEL. Madam Speaker, before I yield to my next speaker, I am told we are rapidly running out of time, and I will not be able to yield additional time to anyone beyond the 5 minutes.

I now have the pleasure of calling on another new star in this Congress, Representative BRUCE BRALEY of Iowa, for 5 minutes.

Mr. BRALEY of Iowa. Madam Speaker, I grew up surrounded by heroes. My father, Byard Braley, got permission from his mother at the age of 17 to enlist in the Marine Corps, and 1 year later found himself landing on Iwo Jima, the same day the flags were raised on Mount Suribachi. Thirty thousand marines and Japanese soldiers lost their lives in 1 month on an island the same size as my hometown of Brooklyn, Iowa.

My father saw one of his best friends vaporized by a shell burst, and we did not learn that fact until 15 years after he died.

The same night that my father landed on Iwo Jima, another marine from my hometown of Brooklyn slept under those flags as Japanese bombs flew overhead. Harold Keller was the real deal. He was the second marine to reach the summit of Mount Suribachi, and he single-handedly fought off a Japanese counterattack and rescued the people you see depicted in Flags of Our Fathers.

When he came home to my hometown, he repaired milking equipment for area farmers. My uncle Gordon Braley served in the merchant marine, guarding allied shipping lanes in the North Atlantic.

My Uncle Bert Braley served in the Army Air Corps, and my Uncle Lyle Nesselroad served in the Navy. My cousin, Dick Braley, was a Marine Corps artillery officer at a firebase in Vietnam.

These ordinary men taught me that patriotism is not something you claim by putting down others who disagree with your viewpoints. It is something you earn by the way you live your life, the respect you have for the institutions that make the United States a great beacon of liberty, freedom and justice.

When I return to my hometown of Waterloo, Iowa, I am still surrounded by heroes. These heroes belong to the battalion of the Ironman Battalion of the Iowa National Guard. They are approximately 560 fathers, mothers, brothers and sisters from Waterloo, Dubuque, Oelwein and everywhere in between.

One of them, Ray Zirkelbach, is missing his second consecutive year in the Iowa House of Representatives, because their latest tour was recently extended. A flag is draped over his desk in the House chamber.

These heroes are the reason why I stand here today in opposition to the President's plan to escalate the war in Iraq. On November 7, 2006, the voters of this country went to the polls and clearly stated that it is time for a new direction in Iraq.

Soon after, the bipartisan Iraq Study Group presented President Bush with a desperately needed blueprint for change. They recognized that the deteriorating crisis in Iraq couldn't be solved by military action. Instead, it required a political solution between warring factions for a stable democracy to evolve.

The Iraq Study Group recognized that ''stay the course'' was a failed strategy, and that three prior troop surges had done little to stem the growing violence. They knew that the Iraqis would never get serious about standing up for their own country until they were confronted with a timetable for redeploying our forces.

After I was sworn in as a Member of Congress on January 4, I hoped that President Bush would listen to the advice of this bipartisan group whose recommendations he welcomed.

I hoped that he would move to fulfill the promise of the Defense Authorization Act of 2006, when this Congress stated that 2006 would be a period of significant transition in Iraq, with the Iraqi Security Forces taking the lead for their own security, so we could begin a phased redeployment of U.S. forces from Iraq. Instead, the President ignored the recommendations of the study group and chose to escalate the war in Iraq without charting a new course.

To my friends on the other side of the aisle who disagree with the resolution we are debating today, by all means vote your conscience. I will be voting my conscience and joining well-known Republicans who agree that the escalation is a mistake:

People like Senator CHUCK HAGEL of my neighboring State of Nebraska, who called the President's escalation plan the most dangerous foreign policy blunder in this country since Vietnam, if it is carried out.

People like former Iowa Representative Jim Leach, who said that the President's policy in Iraq may go down as the greatest foreign policy blunder in U.S. history.

Well-respected military experts also oppose this escalation, including General Colin Powell, General George Casey and the Joint Chiefs of Staff.

The President truly stands alone with a strategy that his own generals, key Republicans, and the American people oppose. The time is long overdue for the people's House to reassert its rightful place in our constitutional system of checks and balances.

We have a duty to send a message that it is time for real change in Iraq, change characterized by accountability and redeployment of our troops. There will be no more blank checks. There will be tough questions in oversight, and I will work hard to make sure that this happens. I ask everyone to support the resolution

Mr. SAM JOHNSON of Texas. Madam Speaker, I yield 4 minutes to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. Thank you, a true patriot, Mr. JOHNSON.

Madam Speaker, I rise today not only in support of the brave men and women of the American Armed Forces, but also in support of the cause for which they fight. They heroically give of themselves every day to ensure the safety of our Nation and the freedom that we Americans enjoy.

Like my colleagues on both sides of the aisle, I want America's troops home as soon as possible, but disengaging at this time would invite the terrorists to follow us home. This resolution sends the wrong message and will have grave consequences. It will demoralize our troops and embolden our enemies. We are combating a global adversary who sees an enemy in any Nation that supports the ideals of freedom. In the interest of democracy, global safety and rural peace, victory in Iraq is absolutely crucial.

While some seem happy to complain about the war, they have offered nothing in the way of a solution to defeat the jihadists. It is fine to disagree, but your opinion holds little weight if you fail to offer a constructive alternative. Leadership takes strengths and courage to succeed in the face of adversity, although mistakes may be made along the way.

Many comments have been made by those who support this resolution, but one that deserves a response is the oft-repeated phrase that this is an impossible war to win. What a terrible attitude for Members of the United States Congress to have.

What if George Washington had succumbed to the critics of his day who said those things? What if Abraham Lincoln, FDR and President Truman had taken that attitude? Where would we be now? We are here today because people who came before us refused to listen to the naysayers and the defeatists.

The true leaders of this Nation have always focused on the possible and accomplished it. These people remind me of the attitude of the Carter administration in dealing with Iran.

Let me quote a recent article by Dinesh D'Souza. '' . . . they are willing to risk the country falling into the hands of Islamic radicals. Little do the people waging 'the war against the war' know that in exchange for a temporary political advantage, they are gravely endangering America's security and well-being, ultimately even their own.''

Let us band together as Americans, put aside political differences to show that we understand the need to defend freedom for the long and short terms. This is the decisive battle of our generation, and this is a defining moment of our time.

We cannot afford to lose and should vote ''no'' on this resolution

[From the American Legion Magazine, Feb. 2007]

HOW WE LOST IRAN—AND WHY WE CAN'T AFFORD ANOTHER LOSS IN IRAQ

(By Dinesh D'Souza)

There are four important Muslim countries in the Middle East: Iran, Iraq, Egypt and Saudi Arabia. Islamic radicals control Iran, and have since the Khomeini revolution a quarter century ago. Now they have their sights on Iraq. If they get Iraq, we can be sure they will target Egypt and Saudi Arabia. Let's remember that this is a region upon which the United States will continue to be oil-dependent for the foreseeable future. If the Islamic radicals succeed, the American way of life will be seriously threatened.

To understand the high stakes in Iraq, it's helpful to understand what happened in Iran a generation ago. How did America ''lose'' Iran, and how can we avoid another debacle in Iraq? Islamic radicals have been around since the 1920s, but for decades they were outsiders even in the Muslim countries. One of their leading theoreticians, Sayyid Qutb, argued that radical Muslims could not just promulgate theories and have meetings; they must seek to realize the Islamic state ''in a concrete form.'' What was needed, he wrote, was ''to initiate the movement of Islamic revival in some Muslim country.'' Once the radicals controlled a major state, he suggested, they could then use it as a beachhead for launching the takeover of other Muslim countries. The ultimate objective was the unification of the Muslim community into a single Islamic nation, governed by Islamic holy law.

In 1979, Qutb's goal was achieved when the Ayatollah Khomeini seized power in Iran. Muslim scholar Hamid Algar terms the Khomeini revolution ''the most significant event in contemporary Islamic history.'' It was an event comparable to the French or the Russian revolutions. Virtually no one predicted it, yet it overturned the entire imperial structure and created a new order, even a new way of life. The mullahs restored the Islamic calendar, abolished Western languages

from the schools, instituted an Islamic curriculum, declared a new set of religious holidays, stopped men from wearing ties, required women to cover their heads, changed the banking system to outlaw usury or interest, abolished Western-style criminal and civil laws, and placed the entire society under sharia, or laws based on the Koran.

The importance of the Khomeini revolution is that it demonstrated the viability of the Islamic theocracy in the modern age. Before Khomeini, the prospect of a large Muslim nation being ruled by clergy according to 8th-century precepts would have seemed farfetched, even preposterous. Khomeini showed it could be done, and his successors have shown that it can last. To this day, post-Khomeini Iran provides a viable model of what the Islamic radicals hope to achieve throughout the Muslim world. Khomeini also popularized the idea of the United States as a ''great Satan.'' Before Khomeini, no Muslim head of state had said this about America. Muslim leaders like Nasser might disagree with the United States, but they never identified it as the primary source of evil on the planet. During the Khomeini era, there were large demonstrations by frenzied Muslims who cursed the United States and burned its flag. For the first time, banners and posters began to appear all over Iran: DEATH TO AMERICA! THE GREAT SATAN WILL INCUR GOD'S PUNISHMENT! USA, GO TO HELL! AMERICA IS OUR NO. 1 ENEMY! These slogans have since become the mantra of Islamic radicalism. Khomeini was also the first Muslim leader in the modern era to advocate violence as a religious duty and to give special place to martyrdom. Since Khomeini, Islamic radicalism has continued to attract aspiring martyrs ready to confront the Great Satan. In this sense, the seeds of 9/11 were sown a quarter of a century ago when Khomeini and his followers captured the government in Tehran.

Khomeini's ascent to power was aided by the policies of Jimmy Carter and his allies on the political left. The Carter administration's own expert on Iran, Gary Sick, provides the details in his memoir ''All Fall Down,'' a riveting story that has been largely erased from our national memory. Carter won the presidency in 1976 by stressing his support for human rights. From the time he took office, the left contrasted Carter's rights doctrine with the Shah's practices. The left denounced the Shah as a vicious and corrupt dictator, highlighting and in some cases magnifying his misdeeds. Left-leaning officials such as Secretary of State Cyrus Vance, U.N. envoy Andrew Young and State Department human-rights officer Patricia Derian pressed Carter to sever America's longstanding alliance with the Shah. Eventually Carter came to agree with his advisers that he could not in good conscience support the Shah.

When the Shah moved to arrest mullahs who called for his overthrow, the United States and Europe denounced his actions. Former diplomat George Ball called on the U.S. government to curtail the Shah's exercise of power. Acceding to this pressure, Carter called for the release of political prisoners and warned the Shah not to use force against the demonstrators in the streets. When the Shah petitioned the Carter administration to purchase tear gas and riot-control gear, the human-rights office in the State Department held up the request. Some, like State Department official Henry Precht, urged the United States to prepare the way for the Shah to make a ''graceful exit'' from power. William Miller, chief of staff on the Senate Intelligence Committee, said the United States had nothing to fear from Khomeini since he would be a progressive force for human rights. U.S. Ambassador William Sullivan even compared Khomeini to Mahatma Gandhi, and Andrew Young termed the ayatollah a ''20th-century saint.''

As the resistance gained momentum and the Shah's position weakened, he looked to the U.S. government to help him. Sick reports that the Shah discovered he had many enemies, and few friends, in the Carter administration. Increasingly paranoid, he pleaded with the United States to help him stay in power. Carter refused. Deprived of his last hope, with the Persian rug pulled out from under him, the Shah decided to abdicate. The Carter administration encouraged him to do so, and the cultural left celebrated his departure. The result, of course, was Khomeini.

The Carter administration's role in the downfall of the Shah is one of America's great foreign-policy disasters of the 20th century. In trying to get rid of the bad guy, Carter got the worse guy. His failure, as former Democratic senator Daniel Patrick Moynihan once said, was the result of being ''unable to distinguish between America's friends and enemies.'' According to Moynihan, the Carter administration had essentially adopted ''the enemy's view of the world.'' Carter does not deserve sole discredit for these actions. This intellectual framework that shaped Carter's misguided strategy was supplied by the political left.

Of course, the primary force behind the Shah's fall was the fundamentalist movement led by Khomeini. But it is possible that the Shah, with U.S. support, could have defeated this resistance. Another option would have been for the United States to use its influence to press for democratic elections, an option unattractive both to the Shah and to the Islamic militants. Even after the Shah's departure, a U.S. force could have routed the Khomeini regime—an action that would have been fully justified given Iran's seizure of the U.S. embassy and the taking of American hostages. Determined at all costs to prevent these outcomes, the left sought not only to demonize the Shah but also to favorably portray Khomeini and his radical cohorts. In Sick's words, Khomeini became ''the instant darling of the Western media.'' The tone of American press coverage can be gleaned from Time's cover story on Feb. 12, 1979: ''Now that the country's cry for the Ayatollah's return has been answered, Iranians will surely insist that the revolution live up to its democratic aims. Khomeini believes that Iran should become a parliamentary democracy. Those who know the ayatollah expect that eventually he will settle in the holy city of Qom and resume a life of teaching and prayer.''

Immediately following Khomeini's seizure of power, political scientist Richard Falk wrote in the Feb. 16, 1979, New York Times, ''To suppose that Ayatollah Khomeini is dissembling seems almost beyond belief. He has been depicted in a manner calculated to frighten. The depiction of him as fanatical, reactionary and the bearer of crude prejudices seems certainly and happily false. His close advisers are uniformly composed of moderate, progressive individuals . . . who share a notable record of concern with human rights. What is distinctive about his vision is the concern with resisting oppression and promoting social justice. Many non-religious Iranians talk of this period as Islam's finest hour. Iran may yet provide us with a desperately needed model of humane governance for a Third World country.''

The naiveté of Falk's essay is of such magnitude as to be almost unbelievable. Falk should have known better, and I believe he did know better. Sick notes that in terms of the kind of regime he wanted to institute in Iran, ''Khomeini was remarkably candid in describing his objectives.'' As an expert on international relations, Falk was surely familiar with what Khomeini had been consistently saying for three decades. Along with Ramsey Clark, former attorney general in the Johnson administration, Falk met with Khomeini on his last day in Paris, before his triumphal return to Iran. Shortly after that meeting Clark conducted a press conference to champion Khomeini's cause. Falk, too, seems to have acted as a kind of unpaid public-relations agent for the ayatollah's regime.

Upon consolidating his power, Khomeini launched a bloody campaign of wiping out his political opposition and reversing the liberties extended by the Shah to student groups, women's groups and religious minorities. In one year, the Khomeini revolution killed more people than the Shah had executed during his entire quarter-century reign. Despite the fact that many progressive figures were imprisoned, tortured and executed,

Khomeini's actions produced a great yawn of indifference from America's cultural left. The same people who were shocked and outraged by the crimes of the Shah showed no comparable outrage at the greater crimes of Khomeini. They knew, as well as everyone else, that liberty would be largely extinguished in Iran, and they greeted this prospect with equanimity.

Even when radical students overran the U.S. Embassy in Tehran on Nov. 4, 1979, and took more than 60 American hostages, the left's sympathy was with the hostage-takers. During this period, three liberal clergymen—William Sloane Coffin of New York's Riverside Church, National Council of Churches executive director William Howard and Catholic Bishop Thomas Gumbleton—visited the hostages and looked with approval as they recorded anti-U.S. statements for use as Iranian propaganda. The U.S. religious leaders did not seem embarrassed to be used by the Iranian hostage-takers. Many of the allegations against the United States launched by the Iranian radicals corresponded exactly with the views of these liberal clergymen. Going beyond the expectations of the hostage-takers, Coffin even faulted his fellow Americans for ''self pity'' and urged them to hold hands with their captors and sing. In the hostage crisis, these clergymen quite consciously contributed to America's humiliation.

By aiding the Shah's ouster and with Khomeini's consolidation of power, the left collaborated in giving radical Islam its greatest victory in the modern era. Thanks in part to Jimmy Carter, Muslim radicals got what they had been seeking for a long time: control of a major Islamic state. Now, irony of ironies, Carter and some of the same people who lost Iran are back in the news, criticizing the Bush administration for what it is doing in Iraq. Some of their points may be valid, but once again, they are forgetting that when you try and get rid of something terrible, you should at least make sure that you don't get something even more terrible. Carter never understood that, and he still doesn't. Rather than dispensing advice, the 39th president should be offering the United States an apology.

Yes, what's going on in Iraq today is not pretty, but that could be said of just about any war. In trying to escape from a difficult situation, America should not put itself into an even more perilous situation. We should always keep in mind what's at stake in this conflict. Today in Iraq, the Islamic radicals are after their second big prize. Iraq is, in a sense, even more important to the radicals than Iran. The reason is that the Khomeini Revolution, despite its global aspirations,

proved to be very difficult to export. Iranians are Persian, and thus ethnically distinct from the Arabs who dominate the Middle East.

Even within Islam, Iranians belong to the Shia minority, while 80 percent of Muslims worldwide are Sunni. Consequently, Islamic radicals have been attempting for the better part of two decades now to carry the revolution beyond Iran, to bring a second Muslim state under radical control, and to establish a model for theocracy and terrorism that the Sunni majority in the Islamic world can emulate. So unlike in Vietnam, the United States faces an adversary that is not merely ideologically hostile, but one whose success would threaten our vital interests and our security, as well as our economic well-being.

Given this, the insouciance and even anticipation with which some of the Bush administration's critics propose prompt U.S. withdrawal from Iraq is remarkable. In a recent article in Harper's, former presidential candidate George McGovern proposed that the United States get out of Iraq, give up its bases there, apologize for having invaded in the first place, accept responsibility for any bloodbath that ensues, and offer to pay reparations to Iraq for its war crimes. This advice goes beyond recklessness. What do McGovern and his allies think is going to happen when U.S. troops leave? They seem eerily eager for the insurgents to topple the elected government and seize power.

Apparently their dislike for President Bush is great enough that they are willing to risk the country falling into the hands of Islamic radicals. Little do the people waging ''the war against the war'' know that, in exchange for a temporary political advantage, they are gravely endangering America's security and well-being, ultimately even their own.

Mr. ENGEL. Madam Speaker, it is my pleasure now to call on another one of our great new freshmen I have gotten to know, the gentleman from Iowa (Mr. LOEBSACK) for 5 minutes.

Mr. LOEBSACK. Thank you, Mr. ENGEL, for yielding.

Madam Speaker, today with all my colleagues I stand here in support our brave men and women of the Armed Services, as well as their families. We should honor their great commitment and sacrifices without hesitation. I support this resolution because I believe the President's plan for escalation is the wrong approach to the conflicts in Iraq.

But this must not be the end of our efforts in Congress. For too long, Congress refused to stand up to the administration. Our actions today must mark the beginning of Congress' role, not the end. The time has come to tell President Bush enough is enough.

Last November, the American people spoke. They spoke loudly and clearly on a number of issues, but none more passionately and forcefully than the war in Iraq. The American people, long before this debate this week, decided that the misadventure in Iraq must end.

Our troops have performed valiantly in Iraq. In just a matter of a few weeks they removed from power a brutal dictator and began to provide the Iraqi people the opportunity to construct a new political order. Our troops have also contributed mightily to the reconstruction and development of the Iraqi economy and infrastructure.

But over the course of this conflict, the mission of our troops has been transformed, and now they find themselves in the middle of a civil war that involves not just two sides, but almost innumerable factions in conflict with one another.

What is worse is the continued presence of American troops in Iraq will likely only inflame the ongoing sectarian strife and create more, if not fewer, enemies of America. The bottom line is that a continued presence of American troops will only exacerbate the multiple conflicts in Iraq.

As a member of the Readiness Subcommittee of the House Armed Services Committee, I have additional concerns regarding President Bush's proposed escalation. I believe such an escalation will further strain the limited resources available to our military. Already we know our readiness levels for our troops not yet deployed are inadequate.

A further escalation of troop levels in Iraq will only exacerbate this problem and put more servicemen and women in harm's way without the proper training or equipment. Our troops were not trained to be peacemakers in situations such as today's Iraq. Some have argued that we need to increase the number of troops, so that we can engage in an action similar to what our forces did in Bosnia.

Madam Speaker, this is at best a false analogy. Iraq today is not Bosnia of 1995. Today's Iraq is in the early stages of a series of conflicts that may indeed intensify, but this will occur irrespective of whether we insert another 21,500 troops. We simply cannot solve the sectarian conflicts militarily. While it was the Bush administration who initiated hostile actions in March of 2003, I believe it is now necessary for the Iraqi people to step up and assume responsibility for their future.

What is also needed now more than ever is for this administration to reach out to our traditional allies and those in the region who have a significant stake in the future of Iraq. The Bush administration must do something that it has been woefully reluctant to do. It must admit that it made a major strategic and foreign policy mistake when it invaded Iraq in the first place. And I am willing to wager that such an admission would go a distance towards at least beginning to repair our relations with the rest of the world, and the improvement of our relations with our traditional allies beyond the British is a prerequisite to securing their help on Iraq.

Madam Speaker, I call on my colleagues to support this resolution today, as the beginning of this Chamber's efforts to protect our troops and bring our country's involvement in this war to an end.

Mr. SAM JOHNSON of Texas. Madam Speaker, in closing, we have heard a lot of excellent presentation points today. I might just clarify the fact that the study group did recommend a surge in one part, and the President has eliminated the rules of engagement that we had laid on our troops over there, so we have a way to make this thing really happen.

I really want to know, if the Democrats insist they are supporting our troops, why they would not let me introduce my measure that mandates that Congress would support and fully fund the men and women in uniform.

I am positive that Democrats will attempt to cut funding as soon as the spending bills come up this spring, and maybe earlier, because there was a press conference earlier today that indicated exactly that.

□ 1530

I fear what that means for our troops on the ground, for their morale. The reality is that President Bush realized he needed to change the course in Iraq, and that is why he worked with folks on the ground in Iraq to hear fresh ideas and came up with a new plan.

The President wants change and that is why he changed the rules of engagement, enabling our guys to shoot at any suspected terrorists. The President wants change. That is why he removed political protections of all insurgents, so all of the bad guys could be brought to justice regardless of who they knew or who they worked for.

These ideas are huge breakthroughs and real solutions. These ideas represent fresh starts and new plans. What is the Democratic plan to move forward and win? They do not have one. Thirty-six hours of political grandstanding, nonbinding resolutions and petty posturing, they are not proposing solutions. They are not even encouraging new ideas. In fact, they stop them like when they squashed my amendment.

Many hope that the troop surge is the beginning of the end. We should all want that if it gets the job done. Yet the Democrats just say no. You know, the time will come when you can put the money behind these nonbinding resolutions. You better believe we will be watching and calling for those funding cuts loud and clear. America needs to know, cutting funds for our troops in harm's way is not a remedy. It is a ruse.

Madam Speaker, I yield back the balance of my time, and yield the balance of my time to the next moderator, Mr. SAXTON.

Mr. ENGEL. Madam Speaker, I now yield to another one of our rising freshman stars, the gentleman from Maryland, Representative JOHN SARBANES, 5 minutes.

Mr. SARBANES. Madam Speaker, the resolution we are debating today is simple and direct. It declares strong support for our troops on the ground in Iraq and opposition to the President's decision to send an additional 21,000 men and women into harm's way. I wholeheartedly endorse the resolution and pray that the President will heed its call.

Most agree now that it was a mistake to invade Iraq. Hearings in the Senate and the House are stripping away the last thin veneers of justification for that fateful decision. They are offering compelling evidence that the administration sacrificed wisdom, judgment, and conscience in favor of shock and awe.

Many of us sense a similar impulse at work in this administration's dealings with Iran. Let us serve notice, this Congress will not allow the administration to pursue yet another ill-fated mission. Madam Speaker, bringing our troops home from Iraq is no longer a whispered prayer; it is now the clarion call of the American people.

One year ago those proposing a new direction in Iraq were labeled as unpatriotic and marginalized in the national discourse. But we have come a long way. Elections do matter. On November 7, the people in my district in Maryland and across the Nation sent a strong message.

The next day Secretary Rumsfeld resigned. Shortly thereafter the Iraq Study Group issued its report sharply criticizing the war. And in the next few days the United States House of Representatives will pass this resolution signaling stiff opposition to the administration's proposal for a troop surge in Iraq.

To those patriotic Americans who have been relentless in their call for an end to the war, know this: collective voice has been heard. In my home State of Maryland, nearly 400 men and woman have died or been wounded in Iraq.

Two days ago, one of my constituents reminded me that the war is no longer being measured in time, but in lives. To the families who have sacrificed so much and who have suffered the ultimate loss, do not fear for a moment that a change in our policy in Iraq, that the effort to stop the escalation and begin drawing down our troops in any way dilutes the value this country places on the service of your loved ones.

History will treat harshly those policymakers at the highest levels who let ideology trump sound and informed judgment. It will fairly criticize politicians who have exploited this war for partisan gain. But it will reserve only pride and lasting gratitude for the sacrifice of our men and women in uniform amidst this sad tale of bungled intelligence and ill-advised policy. They alone are untarnished.

Madam Speaker, I have never been to the war. Never kissed my wife and children goodbye, wondering whether I will ever see them again. Far from the harsh reality in Iraq, I am blessed with the sweet ebb and flow of life's daily routines.

But like many Americans who witness our soldiers dutifully pushing forward every day under impossible circumstances, I am ill at ease. I know that the current policy in Iraq will only lead to more pain for many families and for our country.

Madam Speaker, the American people are tired, they are tired of rhetoric, they are tired of promises to put politics and partisanship aside when all they see is bickering and recrimination. Let's give them hope. Let's send a powerful message contained in this resolution, but let's not stop there.

Let all of us, the President, the House, the Senate, have the decency and dignity of purpose to put differences aside and work every day, beginning this day, to bring our troops home to their families, to their communities, and to a Nation that stands humbled by their sacrifice

Mr. SAXTON. Madam Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Madam Speaker, I rise today in opposition to the resolution before us. I wish I could do so with the type of certainty that seems to motivate many of my colleagues on the issue. But such resolute certainty escapes me. I do not have a military background. In fact, few of us debating this resolution do.

But each of us can find generals or former generals who will support virtually every option we wish to put on the table. In the end, as legislators, we are left with our own council. Hopefully, such council is informed by briefings, hearings, meetings, and visits to the region.

But we cannot and should not try to place ourselves in the position of Commander in Chief. Our system of government wisely gives that role to the Chief Executive.

This is not to say, however, that we should not be having this discussion. Some have said that simply debating this resolution emboldens our enemies. Perhaps they are right, but we would not suspend due process in this country because it might embolden criminals. It is a price we are willing to pay.

Likewise, debating the merits of war is what democratic nations do. My own thoughts on the situation in Iraq are as follows: I have little confidence that a surge in troop levels will change the situation in Iraq in any substantive fashion. It seems clear that the violence in Iraq is increasingly sectarian, and inserting more troops in this atmosphere is unlikely to improve matters very much.

Without a more sincere commitment to step up to the plate from the Iraqi Government, we are unlikely to make significant progress. But when all is said and done, we have a Commander in Chief whom we have authorized to go to war.

Inserting ourselves as legislators into the chain of command by passing a resolution, nonbinding though it may be, that questions the President's decision to conduct a mission that is clearly already under way strikes me as folly.

I urge my colleagues to vote ''no'' on the resolution.

Mr. ENGEL. Madam Speaker, it is my pleasure to again introduce one of our freshman rising stars, STEVE KAGEN of Wisconsin. I yield 5 minutes to him.

Mr. KAGEN. Madam Speaker, my name is Dr. STEVE KAGEN. I am from Appleton, Wisconsin, and during the past 30 years I have cared for thousands of military veterans as their physician.

The resolution under consideration today and voted on tomorrow will answer these questions: What kind of Nation are we? In which direction shall we move? During these past several days we have all benefited from listening to hundreds of points of view from our elected representatives from every region of this great country on our ongoing involvement in Iraq.

During these past several months, I have been listening to the people who sent me here from northeast Wisconsin, people a lot like you, fiscally responsible and socially progressive, the citizens of northeast Wisconsin.

People in Wisconsin, like many elsewhere, voted for a positive change and a new direction. The new congressional class of 2006 has given us hope again. We are indeed not just in name but in spirit America's hope, and I am proud to be associated with these talented individuals.

I rise today in support of our troops and their families and to encourage all of you to support this resolution. For it is the first step in bringing an end to our costly involvement in a senseless civil war between the Sunni and Shiite people.

Like every American, I strongly support our troops, but I cannot support the President's poor judgment in promoting violence instead of diplomacy. The President has been wrong in every decision he has made in Iraq.

Indeed, on four separate occasions, prior escalations have failed. And his current plan makes no sense even to the generals who understand it most.

The reality is this, it was poor judgment that took us to war in the first place. It is time to take a different course. For the path we are on now is morally unacceptable. And here are the facts: more than 650,000 Iraq civilians dead; over 3,000 American heroes gone forever; over 20,000 of our troops maimed for life, many with scars we will never see, at an economic cost that may rise above $2 trillion.

Make no mistake, we must do whatever it takes to defend America and keep hostilities from our shores. But what we need now is a tough and smart national defense policy. It is time now to get the smart part right.

This resolution has been criticized on both sides. Some say it is not enough; some say it is too tough. But I am convinced it offers us the opportunity to ask these questions again: What kind of Nation are we, when a President takes us to war based on lies and deceptions, when our energy policy is decided behind closed doors, and when in our free elections not everyone's vote is counted?

What kind of Nation will we be when all of our manufacturing jobs are taken overseas, when workers lose their rights to effective collective bargaining, and when our government closes its eyes to global warming? What kind of Nation are we and in which direction shall we move? Let's begin now to work together and take a different path, a path where people come first ahead of political parties, ahead of profit and loss statements, ahead of politics of fear. When we put people ahead of political calculations, we will begin to see a different world. We will see that we must begin to solve our differences by means other than going to war. After all, war is our greatest human failure.

This is not an idealistic sentiment, a realistic assessment of the chronicle of horrors witnessed every day in Iraq, and even our own experiences here at home, in New York City, in Virginia, in Pennsylvania, in Oklahoma City.

We must teach our children and our leaders alike that in the end diplomacy defeats violence. We must begin to think differently in America as we establish a new direction for hope in the world and a new beginning for our American era. By working together we will build a better future for all of us, beginning right here and right now.

Like the new congressional class of 2006, America's hope, I strongly support our troops, but not the President's failed policy. I encourage all of my colleagues to join the class of 2006 and vote ''yes'' on this important resolution. Join us. Be part of America's hope.

Mr. SAXTON. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. NUNES).

Mr. NUNES. Madam Speaker, I rise today in opposition to this intellectually dishonest resolution. I do so in order to challenge the majority party to put their legislating where their mouths have been. The endless criticism to the war in Iraq is clouded by political opportunism and has done little or nothing to improve our chances of victory.

We need an honest debate. We need answers from those who support this resolution. What is next? What is your plan? It should come as no surprise that the resolution we are debating today says very little. There are less than 100 words. And while the rhetoric has been flying during the debate, it seems to me that the new Democratic majority is hoping to avoid debate in which they might have to defend their plan in Iraq.

What we have here is nothing more than a political exercise, a nonbinding resolution, words with no meaning. Make no mistake, their opposition to the President's plan is political. There is no constructive criticism here. Read their resolution.

Iraq is the battleground, Madam Speaker, a key battleground against extremism, terrorism and the expansionist goals of our enemies.

□ 1545

If we fail, Iraq will be a hotbed of radical Islamic activity, a pivotal safe haven, a base from which to plan and fund attacks against us.

Madam Speaker, how is the danger associated with defeat in Iraq not clear? I ask my colleagues, what evidence do you need? Have you listened to the words of our enemies? Must we have more casualties in American cities before you accept the nature of this global threat? How quickly we forget, Madam Speaker.

I urge my colleagues to listen carefully to the words of Osama bin Laden. Last year, bin Laden said, ''Iraq is the focal point of the war on terror. The most important and serious issue today for the whole world is this Third World War. It is raging in Iraq. The world's millstone and pillar is in Baghdad, the capital of the caliphate.'' Another one, ''Jihad against America will continue. Jihad against America will continue economically and militarily. By the grace of Allah, America is in retreat. But more attacks are required.''

Madam Speaker, Osama bin Laden, as well as other Islamic extremists around the world, view the conflict in Iraq as the central battleground in their ideological struggle.

Make no mistake, we are at war, and it is about time that some of our members of our government figured it out.

Someday soon, the Representatives who are supporting this resolution will have to explain to the voters what they have done to make us safer at home and abroad. Since this resolution does nothing more than embolden our enemies, demoralize our troops, and send mixed messages to our allies, they will have a difficult task before them.

Today, unfortunately, we won't hear much about the Democrat plan for Iraq. We will, instead, hear a lot about failure and defeat. We might even hear a conspiracy theory or two. And, of course, we will hear a lot of political posturing.

But Madam Speaker, the American people deserve to know the truth. What happens next, Madam Speaker, to those who believe the President is wrong, to those who believe we rushed to war, to those who can't get beyond our national intelligence failures and, instead, persist on conspiracy theories? Tell us, what is next? What is your plan to protect the American people?

Madam Speaker, I demand answers from the authors of this resolution. The American people have a right to know. Is your plan to simply stand aside and allow an ideology of hate to consume the Middle East?

I implore my colleagues, if you won't heed the warnings of our military and intelligence organizations, listen to al Qaeda's own words. They are speaking directly to you.

This is from Deputy leader al-Zawahiri recently. ''I wish to talk to the Democrats in America. You aren't the ones who won the midterm elections, nor are the Republicans the ones who lost; rather, the Mujahadin are the ones who won and the American forces and their allies lost.''

I ask my colleagues, how can you offer this resolution, knowing the enemy we face? Do you really have nothing to offer the American people but this? Is this resolution the best effort of the new Democrat majority in response to our challenge in Iraq?

Madam Speaker, we should have an honest debate about Iraq. And my friends who are convinced that the war is wrong need to be accountable for failing to say what is right.

In closing, I want to say how proud I am of the men and women who are fighting for our freedom and security all over the world. They don't deserve what we are doing to them today. This resolution is a sham. It is nothing more than political grandstanding, and it is feeding the propaganda machine of our enemy.

I have been to Iraq. I have seen the efforts of our soldiers firsthand. They want to win. They have seen the face of the enemy and I can assure you they are committed to winning. If you are committed to winning, vote ''no'' on this resolution

Mr. ENGEL. Madam Speaker, I now yield 5 minutes to Representative MIKE ARCURI of New York, another rising star from my home State.

Mr. ARCURI. Madam Speaker, Americans are outraged with the present course in Iraq. Here we are more than 4 years later with 3,100 of our brave men and women killed, fighting a war that has cost our Nation $370 billion.

It has become overwhelmingly clear that the current strategy to secure the peace of Iraq is failing. And yet the administration contends that sending more combat troops into Iraq is somehow a silver bullet that is going to quell the ongoing violence. I couldn't disagree more.

The resolution before us today establishes two overwhelmingly clear and concise principles that are supported by a large majority of Americans, and I am confident will garner a great deal of support for many of my colleagues on the other side of the aisle.

First and foremost, we support our brave service men and women. They have done everything that has been asked of them, bravely and honorably; and for that, we in Congress and the people all over America will be forever grateful.

Second, and simply, we oppose sending additional troops into Iraq.

Madam Speaker, during this debate some of my colleagues have used the term ''victory'' in their remarks. Victory. But no one, not one of my colleagues in this Chamber, nor anyone in this administration, has yet to clearly define what victory in Iraq really means.

At one point we were told victory meant getting rid of weapons of mass destruction. Then, of course, we learned there were no weapons of mass destruction. When that didn't work, we

were told victory meant toppling a dictator, and that we would be greeted as heroes. We toppled the dictator, but of course we were never greeted as heroes. And yet, still no victory.

The administration then told us establishing elections would constitute victory. There have been several elections in Iraq, yet still no victory. And all the while, the casualties have continued to rise.

Earlier this week, I had an opportunity, for the first time, to visit with wounded soldiers recovering at Walter Reed Army Medical Hospital. Seeing firsthand the devastating injuries that some of our brave soldiers have endured has troubled me in a way that I have not known before. As an American who loves his country very much, and as a father of two teenagers, it became crystal clear to me right then and there what exactly victory in Iraq means. I think victory in Iraq means bringing as many of our troops home alive as possible, the way I would want to see my two children brought home, if they were in Iraq. That is what victory is about, is bringing as many Americans home alive as we possibly can.

Madam Speaker, my colleagues on the other side of the aisle had the better part of 3 years to use their position in the majority to change the course in Iraq. They did nothing. No resolutions; few, if any hearings; and no accountability. How many more American lives are worth risking to continue an ill-conceived and poorly planned strategy that is clearly not working?

The American people answered that question last November. They have had enough, enough political rhetoric, enough stay the course, and most importantly, enough of the loss of life.

Some of my colleagues are trying to mischaracterize this resolution. They say this resolution somehow demonstrates a failure to support our troops. That is ridiculous.

Let me be clear, perfectly clear. Everyone in this Chamber, Republicans and Democrats alike, support our brave men and women serving in the Armed Forces. Simply because we believe the best way to support our troops is to bring them home does not mean that we don't stand behind them. In fact, I think it means a greater commitment of support to them.

Madam Speaker, I was not elected to blindly follow along. I was not elected to accept the status quo, and I was not elected to be a rubber stamp. I was, however, elected to stand up when necessary and say no, I disagree. And that is exactly what we are doing here today, we are standing and saying we disagree.

The American people have run out of hope. They are tired of the failed policies of this administration. It is time for a new approach. It is time for a new strategy, and it is time for a new direction

Mr. SAXTON. Madam Speaker, I yield 5 minutes to the gentleman from Roanoke, VA (Mr. GOODLATTE).

Mr. GOODLATTE. Madam Speaker, I rise in opposition to the nonbinding resolution being offered by the majority which, despite the rhetoric, amounts to nothing more than a vote to maintain the status quo in Iraq.

This resolution offers no change from the recent course of events in Iraq. It does not take into consideration the recommendations of the bipartisan Iraq Study Group. It does not require the Iraqi people and their elected leaders to step up and take responsibility for their own future. It certainly does not set any benchmark that must be met by the Iraqis. Most importantly, passage of this nonbinding resolution does not protect the funding of our troops in Iraq and, according to many Democrats, it is likely the first step in cutting off that funding altogether.

Madam Speaker, we have spent 3 days debating a resolution that does nothing more than serve as a vote of no confidence in the brave men and women who are fighting for freedom and democracy in Iraq. Not only is this resolution discouraging to our commanders and forces, it will fuel the efforts of our enemies who are determined to spread terror and suppress freedom.

Despite numerous attacks by terrorists on U.S. military and diplomatic targets throughout the 1990s, Americans on September 11, 2001 awoke to the painful realization that we are engaged in a long-term global war with terrorists, an international campaign to combat an ideology that spreads hate and destruction.

Iraq is now the central front in this global war. Success in bringing about a stable and democratic Iraq in the heart of the Middle East is a goal that I believe we all share.

While the difficulties cannot be minimized, neither can the consequences of failure and withdrawal. If we fail, the resources now devoted by terrorist organizations and nations sponsoring terrorism in Iraq will be turned to spreading terror around the globe including, again, on American soil. Do not embolden them with this resolution.

The United States and our allies, in fact, all freedom-loving peoples, need to support the popularly elected Iraqi Government in establishing control over their country and providing a stable environment for the Iraqi people and our troops as they assist in this process. Together, we have made significant progress, despite numerous obstacles.

Iraqis made history when they turned out in record numbers, despite increased violence, to vote in the first free elections in over 50 years. Millions of Iraqis waved their purple-tipped fingers with pride as they came out of the voting stations, a message to the world that they chose freedom.

The President is the Commander in Chief and has the authority to make decisions about the best way to accomplish our goals in Iraq. He has initiated changes to our course in Iraq.

However, today we will not be voting for change. We will not be voting for a comprehensive review of our strategy in Iraq. It is too bad that when we all have concerns about how best to achieve success in Iraq, the Democratic leadership has brought this polarizing and political resolution to the floor to divide us, rather than unite us, on the most serious question facing the country today.

For this reason, I urge my colleagues to vote against this nonbinding resolution, which lacks any substance. I remind my colleagues that a ''no'' vote on this resolution is certainly not a rubber stamp for the President's troop surge.

While I continue to support the mission in Iraq, I think it is clear that the administration's efforts to achieve the mission have not been flawless. But a vote against this resolution is a clear vote to support our commanders and troops and all those who have lost their lives spreading freedom to the people of Iraq.

I believe that more should be done to press the now established Iraqi Government and U.S.-trained Iraqi military to take the lead. I believe more can be done on the diplomatic front to engage the countries of the Middle East to help.

But unfortunately, no such resolution offering concrete evidence has been allowed, and this hollow process has resulted in a hollow resolution.

I urge my colleagues to vote ''no.''

Mr. ENGEL. Madam Speaker, it is my pleasure to yield 5 minutes to a great new member of our Foreign Affairs Committee, Mr. ALBIO SIRES of New Jersey.

Mr. SIRES. Madam Speaker, I rise today in support of this resolution on behalf of the 32,000 men and women from my State of New Jersey, and all the other servicemen and women that have been deployed since 9/11. I am so proud of their sacrifice and service to our Nation, and I will continue and always support them. After all, I am standing in front of you as a product of the sacrifices our soldiers have made in the name of liberty and freedom throughout the history of this country.

I also rise on behalf of my constituents, the people of New Jersey, and the people of this Nation whose tax dollars are paying for this war in Iraq. Since the beginning of the war, $379 billion has been appropriated. Another $235 billion is slated for the upcoming supplemental appropriations. We are currently spending $8 billion a month in Iraq, and the American people are footing the bill.

All this money could have been used to declare war on some of our domestic problems here at home such as poverty, improving our schools, ensuring access to health care and investing in affordable housing. This money could have been used to invest in our children, our family, our veterans, and especially our elderly. But it wasn't.

Instead, American taxpayers have also committed more than $38 billion

to Iraq reconstruction. About 33 percent of this money is targeted for infrastructure projects like roads, sanitation, water, electric power and oil production. However, I am concerned that only 25 percent of the Iraqi population has access to drinkable water.

□ 1600

I am concerned that of the 136 sanitation and water projects, only 49 are said to be completed. I am concerned that the residents of Baghdad only have 4½ hours of electricity per day. And I am concerned that the current oil production in Iraq is half of what it was prior to the war.

Since the reconstruction project started, the Coalition Provisional Authority can't account for almost $9 billion of the taxpayers' money. Every year, $4 billion has been lost because of lack of oversight.

There have also been many problems with poor project and quality management. For example, the Baghdad Police College cost $75 million, and it was built without the proper plumbing for waste water. It has become a health and a structural hazard. The Basrah Children's Hospital is running $48 million over budget and is a year behind schedule. And after spending $186 million, Parsons has only 6 of the 150 planned health care centers completed and only 14 more will be finished. The list goes on and on.

Madam Speaker, the Iraqi Government says $100 billion is needed over the next 4 years to rebuild the country's infrastructure. Madam Speaker, the Iraqi Government seems to think they have open access to U.S. dollars. The Iraqi Government and the Iraqi people must take responsibility and help rebuild their country. Our support is not open-ended, and neither are our tax dollars.

Madam Speaker, I support this resolution and this debate because our troops and our constituents can no longer afford to have this Congress support the administration's failed Iraqi policies. They failed to give us the necessary oversight for Iraq reconstruction efforts, they failed to listen to the advice of the military commanders, they failed to listen to the American people, and, as a result, they failed to provide a plan to success in Iraq.

Mr. SAXTON. Madam Speaker, I would like to yield 4 minutes to the gentleman from York, PA (Mr. PLATTS).

Mr. PLATTS. I thank the gentleman for yielding.

Madam Speaker, I want to first take this opportunity to express my heartfelt gratitude and deep respect for our troops and civilians serving in harm's way. I have had the privilege of visiting our troops in Iraq on four occasions and Afghanistan twice, and they and their families are truly the heroes in America.

I rise today in opposition to this resolution, a resolution that seeks to maintain the status quo, in essence, to stay the course, a scenario that everyone agrees is unacceptable. This resolution offers no alternative strategy.

As we consider the challenges in Iraq, we need to remember and learn from the lessons of Afghanistan. In the 1980s, we supported the people of Afghanistan in defeating the Soviets, helping throw the Soviets out of that country. In 1989, when that happened, what did we do? We walked away. We did not finish the job. We did not help the people of Afghanistan to stand up a secure and stable government. Instead, we walked away. Who filled the vacuum? The Taliban, and ultimately al Qaeda, a safe haven for them to plan attacks against America and its interests.

In 1989, I imagine that few Americans believed that what went on in the mountains of Afghanistan would impact the lives of Americans here at home. On September 11, 2001, in a tragic fashion we learned that that was the case, that what went on in Afghanistan mattered here at home. We cannot afford to make the same mistake now in Iraq, to allow Iraq to become a safe haven for al Qaeda and other enemies of our Nation and our citizens.

The Iraq Study Group offered a comprehensive approach to the challenges of Iraq. It included political, diplomatic, and military options. As part of the military proposal, it dismissed increasing our troop levels by 100,000 to 200,000 troops, saying it was not feasible and would lend to the argument of an occupation.

However, the Iraq Study Group did support more limited troop reinforcements. And I quote from the Iraq Study Group report: ''We could, however, support a short-term deployment or a surge of American combat forces to stabilize Baghdad or to speed up the training and equipping mission if the United States commander in Iraq determined that such steps would be effective.''

The report goes on to dismiss the idea of an immediate withdrawal. Well, our commander in Iraq today, General Petraeus, an individual confirmed unanimously by the United States Senate, is on record supporting the need for these additional reinforcements.

Ultimately, the key to long-term success in Iraq is the Iraqi people themselves. They need to show the ability and the will to stand up and secure their emerging democracy. Having liberated Iraq from a regime of terror and torture, our role today is to assist the Iraqis in achieving a stable and secure nation. This reinforcement effort is part of that effort, along with regional diplomatic efforts and internal Iraqi political reconciliation efforts. We are now in the role of helping the Iraqis help themselves. We cannot forget the lessons of Afghanistan and walk away.

I urge a ''no'' vote

Mr. ENGEL. Mr. Speaker, it is now my pleasure to yield 5 minutes to another great new freshman, Representative ZACK SPACE of Ohio.

Mr. SPACE. Mr. Speaker, I rise today to share with you my belief that we, as a people, are at a crossroads unlike any in our history. We have seen our manufacturing-based economy assaulted by the forces of globalization, the challenges of the ensuing revolution and energy production squarely upon us, and we are at the dawning of a new understanding, the fragileness of our environment. All of these things are, in their own right, seminal concerns of a profound scale, but in spite of the gravity and import of these issues, there is perhaps no more compelling matter before us than that of the war in Iraq.

My colleagues on both sides of the aisle are distressed by the tragic turns that this war has taken. I do not, at this moment, nor do my colleagues, I presume, wish to draw upon the motivations or lack of candor exhibited by our President in letting slip the dogs of war. But I do long for leadership, leadership seasoned and honest enough to admit when a mistake has been made, leadership that has a vision for the future, leadership able to meld the inherent wisdom of man with the realities of the modern world.

Under our form of government, it is the President who is singularly endowed with this leadership; yet at this critical historical moment, our call for leadership and inspiration has been unmet. As a result, Mr. Speaker, I today voice my opposition to the President's plan to deploy additional troops to Iraq.

The crisis that Iraq has become will not be resolved merely with more, more, more, more troops, more tours and deployment extensions, more injuries, more deaths. Simply providing more without a blueprint is not enough. Without a clear plan and a clear objective, a troop increase will not help our Iraq policy. In fact, it will only deepen the disaster that Iraq has become.

I do not utter these thoughts lightly. I share these sentiments, knowing that all of the people that I represent will not necessarily agree with me. I fear that my remarks will be misconstrued as reflecting something less than a full commitment to the brave men and women who have served or are serving their country in uniform, or to those heroes who have given their very lives for this cause.

Let there be no mistake, Mr. Speaker, I have at the very heart of my motivation for these remarks a sincere appreciation for the sacrifice of our brothers and sisters who have been dispatched to fight this war. They, and their families by extension, have been called into action under trying circumstances, and I am profoundly moved by their sense of courage and dedication to country. In fact, it is my admiration and respect for our brave warriors that motivate my decision to express my dissatisfaction with the President's plan to subject more of them to the ravages of war.

To date, over 3,000 Americans have fallen in this war. All of them loved

their country enough to place themselves in harm's way in her defense. All of them left behind their families, who will never stop grieving. All of them have been deprived of the pleasures and privileges of a full life, just as we who remain have been deprived of the contributions to our society that each would have given.

Fifteen young men from Ohio's district have died in this war, all of them were loved dearly. They are fathers, sons, brothers, and husbands. Ohio's 18th is exclusively rural in makeup, dotted by one small town and village after another. Our people are decent, hardworking, and imbued with a strong sense of personal responsibility. Our community is close knit and supportive. The death of each one of these brave soldiers was met with a deep sense of communal grief.

This resolution stresses a message that many believed in. We support our troops, we support their commitment to and sacrifice for our Nation, we support their families and those of the fallen in their silent and eternal heartache. We cannot fully understand their pain, but perhaps we can learn from it.

Mr. Speaker, I cannot support a troop surge without real answers as to how it will bring success in Iraq. I cannot support escalation without regard to diplomacy, without regard to the political realities of the region, and without regard to the underlying dynamics of this conflict.

There is an unspoken pledge between a soldier of war and the mechanisms of power. That warrior unquestioningly serves, defends and, if need be, dies. In consideration, he expects his government to only place him in harm's way when need be, and only through a painstakingly thought-out plan for victory.

Our troops have fulfilled their pledge to our country. It is time that our country fulfill its pledge to our troops.

Mr. SAXTON. Mr. Speaker, at this time I would like to yield 3 minutes to the gentleman from Nevada (Mr. HELLER).

Mr. HELLER of Nevada. Thank you for the time.

Mr. Speaker, I rise today to talk about the issue before us, the war in Iraq.

In this past year, the American people clearly demanded change. I am new to this body, but I know Nevadans wanted me to help institute changes in the direction of this country.

As we debate this resolution, I really have to wonder if we have heard the American people. This resolution brought forth by the majority says two conflicting things: we are opposed to the war in Iraq, but we are for staying the course. These two positions are irreconcilable.

As I watch this debate, I have not seen any proposals for change. What we are debating today is the same as what has been debated in the past. We stand here in this body controlled by a new majority who campaigned on instituting change, claimed to be the party of change, and has control of the gavel in both Houses of Congress. Instead of offering a path to victory, they are playing politics.

My question is, what does this vote actually accomplish? Does it implement new ideas to win the war in Iraq? Will our country be safer because of this resolution? Does it enable our troops to fight more effectively by giving them the supplies that they need? The answer to these questions is a simple ''no.''

As a newly elected Member, I came here to find solutions to our country's problems. To that end, I am supporting legislation to institute benchmarks. I am supporting legislation that will make our troops and their needs fully funded. I support diplomacy and making the Iraqi Government more accountable.

The message that I want to send on our troop is, I am with you, and you can count on me.

□ 1615

Because, really, we are counting on them.

Mr. Speaker, why can't we be for something today, an actual alternative, instead of debating a nonbinding resolution that tells our soldiers we don't support your mission? Our enemies believe America is weak and their propaganda says the United States is losing the war against terrorism.

Osama bin Laden's deputy and terrorist network have stated that Iraq is the central front in their fight against American and Western ideals. Iraq is the central front to push their radical ideology of hate and intolerance. These are the real bad guys. These are the people we should be focusing our attention on, not tearing down our leaders, commanders and brave soldiers in the field. The reality is the terrorists are determined to kill Americans, wherever we may be. Therefore, we must take the fight to them.

The fact is, this resolution only strengthens our enemies and does nothing to solve or address any of the national security issues facing our country. The stakes are high in Iraq. Nothing less than our very safety and survival is at issue. Nothing less than the lives of the courageous members of our armed services are on the line. It is critical that we have a real debate on the issues and address these points.

Let's, instead, together look for a new way forward, for a path to victory and for the best way to support our brave men and women overseas who are fighting to keep us safe. Let's instead focus on what we need to win this vital conflict, not a meaningless resolution, which is what we are offered here today.

To paraphrase the late Charlie Norwood, a decorated war veteran, ''The choice before us today is clear: either America or al Qaeda.''

Mr. ENGEL. Mr. Speaker, I yield 5 minutes to a great new Member, the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. Mr. Speaker, I come to the floor today to voice support for our troops, without reservation, and to oppose the administration's proposed escalation in Iraq.

We are at a turning point in American history. This Congress will shortly vote on a bold, clear resolution, repudiating the administration's failed policy in Iraq, a fiasco which has weakened our security, threatened our military readiness, cost thousands of lives and wasted billions of dollars.

I was elected to Congress from the great State of New Hampshire, promising return of congressional accountability and oversight. For the past 6 years, while Congress was under Republican control, only 12 hearings were held on the Iraq war, but in the past 6 weeks this Congress has held 52 hearings.

The evidence is clear that the American people and Congress were misled into the war in Iraq. No weapons of mass destruction, no links between Saddam Hussein and al Qaeda, no imminent threat to our national security. Our resources, effort and attention were recklessly diverted from the war in Afghanistan, which I supported, and which continues to require our vigilance and commitment.

This administration has now lost its credibility with the American people and with the world. To succeed in the Middle East, we must regain our moral compass and embrace a new direction in Iraq. The administration's stubborn arrogance and incompetence has magnified the chaos in Iraq.

Our brave troops have done everything asked of them, but the administration's failures in planning postconflict reconstruction and its shocking incompetence in management have opened the Pandora's box of sectarian violence and civil war.

Escalation has been tried before and it has failed before. The administration claims this escalation is different. The administration says there are benchmarks for the Iraqis, but what I have concluded from our hearings and briefings is that no firm benchmarks for the Iraqis have been set.

Clearly, the administration intends to escalate, whether or not the Iraqis step up. And today it is reported that they plan to send our troops off to Iraq without up-armored Humvees. This is deja vu all over again, a lack of planning, combined with a lack of candor.

Relying on a military force alone as a strategy continues the administration's one-legged-stool approach to foreign policy. Absent an Iraqi Government committed to forging a political solution to the country's woes and absent the infrastructure for jobs and reconstruction programs, the one-legged stool cannot stand. We have already lost billions in U.S. and Iraqi dollars to fraud, waste and abuse.

Baghdad is a city of some 7 million people. In a city that size, an injection

of 20,000 troops is too little too late. The administration talks of victory in Iraq. The word is meant to stir our patriotic fervor. But in this matter, it has, unfortunately, a sad and hollow ring.

As a result of the administration's ineptitude, we are left making the best out of a bad situation. We owe it to our troops, the American people, and the Iraqis to act wisely and strategically. The administration talks tough. We must be tough, smart and fearless. That means a new direction in Iraq.

Our first order should be to address the missing second leg of the stool. Replace the military surge with a diplomatic surge, convene a high-level team of special envoys, send them to the region, and send them there until the job is done.

The third leg of the stool is economic. We need a real economic reconstruction program, but only on strict conditions that the Iraqi Government step up to quell the violence and engage in reconciliation and oil revenue-sharing.

It is past time to remove our troops from the middle of this civil war, redeploy them strategically in the region to give pause to our foes and send the troops we need to Afghanistan where they can support the government and deal with the resurgent Taliban. Dealing with Iran is, of course, challenging; but harsh rhetoric and saber-rattling are counterproductive in the complex, destabilized Middle East.

The true test of leadership is facing reality and having the good judgment and wisdom to adapt to the reality. By passing this resolution, we are sending the administration an unambiguous message: No more blank checks. We have had enough. It is time to face the reality in Iraq and develop a responsible and comprehensive strategy to protect American security in the region.

Much has been asked of this country in the past, and the future will inevitably require sacrifice, but it does not require sending 20,000 more American troops to Iraq. It does not require an escalation of this war. I urge my colleagues to support the resolution, and I oppose the administration's escalation of the war in Iraq.

Mr. SAXTON. Mr. Speaker, I yield 5 minutes to the gentlelady from Cape Girardeau, Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, it literally breaks my heart to be here today. Young Americans from my district have gone to Iraq and we have lost some of our best, brightest soldiers. One of the finest men I ever met, who I had the privilege of appointing to West Point, lost his life in Iraq just last September. I feel responsible in part. We all are, in part.

Very little has been asked of most Americans in this war, but too much has been asked of a very few.

If anything comes from this debate, Mr. Speaker, I hope it is a consensus for our responsibilities in this conflict. This House is about different points of view, speech and debate, in an institution that belongs to the people.

Our Nation is protected by the bravest of the brave, who leave their homes and families to stand guard on foreign shores. Some of them are the first in their families to wear the uniform of our country. Others have done so for generations.

These young men and women hold dear connections to every town in America. We are wrapping the fallen in our flag. They deserve the best planning, the clearest execution, the utmost care in their deployments, and heroes' welcomes when they return.

But it is not enough to give them parades. It is not enough to give amputees the best VA care. Nor is it enough to bury them well. We cannot allow their service to be undermined.

Congress and the administration have been locked in a struggle to show the proper support very nearly from the beginning of this war. Personnel armor, communications equipment, vehicle kits, the things these Americans need, not for comfort but to preserve their lives amid danger, have in some cases been supplied by soldiers' families and others because the Department of Defense, which received $500 billion last year, has run out. Supply-chain issues abound. Training has been incomplete or insufficient for the new demands on our troops. I still cannot discern a clear articulation of the mission of these men and women in the field. I loathe revisiting these failures, but responsible representation demands we do so.

Every American knows that America cannot do the work of Iraq's natural allies. We cannot supplant Iraq's neighbors who depend on the nation's viability for their own stability. We can be many things in Iraq, but we cannot be all things to Iraq.

We can make good on our commitment to American troops serving in Iraq, and here is how: We can offer them the support of a robust American Diplomatic Corps to do jobs our soldiers should not have to do and to avoid conflicts and enemies they should not have to engage.

We can secure funds for Iraq that guarantee our soldiers have the gear and training they need to stay safe, and that means more than writing the taxpayers' check. That means diligent, scrutinizing oversight of how our money is spent.

We can assure that the deployment of American troops is deliberate in every way.

We can offset the engagement of American troops far from home with the engagement of Iraqi troops in their own cities and towns. We can speed this transition by immediately securing Iraq's borders, by providing aggressive training to Iraqi units and by lending our expertise to building Iraqi institutions in addition to building the Iraqi army. We can do these things, and we must.

We can do much more than debate a nonbinding resolution, one that allows politics to creep into the question of support for our troops at a time when our support must be complete and it must be unquestioned.

The liberation of Iraq means more than words and more than weapons. Liberation needs diplomacy, libraries, schools and economic stability, steady work and clean water, safe streets, as well as safe passage. The measures of this progress must be widely known and the planners of this war must be completely accountable.

Every day we do not define the terms of progress, we lay a grave transgression at the feet of the mothers of the fallen, of the brothers of the killed, of the soldiers who were just far enough away from the IED that, when it exploded, they lost their limbs but not their lives.

Mr. Speaker, I cannot lend my support to this resolution. It sets too poor a precedent in this Congress when our standards for action must be high. Words cannot replace deeds in support of our American troops.

Mr. ENGEL. Mr. Speaker, I can't tell you how much pleasure it gives me to introduce our next speaker, who represents a district adjacent to mine. I am so delighted to have him in Congress, and I know his constituents are as well.

I yield 5 minutes to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I stand with the other members of my freshman class to support this important resolution. My election and those of my fellow freshman colleagues were an unmistakable signal from the American people. They believe the President's path in Iraq is wrong and they want new voices to produce change.

Mr. Speaker, I am one of those voices, and today I rise to speak with the American people to oppose the President's escalation.

The United States requires a new path in Iraq, a path that will deploy our troops out of Iraq; a path that will force the Iraqi Government to plan for its own defense; a path that will engage countries throughout the region and around the world to help stabilize and protect Iraq; and a path that will allow the United States military to rebuild and refocus on the important mission of destroying al Qaeda and defending America from the threat of international terrorism.

Sadly, the escalation proposed by the President does none of these things. The President's plan continues down the same path we have traveled for the last 4 years. These years have taught us that U.S. military power alone is not sufficient to stabilize Iraq, yet it is the only tool this President employs.

From the outset, this administration has been wrong. The administration led us into a war with flawed intelligence. That is one wrong. The administration

went to war without a plan to win the peace. Two wrongs. This administration chose to protect Iraqi oil fields before securing the ammunition dumps throughout the country. Three wrongs. This administration sent our troops into harm's way without enough body armor or armored vehicles. Four wrongs. This administration gave no-bid contracts to its friends and political allies. That is five wrongs.

□ 1630

Years ago now, President Bush stood on the deck of the USS *Abraham Lincoln* before a banner declaring mission accomplished and said, ''Major combat operations in Iraq have ended.'' That is six wrongs.

Now, this administration wants us to blindly place our faith and the lives of 20,000 more of our troops in an Iraqi Government that has failed to meet every security obligation it has pledged. Sadly, once again, this President is wrong, and no amount of wrongs is going to make the President's policy towards Iraq right.

It is time for a new kind of escalation on the diplomatic front. A stable Iraq is in the United States' interests and in the interests of Iraq's neighbors. However, the President has done next to nothing to gain the assistance of regional partners.

Inside Iraq, the government must meet its promises to reach out beyond its base of support and unite the Iraqi people. Sending more troops into Iraq does nothing to push the Iraqi Government towards greater self-reliance. At a time when it is incumbent upon the Iraqi Government to step up and do more, why should we give them the opportunity to do less?

This resolution is an important first step that voices loud and clear the message America sent last November, and it puts the President on notice that the Congress will no longer stand by and allow him to recklessly endanger American lives and security. If the President refuses to change course, this Congress will be forced to act.

We will no longer allow him to send underequipped and underprepared units into combat. We will demand appropriate accounting standards and no longer allow billions of taxpayer dollars to disappear unaccounted for into the rabbit hole of Iraq. And we must not let our National Guard continue to be decimated by repeated and extended activation.

I recently met a young man from my district who has been accepted at West Point and who will soon serve as a future leader in the United States Army. I want to ensure that when he graduates from West Point and accepts his commission, the Army he joins will not be decimated by the mistakes in Iraq.

I also want to talk about the veterans of this war and the unique challenges they will face. I am proud and honored to be on the Veterans' Affairs Committee. I am proud that one of my first votes in Congress was to provide an increase in VA health care funding.

Currently, there is a backlog of nearly 600,000 pending veterans claims at the VA. We must reduce this number so that all veterans can be better served. We must provide funding to better diagnose and treat post-traumatic stress disorder. I am appalled that during this time of war the administration would cut funding for research on prosthetic technologies that will let our wounded veterans lead more normal lives.

My district is the home of West Point Military Academy and, as such, has a unique perspective on the war. The leaders that emerge from the halls of that institution are an invaluable resource for our Nation. Sadly, we have lost over 50 West Point graduates in Iraq and others in the services and throughout my district.

My brother-in-law is a lieutenant colonel who works at West Point. My nephew is a cadet. The courage, devotion and conscientiousness of the men and women of the United States Military Academy embody the best of America.

In the words of the sheriff of Putnam County, a retired brigadier general, one should never send our Armed Forces to do a job which is not militarily achievable.

I support this resolution

Mr. SAXTON. Mr. Speaker, I yield 4 minutes to the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I have listened to this debate on both sides of the aisle for the last 2 days, the third day in fact, and probably will listen to it tomorrow.

I rise in opposition to H. Con. Res. 63, and I would like to make a quote: ''Congressmen who willfully take actions during wartime that damage morale and undermine the military are saboteurs and should be arrested, exiled or hanged,'' Abraham Lincoln, who had the same problem this President had with a very unpopular war. The same problem with people trying to redirect the Commander in Chief; the same problem, if they had been successful, we would not have had the freedom of the people in this country.

What I say today is for my daughters, my Joanie, my Dawn; my grandkids, Wyatt, Guy, James Duffy, Katie, Jessie, Don, Niky, Dougy and Don, Eric and all the rest of them I missed and I apologize, because what we are about to do tomorrow in voting for this resolution is beginning a slippery slope down the slide of not being able to provide the freedom and the position in this world this country has done for the last 90 years, beginning in 1916, 1917, in World War I, which my father fought in; in World War II, where five of my cousins were shot numerous times for freedom of the people and freedom of this country; and, yes, the Korean War, the time in which I was drafted.

Fortunately or unfortunately, I did not serve, but my colleagues did. Each time we went there to make freedom, never once did the Congress in that role undermine the military or the Commander in Chief.

Then we came to Vietnam, and we began to fight a war by the media, a war without allowing the troops to do the job they should have done, and in fact, we lost that war. And immediately after withdrawing, we saw what happened. Khymer Rouge killed 2 million people. People forget that. Two million heads were laying around, lolling around Cambodia. And then we had Grenada, which was very short and very sweet, and of the course, the Gulf War was 110 days. And now we come to the Afghanistan war and the Iraq war.

I suggest to you this resolution will undermine and cause a morale disruption to our troops. Nowhere can you be in the field and understand the Congress of the United States now is not going to support them when they say they do, when they say they are going to cut their funding in the future.

It is a slippery slope down this slide of not being the leaders of this Nation for freedom, and this is what I thought this country is about, freedom for each individual in this world and in our country. And to have this occur tomorrow on the 16th is a disservice to the future generations, the generations of Americans who will not have the opportunity to be in the greatest country in the world because of the action of this Congress.

I urge a very, very strong ''no'' on H. Con. Res. 63.

Mr. REYES. Mr. Speaker, it is now my privilege to yield 5 minutes to the gentleman from Pennsylvania (Mr. CARNEY).

Mr. CARNEY. Mr. Speaker, I stand today as a proud veteran in support of this bipartisan resolution which states that Congress and the American people support our men and women in uniform, but do not support deploying over 21,000 additional troops to Iraq.

I fear that President Bush's plan to increase troop levels is a mistake. Sending more troops will not reduce the violence. Indeed, in the past 2 years, we have had three surges to Iraq, only to see dramatic increases in violence. Why would we think a fourth surge will be different?

Mr. Speaker, 21,000 troop is far less than a half measure of what is truly needed to secure Iraq, but the unfortunate reality is that we no longer have the troops available to do the job properly. Indeed, the Army's strategic reserve is used up. They told us so. We are now less able to respond in other trouble spots around the globe because of this failed policy.

Why are we not matching our military surge with a diplomatic surge? Why are we not engaging every nation in the region to end this civil war?

A superpower at war uses all means at its disposal to win, including diplomacy. Diplomacy is the only way for us to succeed now, and I urge the administration to launch a diplomatic offensive in the region.

Our enemies are encouraged and emboldened by the successes that they have enjoyed already. We do not need to send 21,000 troops additional to reinforce this. Instead, we should be changing our focus. Rather than sending more American troops into combat, we should be training Iraqis to handle the job for themselves. For every Iraqi battalion we train, we need to bring an American battalion home.

My district in northeastern and central Pennsylvania has many of its bravest men and women in harm's way. I am very proud of them, so are their families and their communities. Our district, sadly, has lost 22 men in this war, brave troops who paid the ultimate sacrifice for their country. I rise today to honor them and also to stand up for the troops currently in combat.

The stories I hear from soldiers who return home leave me concerned that the administration has not done enough to protect them. One of my own former students, a member of a Pennsylvania National Guard unit, told me how his unit had to scrounge through Iraqi junkyards for scrap metal to weld on to their trucks for more protection.

Junkyards? Scrap metal? Where is the outrage that this administration has not given the troops the protection that they need? Where is the outrage that our fine men and women, whose job it is to protect our Nation, are scrounging through foreign junkyards for that protection?

The troops have won the war, but the administration has failed to secure the peace. We must now pursue policies worthy of our troops and their sacrifices.

Mr. Speaker, I came to Congress to serve and protect my country. That is why I rise in support of this resolution.

In the Navy, when we run a ship aground, we change the course. It is now time to change the course in Iraq, not needlessly send more American troops in harm's way.

Mr. SAXTON. Mr. Speaker, I yield 5 minutes to the gentleman from Mobile, Alabama (Mr. BONNER).

Mr. BONNER. Mr. Speaker, as my colleagues and certainly the people from my home in south Alabama know, I do not often come to this floor, either to hear my own voice or to offer some prophetic words of wisdom on whatever the topic of the day happens to be.

My father often taught me that you learn a lot more from listening than you do from talking. So in many ways, that is what I have been doing the past few days, listening to my colleagues and thinking about the consequences of the words that we are debating.

After a lot of listening to a lot of words, however, I find myself compelled to come and say in the most direct way I know that I am opposed to this nonbinding resolution. Let me say that again for that is, after all, what we are talking about. This is a nonbinding resolution. It is nothing more than a few words on a piece of paper, and yet they are powerful words that have the potential of being demoralizing and possibly even destructive.

Make no mistake that the resolution we are debating today does not have the force of law behind it. So for those of you who are watching at home, let us be clear. At a time when the President recognizes that the situation in Iraq is unacceptable and it is clear that we need to change our strategy, this resolution will not stop the deployment of a single soldier or marine to Iraq, nor will it bring a single soldier or marine home to their families or loved ones.

More importantly, this resolution does not offer any alternative strategy. Nothing. Zip. It is silent with regard to our country's ongoing efforts in fighting the global war on terror. Instead, it is simply and unfortunately a method by which the House Democratic majority is seeking to send a message to the President of the United States.

But let us not kid ourselves. The words spoken in this Chamber this week will travel much farther than the distance between this building, the Capitol, and where the President lives, the White House. In reality, these words will travel far beyond our shores, across the globe to the 140,000 men and women who are currently deployed in Iraq and engaged in but one part, admittedly an important part, of the global war on terror and the Islamic militant extremists we are fighting.

I know we have heard Democrat after Democrat and a few Republicans, to be fair, come to this floor and say, we support our troops and we support this resolution; but with all due respect, I find it totally inconsistent to say you support our troops and at the same time you support this resolution.

How can we really expect our soldiers to have the will to succeed when this body as a whole does not have the resolve to stand by them and their mission? Do we think our troops do not listen to what is being said here in Washington and around the country? During my visits to Iraq, I found just the opposite to be the case.

So while the underlying message of this resolution is intended for the President, it is only logical to ask who else might be listening. What about the families of these soldiers who are anxiously awaiting their safe return home. Make no mistake, they will hear this message loud and clear.

And then there is the very real chance that the families of the thousands of Alabama National Guard members who have been deployed to Iraq and Afghanistan, as well as the families of all active and Reserve forces, will read the glaring subtext of this resolution and hear the people's House signaling that we will not be able to prevail in Iraq, the cause is lost, and their loved one's sacrifice is for naught.

□ 1645

Unfortunately, the words of this resolution will also travel to the ears of our enemies. And what could be better news for our enemies than that America is divided, an America that does not have the will to succeed.

On this topic, let's look to the man who knows the enemy in Iraq better than anyone, General David Petraeus. You remember General Petraeus; he just received an overwhelming vote of confidence when he was unanimously confirmed by the United States Senate to command our forces in Iraq. At his confirmation hearing, General Petraeus was asked if a congressional resolution disapproving the deployment of additional troops would encourage the enemy. His response was direct and unequivocal. ''That is correct, sir.''

Let me say that again. General Petraeus, our commander in the ground on Iraq, believes that a resolution disapproving the deployment of additional troops, which is what we are debating today, will encourage our enemy.

He went on to say that this is a test of wills, and at the end of the day a commander in such an endeavor would obviously like the enemy to feel that there is no hope. But instead of saying there is no hope to the enemy, we are saying there is no hope to the American soldier and the American people.

Let's not forget that our words as well as our actions do have consequences. Vote ''no'' on this resolution.

Mr. REYES. Mr. Speaker, it is now my privilege to yield 5 minutes to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. Mr. Speaker, I stand here today in support of House Concurrent Resolution 63 which opposes the President's decision to deploy 21,000 additional U.S. combat troops to Iraq.

I am also here to specifically honor the Broward County Veterans Council, who recently adopted a resolution concerning the war in Iraq. The Broward County Veterans Council represents a host of veterans groups throughout Broward County, Florida, including the Broward chapters of the American Legion, AMVETS, Disabled American Veterans, Fleet Reserve, Gold Star Mothers, Italian American Veterans, Jewish War Veterans, Marine Corps League, Navy League Council, The Order of the Purple Heart, The Paralyzed Veterans Association, Reserved Officers Association, Retired Officers Association, Veterans of Foreign Wars, Vietnam Veterans of America, and World War I Barracks.

The Broward County Veterans Council led by its Chairman, Bill Kling, adopted this resolution unanimously on January 16, 2007. And the spirit of this resolution is as follows:

Whereas, the President of the United States has put forth a plan to the American people and to Congress which calls for an escalation of 20,000 or more of our troops going to Iraq to combat the insurrection in Baghdad and the Anbar province; and

Whereas, the majority in Congress has put forth several plans that do not include an escalation of combat troops; and

Whereas, the American people have made it clear they want a new direction in Iraq and Afghanistan; and

Whereas, the administration's attempts to escalate the war previously by sending additional troops to Iraq have unfortunately failed to stop the bloodshed between the Sunnis and the Shia;

Therefore, the Broward County Veterans Council believes that the best plan is to bring troops home in a phased redeployment so that we may get them out of harm's way.

Veterans groups, along with families across my district, are very concerned about the direction this war has taken and are demanding a change in strategy.

To President Bush their message is loud and clear: This war has been mismanaged, the strategies for success have failed; our national and personal security interests, most importantly, are not being enhanced and in fact may be undermined. And, therefore, they overwhelmingly oppose President Bush's plan to send more troops to Iraq.

Traveling through my district, people in South Florida are demanding that Congress ask the tough questions concerning our policy in Iraq. Well, we have asked these tough questions, and I along with many of my fellow Members of this House, both Democrats and Republicans, have come to the same conclusion: The President's plan to increase troops is wrong.

The administration has based this plan in part on the readiness of the Iraqi Security Forces to stand up and take control. I have heard nothing from our military experts that would indicate that the Iraqi troops are anywhere near prepared to bring order to this troubled country.

General Colin Powell recently told the associated press, and I quote, ''I am not persuaded that another surge of troops in Baghdad, for the purposes of suppressing this violence, this civil war, will work.''

And four-star General Barry McCaffrey called the President's surge plan last month, ''a fool's errand.''

These are some of the experts we should be listening to.

Mr. Speaker, I ask you, as the civil war in Iraq spirals out of control, as Iraqi Security Forces continue to be ill-prepared, and as we continue to alienate our allies around the world, what warrants this administration to continue on the same path in Iraq and add more troops? So far, nothing.

We have no business sending over 21,000 additional troops in the middle of a growing civil war. We have no business sending over 21,000 additional troops when, as it is, our military is already stretched too thin. And because our military is already dangerously pushed to the limit, we have put ourselves in the precarious position of dealing with real threats like Iran, while at the same time protecting our allies like Israel and some other Middle Eastern friends.

For these reasons, I am advocating for a plan, as others are, devised by our military experts that supports a phased withdrawal of our troops. But while our brave men and women in uniform are serving, it is critical that we provide them nothing less than the best protection and support. We have more than a responsibility to support our troops; we have a solemn obligation, and that obligation extends to asking the tough questions and getting our policy right.

In honor of the Broward County Veterans Council and the veterans living in Palm Beach County, in recognition of their heroism and commitment to our country, I support this resolution

Mr. Speaker, I stand here today in support of H.R. 63, which opposes the President's decision to deploy 21,000 additional U.S. combat troops to Iraq.

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Whereas, the majority in Congress has put forth several plans that do not include escalation of combat troops; and

Whereas, the American people have made it clear they want a new direction in Iraq and Afghanistan; and

Whereas, the administration's multiple attempts to escalate the war by sending additional troops to Iraq have unfortunately, failed to stop the bloodshed between the Sunnis and the Shiites.

Therefore, the Broward County Veterans Council believes that the best plan is to bring our troops home, in a phased redeployment, so that we may get them out of harm's way.

Veterans groups, along with families across my district, are very concerned about the direction this war has taken and are demanding a change in strategy.

To President Bush, their message is loud and clear: This war has been mismanaged, and the strategies for success have failed; our national and personal security interests are not being enhanced and in fact, may be undermined. Therefore, they overwhelmingly oppose President Bush's plan to send more troops to Iraq.

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Well, we have asked those tough questions and I, along with many of my fellow Members of Congress, both Democrats and Republicans, have come to the same conclusion: The President's plan to increase troops in Iraq is wrong.

This administration has based this plan in part on the readiness of the Iraq security forces to stand up and take control. I have heard nothing from our military experts that would indicate that the Iraqi troops are anywhere near prepared to bring order to this troubled country.

GEN Colin Powell recently told the Associated Press: ''I am not persuaded that another surge of troops in Baghdad for the purposes of suppressing this communitarian violence, this civil war, will work.''

And four-star GEN Barry McCaffrey called the President's surge plan last month ''a fools errand.''

These are the experts we should be listening to.

Mr. Speaker, I ask you—as a civil war in Iraq spirals out of control, as Iraqi security forces continue to be ill-prepared and as we continue to alienate our allies across the world—What warrants this administration to continue on the same path in Iraq and add more troops?

So far, nothing

We have no business sending over 21,000 additional troops into the middle of a growing civil war.

We have no business sending over 21,000 additional troops to Iraq when as it is, our military is already stretched too thin.

And because our military is already dangerously pushed to the limit, we have put ourselves in a precarious position dealing with real threats like Iran, while at the same time, protecting our allies like Israel and other Middle East countries.

For these reasons, I am advocating for a plan, devised by our military experts, that supports a phased withdrawl of our troops.

But while our brave men and women in uniform are serving, it is critical that we provide them nothing less than the best protection and support. We have more than a responsibility to support our troops—we have a solemn obligation. And that obligation extends to asking the tough questions and getting our policy right.

In honor of the Broward County Veterans Council and the veterans living in Palm Beach County, in recognition of their heroism and commitment to our country, I support this resolution.

Mr. SAXTON. Mr. Speaker, at this time I yield 5 minutes to the gentleman from Jacksonville, Florida (Mr. CRENSHAW).

Mr. CRENSHAW. I thank the gentleman for the time, and I rise today in strong opposition to this resolution which says Congress disapproves of a war plan.

There are a lot of reasons to disapprove of this resolution, one of which is I believe that war should not be waged from the floor of this House. That is why we have one Commander

in Chief, that is why we have military leaders on the ground. They are in charge of conducting the war. And they have said we have made a mistake and we need a new direction, we need a new plan. And they have proposed that plan, and it is broad and it is comprehensive. It involves political considerations, it involves economic situations, diplomatic considerations, and, yes, it entails additional troops to go to Iraq. Yes, additional troops.

But it is a plan. And you can be skeptical and you can say it may be too little, it may be too late. Maybe it is a good plan but it won't be executed properly. But it is going to give us hope and it is going to give the Iraqi people hope. And, if anything, we ought to be here today trying to make that plan better, not debating a resolution that is nonbinding, that is symbolic, that means nothing, that says nothing, that does nothing. In fact, it has no useful purpose whatsoever, unless maybe it is to undermine the President or perhaps to demoralize our troops by saying to them, ''We have a new mission for you to undertake. Go to Iraq and try to execute this mission. But, by the way, the United States Congress doesn't believe in the mission, and we think it is doomed to failure.'' You tell me that that is not going to have a negative impact on our American soldiers.

Now, I know there are people in this Chamber that think the plan is doomed from the very beginning. You don't think it will work. And if that is your belief, you ought to do more than introduce a symbolic resolution and then stand here and pound the podium and hem and haw and make speeches and leap in front of the television cameras. You ought to do something that really means something. You ought to propose a resolution that says we believe it was doomed from the very beginning and we are going to do everything we possibly can to stop this plan. That is what you should do.

And if you don't think the plan is going to work, if you think it is doomed to failure, and you don't have a viable alternative strategy and you don't want to find a viable alternative strategy for winning, then you ought to go even further and you ought to stand up and say, ''We admit defeat. It didn't work. We are not going to fund the war altogether anymore. We are going to withdraw.''

I will tell you one thing, the plan is there. It may not be perfect and, quite frankly, it may not work. I have got reservations myself. But it is there, and every American, Democrats and Republicans alike, ought to hope that this plan succeeds because it may very well be our last best chance to prevent a catastrophic failure in Iraq. And if that happens, the disastrous effect won't just be felt in Iraq, won't just be felt by the people of the Middle East, but quite possibly will be felt by all Americans alike.

Mr. REYES. Mr. Speaker, it is now my pleasure to yield 5 minutes to a valued member of the Armed Services Committee, the gentlewoman from Kansas (Mrs. BOYDA).

Mrs. BOYDA of Kansas. Mr. Speaker, I rise today to discuss the most critical issue this Congress, indeed our Nation, is facing. The U.S. military is the best fighting force in the world, and it is vitally important that we keep it that way. I am concerned that the President's planned escalation is too little, too late, and it will further deplete our military's readiness.

My life changed in the late spring of 2002 when my husband Steve casually said he thought we would be at war with Iraq by Christmas. And I said certainly that wouldn't be the case; the terrorists were from Afghanistan and Saudi Arabia. Certainly we will continue to hunt down Osama bin Laden and bring him to justice. We wouldn't take resources away from fighting the terrorists in Afghanistan. But that isn't what happened.

That fall, every time I heard that we were going to be greeted as liberators in Iraq, I cringed. We were going into the most unstable part of the world, a region that has been at war for centuries, and we were going in with dangerously naive plans. We were going after a hornet's nest with a baseball bat.

As the mother of two and stepmother of five, I felt my family's very safety was being threatened by this diversion of resources. Like a mother bear who senses, no, who knows that her cubs are being threatened, I could not remain silent.

Diverting resources from Afghanistan and invading Iraq may be one of the most dangerous decisions this country has ever made. Our Nation's civilian leadership took their eye off the ball. Instead of securing more resources to hunt down Osama bin Laden, instead of engaging in diplomacy, they put resources into what has become a civil war and have depleted our Nation's strategic readiness.

Please, please understand me. Our military has not failed. What has failed is our civilian leadership. Our military and their families have repeatedly stepped up and done what our Nation has asked of them. And now, Mr. Speaker, President Bush proposes to send more than 20,000 more troops to this civil war. He asks us to trust him with our soldiers' lives, even after trust has been broken time and time again.

Not only is the goal of this escalation unclear, but its effect would be to redirect precious military resources instead of preparing for potential future conflicts. In a recent hearing of the House Armed Services Committee, I asked General Peter Pace whether he was satisfied with the readiness levels of our troops. His response? ''No, ma'am, I'm not.'' General Peter Schoomaker and General Steven Blum have echoed his concerns.

America lives in an unstable world; we face threats from a nuclear-armed North Korea, from a belligerent Iran, and from the al Qaeda terrorists who considered September 11 as only the first act in their sinister play. In these dangerous times we are not safer if we devote so many of our resources to a civil war in Iraq. And I as a mother, I cannot support this escalation. It is withdrawing precious resources from a fighting force that is already stretched too thin.

America's strategic readiness is not a political question; it is a question of national security, and it is a critical question about the safety of all our families.

The U.S. military is the best fighting force in the world, and it is vitally important that we keep it that way.

Mr. Speaker, as a mother, stepmother, wife, citizen, and, yes, as a U.S. Congresswoman, I cannot support further escalation of the war in Iraq.

Mr. SAXTON. Mr. Speaker, I just wanted to note that one of the previous speakers talked about veterans who support this resolution. As a matter of fact, yesterday I was able to announce that the national commander of the VFW said that he opposed this resolution or had grave concerns about it, and I have just been notified that the national commander of the American Legion, Paul A. Moran, announced strong support for the President's new initiative, which includes deploying 21,500 troops. And, in so doing, he said these words:

> We will not separate the war from the warrior. Debating the new strategy is an American way, but let this be a warning that precipitous action by the Congress could lower troop morale and hinder the mission.

Mr. Speaker, at this time I yield 5 minutes to the gentleman from Bloomfield Township, Michigan (Mr. KNOLLENBERG).

□ 1700

Mr. KNOLLENBERG. I thank the gentleman for yielding.

Mr. Speaker, I want to make a statement that mistakes have been made in Iraq. The status quo is not acceptable. We need to chart a new course. But we also need to acknowledge that some positive things have happened in Iraq, thanks to the courage and dedication of our troops. These accomplishments often get just lost in all the politics that surround this debate.

Toppling one of the most brutal dictators in history was a good thing. Saddam Hussein's regime was responsible for the senseless murder of thousands of innocent Iraqi citizens. Under his rule, most Iraqis lived in fear of the day Hussein or one of his cronies would come for their mother, their father, their sister or brother.

Hussein was also a direct threat to our friend and ally, Israel. He was a menace, and it is good that he is gone. Furthermore, turning Iraq's sovereignty over to the Iraqis and providing assistance as they forged a democratically elected government is a big deal. Fostering democracy in the

heart of the Middle East was important and was also a very historic moment.

As we debate the current strategy in Iraq, let us not forget that our soldiers have provided a tremendous opportunity to the Iraqi people. They have provided an opportunity for them to grab the benefits of freedom. Now it is up to the Iraqis to seize it.

Before us today, we have a nonbinding resolution that doesn't even mention the accomplishments I just spoke of. We can all agree that the war has taken a wrong turn, but instead of debating nonbinding resolutions that have no bearing on whether additional troops go to Iraq, we should work together to find a solution that results in our soldiers coming home in victory, not defeat.

Mr. Speaker, I have offered my conditional support for the President's plan for additional troops in Iraq. My support is conditional, not carte blanche. I want to see the benchmarks met and progress made within the next 90 to 120 days. It is time for the Iraqis to step up to the plate and assume responsibility for the security of their nation.

If the Iraqis do not step up to this challenge in the coming months, then it will be time to reevaluate. The resolution before us doesn't even speak to these issues. It does nothing in the way of bringing out or bringing our troops home quickly and in victory. It is just pure politics.

I encourage my colleagues on both sides of the aisle to work together with the President to ensure a quick return of our troops. We all know that Congress is not going to cut funding for President Bush's new Iraq plan. If we know this to be true, why are we wasting our time on nonbinding resolutions that lead us nowhere?

Let's put our troops first. Let's end the political gamesmanship, and let's work together to find a solution in Iraq. That is what the American people want, and that is what our soldiers and their families deserve.

Mr. REYES. Mr. Speaker, it is my privilege now to yield 5 minutes to the gentlelady from Hawaii (Ms. HIRONO).

Ms. HIRONO. Mr. Speaker, I rise to speak in support of this resolution. The Iraq war has lasted longer than U.S. involvement in World War II and has cost the Nation hundreds of billions of dollars. We have lost over 3,000 of our finest men and women. Thousands more have been maimed and too many lives have been shattered.

As Foreign Affairs Committee Chairman TOM LANTOS said, this ''resolution will establish the first marker,'' the first step toward ending this nightmare.

The war in Iraq is the moral issue of the day, and like all great moral issues, there are heartfelt disagreements on both sides of the aisle. But every second, minute, and hour that passes, lives are being lost in Iraq and devastation continues with no end in sight.

We owe it to all the brave men and women who have already sacrificed so much, over 3,000 of them who have made the ultimate sacrifice, to steer our country on a course that will bring our troops home safely, take care of them and their families when they return and end this war.

Despite 4 years and deadly losses, according to Foreign Policy Magazine's recent survey of over 100 top national security experts, 86 percent say the world is more dangerous for the U.S., and, most troubling, 87 percent believe that the war in Iraq has had a negative impact on the war on terror. Other surveys have reached similar conclusions.

Yet the President now wants another $235 billion for Iraq and Afghanistan to add to the $427 billion for the war already approved. In this debate, we should listen in particular to the words of Americans who actually served in the war. I am honored to serve in this Congress with new Members JOE SESTAK of Pennsylvania, TIM WALZ of Minnesota, and PATRICK MURPHY, also of Pennsylvania, all veterans of the Iraq war. Their eloquent and strong voices of firsthand experience add immeasurably to this debate.

There are also people like Captain Lisa Blackman, a clinical psychologist who cared for soldiers in Qatar. As we become increasingly aware of the thousands of soldiers to emerge from firefights or attacks physically unscathed but with substantial emotional damage, Captain Blackman's experience in regularly tending to these soldiers provides further troubling insights into this devastating war.

In a message chronicled in the book Operation Homecoming, Dr. Blackburn wrote of how her patients responded to questions she asked them about their symptoms. She didn't get the expected reactions. They were unexpressive. But when she asked them, ''Have you ever been in combat?'' they became unglued and burst into tears.

As she described it, ''[W]hen I say burst, I mean splatter, tears running . . . sobbing for minutes on end, unable to speak, flat-out grief . . . '' She observed, ''No one ever feels like they are doing enough. If you are in a safe location, you feel guilty that your friends are getting shot at and you aren't. If you are getting shot at, you feel guilty if your buddy gets hit and you don't. If you get shot at but don't die, you feel guilty that you lived, and more guilty if you get to go home and your friends have to stay behind. I have not seen one person out here who didn't [check off] 'increased guilt' on our intake form.''

Indeed, every soldier who saw combat or the results of combat has likely suffered hidden but disturbing psychological harm to some extent. In spite of this, the Veterans Administration has been deprived of the critical funds necessary for the rehabilitation of these brave troops. The President, who continues to send more and more troops into the war on the one hand, has sought to reduce spending for medical services for these same troops on the other. His budget reduces spending for VA over the next 3 years.

Our troops are not the only ones suffering from the policies of this administration. All Americans who now oppose the war 2–1 are impacted by the massive cuts in or complete elimination of important social, health, education and environmental programs.

The cost of this war keeps going up, adding to our national debt. The interest on our debt alone is more than we devote to the education of our children, care of our veterans, and for the administration of justice combined. This body must go on record in united and solid opposition to the escalation of the war and in complete support of our soldiers and veterans. We must be resolute in our efforts to bring an end to this quagmire.

As Speaker PELOSI said, ''Friday's vote will signal whether the House has heard the American people. No more blank checks for President Bush on Iraq.'

Mr. SAXTON. Mr. Speaker, I yield 5 minutes at this time to the gentleman from Ohio (Mr. REGULA).

(Mr. REGULA asked and was given permission to revise and extend his remarks.)

Mr. REGULA. I thank the gentleman for yielding.

Mr. Speaker, like many Americans I am frustrated and dissatisfied with the situation in Iraq. I did not take my vote lightly when Congress authorized the President to use force. Every day I think about the patriotism and sacrifice of our brave men and women who are serving courageously in harm's way.

Mistakes and the complexity of events along the way have led us to the place we are today. Sectarian violence has increased, and Iraq is mired in a civil war, making it difficult for the new government to take hold.

While our role in this conflict has become a divisive issue, there is no denying the significant consequences Iraq's future will have for national and international security and stability.

So I must ask, how do we move forward in a way that honors the commitment and tremendous sacrifices our Nation and its troops have made? We can do so neither by cutting off funding for the troops nor by providing the President with a blank check.

Instead of political posturing, we must insist on a surge in diplomacy. I believe we need to follow closely the recommendations made by the bipartisan Iraq Study Group to bring about the best possible outcome. The Iraq Study Group report states, and I quote:

The United States should immediately launch a new diplomatic offensive to build an international consensus for stability in Iraq and the region.

This diplomatic effort should include every country that has an interest in avoiding a chaotic Iraq, including all of Iraq's neighbors. Given the ability of Iran and Syria to influence events

within Iraq, the United States should try to engage them constructively.

By doing so, it would help marginalize extremists and terrorists, promote U.S. values and interests, and improve America's global image. States included within the diplomatic offensives can play a major role in reinforcing national reconciliation efforts between Iraq, Iraqi Sunnis and Shia. Such reinforcement would contribute substantially to legitimatizing of the political process in Iraq.

Iraq's leaders may not be able to come together unless they receive the necessary signals and support from abroad. This backing will not materialize of its own accord, and it must be encouraged urgently by the United States. We should make it clear to the Iraqi leadership that the additional troops are solely for the purpose of achieving stability, and that this deployment is a precursor to our leading the future of this Nation to the Iraqi people. And I would emphasize this is the important process.

Troop increases alone will not solve the fundamental cause of violence in Iraq if its government is not committed to a national reconciliation process.

However, as we lead a surge in diplomacy, and the Iraqi Government accelerates its efforts at national reconciliation, the Iraq Study Group report makes clear, and I quote, ''The United States should significantly increase the number of U.S. military personnel, including combat troops, embedded in and supporting Iraqi Army units. As these actions proceed, we could begin to move combat forces out of Iraq.''

Denying additional troops, as requested by our military leadership, could put our troops that are there at greater risk and delay their return to their loved ones. I hear from my constituents who want our troops home immediately and from those who want us to remain there so we don't have to fight the terrorists on our own soil.

What I do know is that the challenges in Iraq are complex, and the consequences of immediate withdrawal would be devastating. The Iraq Study Group report goes on to say ''The global standing of the United States could be diminished.'' Our Nation has sacrificed far too much to allow our credibility and values to be weakened.

I cannot, in good faith, support this nonbinding resolution. We also support the troops, and we all want to bring the troops home as quickly as possible.

Let us instead urge the President to increase diplomatic efforts and to follow the recommendations made by the bipartisan Iraq Study Group to work on many fronts to solve the challenges in Iraq.

Mr. REYES. Mr. Speaker, as an Army veteran myself, I know that the backbone of our Army is its noncommissioned officers. Now it is my privilege to yield 5 minutes to a former noncommissioned officer who retired after over 2 decades of service in the Army, the gentleman from Minnesota (Mr. WALZ).

Mr. WALZ of Minnesota. Thank you to my colleague

Mr. Speaker, no debate in this House is longer overdue. This debate has been going on for nearly 4 years in houses, in grocery stores, in workplaces, in houses of worship all across America. No greater responsibility rests with us, the people's Representatives, than debating the decisions involved in waging a war. The decision to send our brave men and women into combat is not the end of our responsibility, it is the beginning. This body has a sacred duty to protect this Nation, our citizens, and especially those we send into combat in our name.

Constant vigilance, questioning, and adjustments to courses of action are our number one priority, and this newly elected Congress intends to do just that.

□ 1715

Some have said that this debate sends a message to our enemies. I would agree. The message our enemies are hearing this week is that democracy in America is alive and well. The message that our enemy is hearing this week is that this Nation will not live in fear of its own shadow and blindly give away those precious liberties that make this the greatest Nation the world has ever known.

The message our enemy is hearing this week is this Nation is able and willing to adjust our tactics to focus on the true threats to our security, which come from al Qaeda, and the Taliban in Afghanistan, and by securing our ports and borders.

The message they are hearing is that this Nation is no longer willing to wage a war based on political ideology and failed policy. We will wage it on facts and reality. Many of my colleagues have spoken of the need to support our troops. You will get no debate from me nor any other American. By implying that some do not support the troops based on nothing more than political posturing is cynical and divisive.

For more than two decades, I served with soldiers, airmen, marines, and not once did I ever see these brave men and women as anything other than patriots. I never saw them as a Democrat, a Republican, an Independent or a Libertarian; nor did they see me as anything but a fellow soldier.

The issue that we are debating this week is the execution of this war and the failure of this administration to provide a realistic plan for success. From the start of this war up to this recent plan to send more Americans into Baghdad, this administration has miscalculated, poorly planned, shifted blame and failed to couple our military policies with diplomatic, economic and long-range strategic planning that would have given the soldiers a chance to succeed.

Had the previous Congress done its constitutional duty of oversight and accountability, there is a strong likelihood we would be in much better shape today. Even as foreign policy experts, military experts, the Congress and the American public show an overwhelming desire to change course and oppose this escalation, this administration ignores all evidence and stumbles on. This debate marks the new beginning of this Congress's acceptance of our duty to provide the oversight and bring about policy changes based in reality and facts and long-range security needs of this Nation.

I have taken two oaths in my life. The first one was as a young man of 17 when I swore my allegiance to the Armed Forces of this country. The second was a month ago when I became a United States Congressman. In both cases I solemnly swore my allegiance to protect and defend the U.S. Constitution.

I swore alliance to no man. I swore no alliance to a political ideology. I swore only to uphold the laws of this great land and protect with my life, if necessary, the liberties and freedoms we so dearly cherish. This debate today is exactly about that oath.

Previous Congresses gave this President the authority to conduct this war in Iraq, which is right, but not the authority to disregard the expert advice, not the authority to take civil liberties from American citizens, and not the authority to disregard our constitutional right in this body as a coequal branch of government.

I, like all Americans, wish nothing more than this President had made good decisions and that the situation in Iraq were better. Unfortunately, wishful thinking does not make good foreign policy. But, fortunately, the genius of the Founders of this Nation are on display right now. This Congress, by taking this first step of oversight and accountability, and passing this resolution, will begin to right the ship of state and take this country on a path that will lead to greater security and begin to return our brave men and women back to their families.

A few short months ago, I was teaching high school. Call me optimistic and naive, but I do not see where casting a vote in this sacred room is anything but binding. Call me naive again when I hear this is nothing but words on paper. How does that differ from the U.S. Constitution?

Yesterday, I had the opportunity to visit with two soldiers from my old unit, the proud 34th Red Bull Division. Those two young men are out at Walter Reed Army Hospital. Both John and Tony are being fitted with their prosthetic limbs for the other ones they left behind in Iraq.

We spoke of everything from how they were injured, to football, to how to get ready to ski again. I do not know and I do not care about their political ideology. I only care that this Nation honors its commitment by providing everything possible to these brave Americans. Today is the day that

I tell Tony and John, we will always support you. We will provide true security to this Nation

Mr. SAXTON. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. HUNTER), former chairman of the Armed Services Committee, now the ranking member of the Armed Services Committee.

Mr. HUNTER. I thank the gentleman for yielding.

I just want to say to my colleague who just spoke that I saw also two young men in Walter Reed a couple of days ago, and I would recommend that he talk with them also if he thinks that everybody that is over there supports this resolution.

I would also say to my friend that if you think that the message that is going to go across thousands of Web sites and communications the day after this vote is taken on terrorist Web sites is, our message is that democracy is alive and well in the United States, I am willing to take a bet on that. I do not think you will see that. I think you will see something else.

You will see the message that they think that this resolution, if it is passed, is the first note of retreat in the war against terror by the United States. That is what you will see and I will be happy to take a bet on that one.

Now, Mr. Speaker, I heard just a couple of hours ago, as many of us have, that the Democratic leadership of the House intends to use management policies in the Department of Defense over the next year or so to keep either troops or supplies from moving to the battlefield.

Now, using management policies that will prohibit people from moving in the Marines or the United States Army if they haven't spent enough time back in CONUS before they go, I can say this to you, that is a very, very dangerous policy.

Our ability to project power around the world and to deter people who wish us ill is the ability to move men and equipment very quickly around the world. And any type of an inhibition of that capability is going to be extremely dangerous to the United States. And I will fight with every fiber of my being any attempt by this Congress through management policies by the Democratic leadership, through management policies of DOD to keep either reinforcement or supplies from reaching our troops around the world.

I will simply say once more, I said when we started this debate yesterday, that this resolution will be looked at by America's friends, by America's enemies, and I think also by America's troops; and I think they will interpret it, no matter the good faith of people in this Chamber, they will interpret it as the first notes of retreat in the war against terror, just as they interpreted actions by the Spanish Government after the domestic strike in Spain and the terrorist hit in Spain and in other countries.

They will look at what we have done, and I will be happy to stand with any of my colleagues and analyze those messages as they come off the terrorist boards after this vote is taken. This resolution, if it passes tomorrow, and it probably will, will be taken as the first note of retreat in the war against terror.

Any attempt by the Democrat leadership to cut off supplies or reinforcement by management policies in DOD, personnel policies, will be interpreted as the second note of retreat in the war against terror, and I for one will oppose them very strongly

Mr. REYES. Mr. Speaker, let me reassure my friend I have heard nothing at all about the statement he just made. Those are the kinds of statements, frankly, that confuse people.

Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Mr. Speaker, 4 years ago I was just like most other Americans, trying to evaluate the President's plan to invade Iraq. Unlike most Americans, I was writing a newspaper column and was expected to take a public position on such a national policy. But like most Americans, I was unburdened by the classified and faulty intelligence provided to Members of Congress.

I concluded and wrote that the claims made to justify the American invasion of Iraq were baseless, that there were no weapons of mass destruction, that Iraq posed no immediate threat to the United States, that Saddam Hussein was not in any way connected to the 9/11 attacks, and finally that Iraq was not a safe harbor for al Qaeda.

I also concluded and wrote that we were rushing into Iraq with no idea of what we would do after the Iraqi regime fell, and also that we had no plan for getting out. The point of all of this reminiscing is not to show that I was so smart, nor is it to say that I told you so.

Four years later, as our men and women are still dying in Iraq, the American people know everything there is to know about the situation there. We know as much if not more than the President of the United States. And our ideas about the conflict are just as valid.

That is why this resolution is so important and this debate so significant. Tomorrow we will be voting on what may be only a nonbinding resolution, but it is a resounding and unequivocal expression of the National will. This is not simply a group of Congressmen and women explaining their votes. It is the echo of an overwhelming majority of Americans who are demanding a new direction in Iraq.

It is the sound of scores of people like me who were sent here by citizens to turn the ship of state around. During this momentous debate, we have heard from some on the other side of the aisle that this resolution and the discussion we are having somehow undermine our national interest.

I believe they are selling this institution short. We are displaying for the world what a government of the people, by the people and for the people truly looks like. What we are doing here this week speaks far more clearly and loudly than our bullets and our rockets and even our dollars. When the United States Government so clearly and dramatically reflects the will of its citizens, we may not shock the world, but we make it watch in awe.

James Madison wrote that the role of Congress is to expand and refine the public view. He accurately perceived that on most issues Americans assume that their representatives will consider their opinions and work out the details. In the present situation, I believe the American people are shouting at us that it is time to get our men and women out of harm's way in Iraq.

I will cast my vote not simply to oppose the President's escalation, but as a statement that this Congress will no longer abdicate its responsibility to expand and refine the public view.

Mr. Speaker, today I am as confident about my position as I was 4 years ago. I am confident because I have listened to those who oppose this resolution. I hear only disingenuous rhetoric. The other side accuses us of trying to micromanage the Iraqi conflict, then says we should have our own plan.

They say that we are dishonoring our fallen heroes, but then offer no strategy for honoring them other than to simply send more brave soldiers in their place. They continue to talk about victory and defeat, while virtually everyone agrees that we could never identify or define either.

They say this resolution is an empty political gesture, and then say it is tantamount to surrender. What they do not give us, and more importantly what the President of the United States has not given us, are any reasons to believe that we are succeeding in Iraq, that the current plans increase the odds of our success, that we are any closer to eliminating the threat of terrorism, or finally that the United States is enhancing its image around the world as the beacon of freedom.

We who support this resolution honor and respect our troops. We care deeply about the international reputation of our country. We are unequivocally committed to our Nation's security, and we desperately want America to succeed. By supporting this resolution, we undeniably succeed, because we honor our Nation and its citizens who have entrusted us with the simple, but grave, responsibility to listen to them.

Mr. SAXTON. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I plan to vote for this resolution, but to surge or not to surge, that is the wrong question. Just saying ''no'' is simple obstructionism. What we need is a new way forward to replace the old way that is not getting us anywhere. It has become clear that trying to establish a

multiethnic Iraqi democracy, while laudable, simply cannot be accomplished by non-Iraqis.

The fact is, Iraq has never been a unified country with enough common interest to foster the give and take of democracy. During the First World War, Britain seized the Mesopotamian region from the collapsing Ottoman Empire. Iraq was created out of three separate provinces to keep the Turks out while allowing the British access to the local oil.

Captain Arnold Wilson, the British civil commissioner in Baghdad, argued that the creation of the new state was a recipe for disaster. He warned that the deep differences among the three main communities, the Sunni, Shia and Kurds, ensured the new country could only be run by what he called the antithesis of democratic government.

□ 1730

After a rebellion in 1920, which resulted in the deaths of some 2,000 British soldiers and 8,000 Iraqis, the British, through the leadership of Secretary of War Winston Churchill, largely extricated themselves by choosing a Sunni to be king and strongman.

In light of this history, we should seriously consider that we have two basic options:

First, choose a faction to stabilize and rule the country through force, much as all of Iraq's previous regimes did, and that is hardly an attractive option.

Or, second, bring about a partition of the country, to form a loose confederation where the Shias, the Sunnis and the Kurds can each govern themselves while leaving the others alone.

Our enterprise in Iraq has been carried out with the best of intentions, and our men and women in the Armed Forces have performed with great heroism, skill, and honor. But we have to accept reality. We have a responsibility to help stabilize the situation, and doing so is in our national interest.

But I don't think it is fair to ask our sons and daughters to be policemen in a civil war. Sadly, it seems that most Iraqis do not embrace democratic government unless it is dominated exclusively by their own individual groups.

The Sunnis, the Shia and the Kurds are willing and able to establish law and order within their own ethnically homogenous areas. The efforts to push out other areas currently underway in Iraq are deplorable, but it is surely not unexpected given Iraq's history and desperate situation.

The sectarian militias have popular support because they have easily understood plans to establish security within their spheres for their own people. Instead of fighting the militias, we need to co-opt them. We need to help acceptable local tribal leaders, government leaders and religious authorities establish authority over their areas.

We also need to seek the positive involvement of Iraq's neighbors. Some of them may be meddling, or may be tempted to meddle, but at the end of the day, instability in Iraq means instability for everybody in the region.

Let's set about the task of helping Iraq's three main groups to regroup and stabilize their own territories so that we can withdraw to our bases and ultimately get out all together.

Mr. REYES. Mr. Speaker, it is now my privilege to yield 5 minutes to the gentlelady from Ohio, Representative Betty Sutton.

Ms. SUTTON. Mr. Speaker, throughout the course of history, when our Nation has faced its most significant debates over matters of war, there comes a time when voices of pundits and politicians must drop away and allow the voices of the people to be heard.

Our troops are brave and capable. They have fought heroically and this resolution makes it unequivocally clear that those of us who feel it incumbent to oppose the President's escalation nonetheless support our troops. All of us, and all Americans, support our troops.

But Congress also has an oversight responsibility to ensure that they are provided a mission based on a realistic assessment and an achievable goal before we ask them to risk life and limb to implement it.

The President has asked Congress to support his escalation plan to send another 20,000 troops to Iraq.

This war is now almost 4 years long. Congress has not spoken as loudly and as clearly as its responsibility requires. As the Representative of the 13th District of Ohio, I cannot sit silent. I oppose the President's plan for escalation and I fully support this resolution.

The President's own military commanders have advised against this course of action, and in November, my constituents and the American people voted for a change of direction in Iraq. Escalation is directly contradictory to that call for change. It takes us further down the wrong path, deeper and deeper, with a policy that asks our military to perform a nonmilitary mission of creating a unified government in Iraq.

But unity in Iraq has to be determined by the people who live there. It is neither fair nor just to ask our troops to fix a sectarian civil war.

Our Nation has paid a high price: the lives of 3,000 American troops lost; $379 billion spent, with another $8 billion every month of this war.

These lives cannot be retrieved; 139 brave men and women from Ohio have been killed, 14 from my district. I have a responsibility to every one of those casualties and to every one that might lie ahead, to represent their voices, especially those that can no longer be heard.

In early August 2005, Lance Corporal Edward ''Augie'' Schroeder II was killed in Iraq. Augie and 13 other young lives from Northeast Ohio were lost that day. In January 2006, Augie's father, Paul Schroeder, shared his thoughts and feelings in a letter to the Washington Post entitled, ''A Life Wasted.'' He said, ''Since August we have witnessed growing opposition to the Iraq war, but it is often whispered, hands covering mouths as if it is too dangerous to speak too loudly. Others discuss the never-ending cycle of death in places like Haditha in academic and sometimes clinical fashion, as in 'the increasing lethality of improvised explosive devices.'''

Wiping the clinical talk away, Paul Schroeder went on to share the painful reality that he and his family face, a reality that cannot be understood when sanitized by clinical terms. He said, ''Listen to the kinds of things that most Americans don't have to experience: The day Augie's unit returned from Iraq to Camp Lejeune we received a book of his notebooks, DVDs and clothes from his locker in Iraq. The day his unit returned home to waiting families, we received the second urn of ashes. This lad of promise, of easy charm and readiness to help, whose highest high was saving someone, using CPR as a First Aid squad volunteer, came home in one coffin and two urns. We buried him in three places that he loved, a fitting irony, I suppose, but just as rough each time.''

Mr. Speaker, the growing opposition to the war in Iraq must not be whispered, hands covering mouths as if it is too dangerous to speak too loudly. Accountability and oversight require more. This resolution rings loud and clear. We support our troops and we oppose the President's plan to escalate in Iraq.

Will the President hear our collective voice? If he does not, it will not be because we sat silent

Mr. SAXTON. Mr. Speaker, I would like to yield at this time 5 minutes to the gentleman from Michigan (Mr. EHLERS)

Mr. EHLERS. Mr. Speaker, I rise, reluctantly, in opposition to this resolution. I say ''reluctantly'' because I had hoped to be able to vote in favor of something positive, a fresh perspective, a new idea, a new pathway to success, anything to encourage and foster a positive outcome in the Iraq conflict. But this resolution offers none of these things. It is a simple, almost meaningless, nonbinding statement of disapproval that provides no constructive resolve on this daunting, yet critical mission.

My opposition is both procedural and substantive. I am extremely disappointed that we only have this one simplistic, inadequate statement before us for consideration. No alternatives, no other ideas, no solutions. The situation in Iraq is complicated, and the American people deserve far more from Congress than a resolution that essentially calls for the status quo.

The resolution opposes the troop surge called for by the Commander in Chief, but fails to offer or even allow for consideration of any alternatives aimed at achieving success in Iraq, nor does it offer an alternative aimed at a reduction of troops.

There are other ideas out there worthy of consideration and discussion, yet we are not debating those, including those suggested by the bipartisan Iraq Study Group. For example, the study group concluded that there is no single action that the military can take that, by itself, can bring about success in Iraq. I agree with that assessment. Regardless of a troop surge, I believe a positive outcome in Iraq requires regional cooperation and positive engagement with all of Iraq's neighboring states.

A case can be made for a troop surge, but even more, we need a surge in diplomacy to create an environment conducive for a lasting peace throughout the Middle East. The history of the region is too diverse, too complex, and too tumultuous to expect progress without an integrated diplomatic effort and multinational support. Of course, this simple resolution before us offers no perspective on these matters.

In a few weeks, this body will have the opportunity to vote on funding for ongoing operations in Iraq. Forget today's resolution; the vote on the supplemental funding bill is where the real debate will occur, and the policies will be laid forth. Make no mistake, a cutoff of funds and a premature withdrawal of troops from Iraq will produce even greater sectarian violence, further deterioration of security conditions, and would foment a terrorist breeding ground for radical Islamists. We, the Members of Congress, must give our troops the resources they need to carry out their critical mission to a successful conclusion.

In closing, let me say that we all unequivocally support the troops who are serving and who have served in Iraq, and we all deeply appreciate their efforts to carry out their duties. Every day I think about the 3,000-plus American troops who have died in Iraq and Afghanistan, and I pray for their families, as well as for our troops that are there now. I think about the thousands more who have been injured, and the tens of thousands of innocent Iraqi citizens who have been killed or injured as a result of this conflict. We must do all we can to ensure that those casualties were not suffered in vain. Above all, we must seek to end this conflict and stop the casualties.

Simply put, the resolution we are debating offers no path to success, and that is why I oppose it.

Mr. HOYER. Mr. Speaker, pursuant to section 2 of House Resolution 157, I demand an additional hour of debate on the concurrent resolution.

The SPEAKER pro tempore (Mr. BOUCHER). Thirty minutes of debate will be added on the concurrent resolution to each side.

HOUR OF MEETING ON TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns on this legislative day, it adjourn to meet at 8 a.m. tomorrow.

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

There was no objection.

LEGISLATIVE PROGRAM

Mr. HOYER. Mr. Speaker, continuing on my unanimous consent, I would tell the Members that we do not intend to have any 1-minutes tomorrow, so that we will begin debate at 8 a.m. on this resolution.

Debate, of course, will conclude tonight at 1 a.m. so that the staff can get at least some sleep; not much, but some. And we will have continuing communications with the minority with reference to the balance of the schedule for Friday.

Mr. REYES. Mr. Speaker, I now yield 5 minutes to the gentleman from Florida (Mr. MAHONEY).

Mr. MAHONEY of Florida. Mr. Speaker, I normally rise to speak on behalf of the people of Florida's 16th Congressional District. Today I rise to begin a conversation not only with my colleagues, but with my constituents.

This week, this legislative body, the people's House, is engaged in a great debate over the President's decision to stay the course in Iraq by escalating the number of troops. I have, over the past few days, heard many arguments as to the wisdom of the President's decision to do so. But the one message that all who have spoken agree with, Democratic or Republican, liberal or conservative, is that our brave men and women in uniform have done a magnificent job fighting in Iraq and around the world to protect our lives, our culture, and our country.

□ 1745

I have heard my colleagues argue that the mere act of debating the President's decision to escalate the war sends the wrong message to our troops and the wrong message to our enemies. To these colleagues I say do not underestimate the power of democracy, the power of freedom of speech, the very powers we are fighting to give the people of Iraq. Debate sends the message of strength, resolve, and commitment. This debate is about finding the best way for America to win the war on terror.

I agree with the President that the world is a dangerous place and we need to take the war to the terrorists and those who support terror. But I disagree with the President that by sending more troops to police a civil war in Iraq, America is any closer to winning the war on terror. I come to this conclusion as a result of consultations with our military leaders, our diplomats, and those in the White House responsible for executing the President's policies. I come to this conclusion from talking to our men and women in uniform who have served with distinction.

Democracy can only happen when a people want it. We have seen time and again that a people who yearn for democracy will break the yoke of tyranny and liberate themselves from their oppressors. America has invested lives of over 3,000 of its best young men and women, sustained over 20,000 casualties, and spent nearly $400 billion on the Iraq war. We have rid the Iraqi people of a cruel tyrant and have given them the opportunity to live in a democracy. American men and women securing a street corner in Sadr City will not change the hearts of the Sunni or Shia. Additional troops will not secure democracy. Only the men and women of Iraq can do that. Now is the time for the Iraqi people to stand and demand democracy.

It is time for America to move forward in our fight against terror. It is time to focus on eliminating terrorists in Iraq, Afghanistan, or wherever they are harbored. It is time to bring Osama bin Laden to justice for the crimes he perpetrated on 9/11.

We need to gather our strength and send a clear message to our enemies that their continued efforts to support terror and engage in activity against America or her allies will result in certain and swift justice.

This President needs to do what his father did in the first gulf war and what President Clinton did in the Balkans, and that is to demonstrate leadership by engaging in diplomacy. This President needs to listen to the sage advice of the Baker-Hamilton Commission and use America's power and prestige to bring the world together in support of the Iraqi people. The world needs to know that America will provide a democratic Iraq, and those who support her, with political, economic, and military support.

I want my friends in Stuart, Okeechobee, Sebring, LaBelle, and Punta Gorda to know that I am here today because democracy requires us to speak up and speak out and you deserve to have a voice in this debate. In speaking out, I am supporting our President by letting him know that we are committed to winning the war on terror, but that we will not support his strategy to increase escalation of the troops in Iraq and that America will not quit until we have vanquished all who use terror to achieve political gain.

We want the Iraqi people to know that this is their moment to grasp democracy; and should they choose to do so, the American people will continue to support them and their efforts to build a better life for their children.

Tomorrow, my colleagues and I will take the important first step in showing the President that we support our troops, but do not support his plan to invest more American lives to mediate a civil war.

Make no mistake, this vote is binding, as it binds me and my colleagues to our constituents by forcing us to take a stand.

Mr. SAXTON. Mr. Speaker, I yield 5 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in opposition to this nonbinding resolution. I

cannot support it for it neither supports our troops nor offers an alternative plan. It is symbolic, it is partisan, it is cynical, and it is meaningless.

The leadership of this body is taking the easy route: criticize the other guy's plan but don't offer your own. Call up your own nonbinding resolution, but don't allow votes on resolutions that actually have substance. Position yourselves for the next elections but not for the next wave of terrorism attacks. Win the White House, but lose the war on terror.

There is no doubt that the voters spoke in the last election. They are not happy with the war. Few, if any of us, are satisfied with the progress made in Iraq. I know I am not. Neither are my constituents. Their patience and that of all Americans has run thin.

For too long we pursued an open-ended commitment without well-defined goals and clear benchmarks for success. We also pursued a strategy that placed too heavy a burden on our troops and too light an expectation of the Iraqi Government. But I want to remind my colleagues that the voters will speak again if we don't get this right. And I say ''we'' because it is all of us. If we don't put aside the partisan positioning and work together for the good of this country, we all will lose more than just our seats in this body.

It is not enough to point the finger and say that the President is wrong, and wait for the returns to come in. It is not enough to disapprove and criticize and say It is not my job. He is the Commander in Chief. And it is not enough to turn around and through this resolution say you support troops that have been or are serving in Iraq, but not those who may go in as replacements, rotations, or as part of the new temporary deployment. This is why we should be using this opportunity, not to take a symbolic vote of no confidence in our Commander in Chief, but to discuss real options for the way forward in Iraq.

Mr. Speaker, I have been there several times. I have been to the red zone, visited the convention center where the Iraqi Parliament meets, and was there as Prime Minister Maliki presented his reconciliation plan. I met with our military commanders. I have listened to our soldiers who patrol the streets in Baghdad, and I have talked with democratically elected Iraqi leaders about their hopes for the future. The one thing that was very clear to me is that only the Iraqi Government can take the tough steps that will achieve reconciliation and an end to sectarian violence.

So now Prime Minister Maliki has stepped forward and asked our President for specific assistance in securing Baghdad. In response, President Bush's commanders have drawn up a plan. The President proposed a new commander on the ground, General Petraeus, who was confirmed by the other body in a bipartisan, unanimous vote of 81–0.

We urged the creation of a bipartisan Iraqi Study Group comprised of our country's most distinguished and seasoned experts and asked their advice. Among the key items they supported was a temporary surge in troop strength if called for by the commanders on the ground. ''As Baghdad goes, so goes Iraq,'' they pointed out.

These are all steps in the right direction. But what would approving this resolution signal to the world? That we tell the Iraqi people to take the tough steps, but then we deny them the support they need to do so? That we urge the creation of a bipartisan commission to give us guidance and then reject its advice? That we unanimously confirm a new general on the ground and then we deny him his plan? That we support our troops, but not their replacements?

These are not the messages that I want to send. We owe it to our troops and to those who have given their lives to give the Iraqis one last chance to show that they are willing to fight for and take responsibility for the future of their own country. But we have to exercise our constitutional powers and hold them to it, and we have to stop signaling that the best Congress can offer is a big, nonbinding ''no'' to someone else's plan.

So today I am cosponsoring legislation, H.R. 1062, that will do just that: hold the administration, and the Iraqi Government, accountable in achieving clear benchmarks. It requires the President to report to Congress every 30 days on the extent to which the government of Iraq is moving forward on more than a dozen fronts, from troop training and security to rebuilding, reconciliation, international cooperation, and enforcing the rule of law. It also requires progress reports on the implementation of strategies that will prevent Iraqi territory from becoming a safe haven for terrorist activities.

Most significantly, H.R. 1062 exercises the full constitutional powers of this body, not through a symbolic expression of discontent, but through vigorous oversight and true accountability.

I urge my colleagues to support H.R. 1062 and reject the resolution before us.

Mr. REYES. Mr. Speaker, it is my privilege to yield 5 minutes to a breath of fresh air from Arizona, my good friend Mr. HARRY MITCHELL.

Mr. MITCHELL. Mr. Speaker, I think it is safe to say that regardless of any differences of opinion over military strategy in Iraq, we all agree that the outcome in Iraq will affect our national security and the security and stability of the Middle East for generations to come.

I was not a Member of this distinguished body in October of 2002 when many of my colleagues were faced with the decision of whether to authorize the President to go to war in Iraq. But 4 years later, I was elected by the people of my district who asked me and this Congress to set a new course in Iraq because it is clear to them that the administration's course is not working.

That is not to say there has not been some success. Our troops have performed bravely and succeeded in their mission to end Saddam Hussein's brutal regime. The Iraqi people exercised their new-found right to vote, and those who murdered innocent Iraqis have been given fair trials and justice has been served.

But since the initial military victory, political, diplomatic, and economic failure has become widespread. Today, sectarian violence is at an all-time high, and American troops are now caught in the middle of a civil war.

Now the administration is engaging in a military escalation of the war. They tried this strategy before and it didn't work. It didn't work because we need more than a military strategy. We need political and economic solutions too. We need a strategy that employs all of the elements of national power to ultimately put the Iraqis in charge of their own security and stability.

So far a military strategy has not solved the problems we have in Iraq. So far a military strategy has not brought Sunnis and Shiites together to maintain a unified government and a peaceful political environment. We know that a military strategy alone cannot create commerce and jobs for the Iraqi people. A military strategy alone cannot rebuild the basic infrastructure that has been destroyed over the past 4 years. A military strategy must be combined with sufficient political, diplomatic, and economic components. But that is not happening here.

I disagree with many of my colleagues in this Chamber who support the immediate withdrawal of U.S. troops. We have heard from too many generals, including those who have spoken out against this escalation, about the dangers of even more violence and instability in the Middle East if we simply withdraw. I do believe American troops have a role in Iraq, a supporting role. They should continue to train Iraqi soldiers, and their mission must ultimately be to put the Iraqis in charge of their own security and stability. But let me be clear: American troops have no place in the middle of a civil war.

This resolution reaffirms this body's support for the men and women of the United States military. Many of our troops have given their lives or suffered serious injury so that one day the people of Iraq may enjoy the same freedoms we have here in the United States. Their service and their sacrifice make me even more proud to be an American.

I hope and pray that we can have all of our brave men and women in Iraq and Afghanistan return safely to their families. But while they are in harm's way, we must honor their service by ensuring that the burden of success or failure is not left to them alone. We

have a responsibility to utilize every political, diplomatic, and economic tool at our disposal to ensure success in Iraq.

Mr. SAXTON. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Madam Speaker, first of all, I want to thank my friend and colleague from New Jersey for yielding me time.

Madam Speaker, this nonbinding resolution is really a nonsensical political statement. It would deprive our troops of the reinforcements they desperately need. Let us trust their judgment and give them the reinforcements they want.

How would you feel if you were an American soldier in Iraq and Congress passed this resolution? It is like telling you to fight with one arm behind your back, and that is no way to defeat a terrorist.

It is our responsibility to assist our troops, not discourage them by ignoring their needs. This political resolution shortchanges our generals and their troops. Instead, we should support those who are sacrificing their lives to protect ours.

□ 1800

Our men and women in uniform desire only to serve their country with honor. Rather than deny them what they want, we should give them the resources they deserve.

Unfortunately, many terrorists hate our country, our citizens, our freedoms and our way of life. The global war on terror is fierce; this is no time to appear weak. London, Moscow, Madrid and six other cities around the world have suffered terrorist attacks since 9/11, but there is a reason no terrorist attack has occurred in America since 2001. It is not because some would second-guess our military; it is because our troops want to win, and we should give them that opportunity.

Madam Speaker, I urge my colleagues to oppose this resolution and send the troops this message: We are here to help you.

Mr. REYES. Madam Speaker, it is now my privilege to yield 5 minutes to the gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Madam Speaker, I rise in strong support of this resolution before the House.

We need to send a clear bipartisan message to the White House. There is little support in this Congress for deepening our open-ended military commitment in Iraq by sending an additional 21,000 troops into this conflict.

The debate we are having today is about the future of our Nation's policy in Iraq, so my main focus will not be to catalog the litany of the administration's past grave mistakes and misstatements over the last 4 years. At the same time, as a lesson for the future, it is important to remember that the war in Iraq was the first application of the Bush Doctrine. This policy was unveiled by the President in his commencement speech at West Point in June 2002 and made policy a few months later in the administration's 2002 National Security Strategy.

The administration's doctrine stressed preemptive attack, U.S. military superiority, and U.S. unilateral action. This flawed policy has proven to be disastrous. It has destabilized Iraq, and threatens to undermine the stability of the entire region. It blinded the administration to the Pandora's box it was opening when it invaded Iraq in search of weapons of mass destruction that did not exist and 9/11 terrorists that were not there.

Far from strengthening U.S. security, this misguided doctrine has put our Nation's vital interests at greater risk. The elevation of unilateralism has helped erode our Nation's standing in the world. The released NIE Estimate for Iraq underscores just how flawed the administration's doctrine has been. Among the key judgment, I quote, ''Iraqi society's growing polarization, the persistent weakening of the security forces and of the state in general.'' And again I quote, ''Extremists continue to act as a very effective accelerator for what has become a self-sustaining intersectarian struggle between Shia and Sunnis.'' And now I quote again. ''The Intelligence Community judges that the term 'civil war' does not adequately capture the complexity of the conflict in Iraq.''

The judgments of the National Intelligence Estimate reinforce the view that a military solution in Iraq is not possible. The administration has attempted troop surges in the past. They haven't worked. Adding another 21,000 American troops will not put an end to violence and instability in Iraq. The only chance to do that is for Iraq's leaders and factions to come together and begin the difficult process of political compromise and reconciliation.

I believe that announcing the orderly redeployment of U.S. forces is the best way to put pressure on the factions in Iraq to come together and make these difficult choices.

This resolution is straightforward. It states clearly and unambiguously that Congress does not support the President's plan. It supports our military personnel but not a further military escalation.

Some have said it is not serious because it is nonbinding. Others have said the resolution emboldens our enemies and hurts the troops. How does it embolden our enemies or hurt the troops for this Congress to disapprove continuing a strategy that is not working?

The resolution we are debating today is nonbinding, but is not nonconsequential. I hope the administration will hear the clear bipartisan message we are sending and change course.

The question today before the House is whether or not we agree with the President's plan to send 21,000 additional troops to Iraq to referee a growing civil war. I do not agree with this escalation. I urge all my colleagues to join in calling on the President to change course in Iraq

Mr. HUNTER. Madam Speaker, I would yield 3 minutes to the gentlelady from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. I thank the gentleman for yielding time.

Madam Speaker, I rise today in strong opposition to this nonbinding resolution. This is not even an honest debate that we are holding here; we didn't have an open rule. This is the wrong resolution; it sends the wrong message to our troops, to our enemies and to our allies.

Today, like many Members of Congress do on a regular basis, I visited Walter Reed. While I was there today, I visited with a young man from my district. He had severe injuries. As I sat and talked to him, his empty eye socket teared. He had damage to his face. He had horrific damage to his arm that he used to protect his face. He was in a Humvee when an IED exploded, and he actually turned the Humvee towards the IED to protect the other men in the Humvee. His sacrifice is incredible.

I talked to another young man from Pennsylvania who had been on three tours in Iraq, and on his third tour, while training, he lost his hand.

I also spoke to a young man from Texas, only 20 years old; and this young man had severe injuries, specifically to his arm.

So we all know that the cost of war is very high. Many of us Members of Congress have also attended funerals and wept with mothers and fathers, families. People in my age group look at these young soldiers and they are the age of our kids. It touches our hearts, and we know the sacrifices that are made are incredible. These people need to feel the gratitude from the entire Nation, gratitude and respect. And I believe that this resolution, again, sends the wrong message.

What is not being considered adequately in this country is the cost of failure in Iraq. When we think about our enemies being emboldened, when we think about the vast resources that our enemies will have access to acquire biological and nuclear weapons, the horrific effects are just almost immeasurable.

As I think about this cost of failure in Iraq, and indeed, on the global war on terror, I think about how we Americans make an assumption. We assume, most of us, when we go to bed at night that when we wake up, tomorrow is going to be like today, that things are going to go on like they have gone on and we will have the liberties and the freedoms that we enjoy. But I would say this wonderful thing that we have in the United States of America, these freedoms and liberties, are very fragile. They are very fragile when we face radical jihadists that would murder us,

thinking that it will take them straight to paradise.

We have to fight this war on terror. We have to win in Iraq. I talked to a retired general yesterday, and I believe he said it all. He said, ''You're down there debating, aren't you? You're talking about the united-we-quit resolution.'' I believe that we have a choice: United we stand or united we quit, and our choice will echo down the halls of history.

Mr. REYES. Madam Speaker, now it is my privilege to yield 6 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Madam Speaker, make no mistake about it, the change that took place in this body over the course of November 7 is directly related to this war in Iraq. And the presence of a number of people who are here now is directly related to the will of the American people to end this war, which never should have been started.

The fact is, the strategy to escalate the troops is not new, it has been tried at least four other times. It won't work this time, it didn't work those times. The thing to do now is to engage diplomatically and politically. That is what this situation calls for and that is the only thing that will bring success in this conflict at this time.

Support the troops? Of course. Of course, support the troops. Always we support the troops. But there comes a time when you cannot get the success that you seek at the barrel of a gun, you have to talk it out, you have to engage diplomatically, you have to engage politically. There is no substitute for that.

Support the troops, but bring them home. Support the troops, redeploy them, and allow the Iraqi people to seize and protect their country at this time.

I carry a message here today on behalf of people like Phil Steger and the Friends For a Nonviolent World, on behalf of Chapter 27 of Veterans For Peace, on behalf of every patriot who stands for peace, in the frigid cold, every Wednesday night on Lake Street Bridge in Minneapolis.

On behalf of the 3,100 Americans killed, including Minnesotans, I carry that message. On behalf of 24,000 scarred and wounded young Americans, including 372 Minnesotans, I carry the message. On behalf of the families and the loved ones of the damaged and deceased, I carry the message that the American soldier has done what has been asked, and it is time for politicians to step forward and do their job, which is to seek a political and diplomatic solution to this conflict, something that this latest escalation cannot do.

On behalf of the $8 billion we send to Iraq each month, hard-working American tax dollars that could be used to enrich the lives of the 86,000 uninsured children of Minnesota, or for nearly the 700,000 Minnesota Medicare patients, I carry the message that we need peace. We need to pursue it vigorously, unwaveringly, and urgently.

On behalf of the Americans who purposefully misled repeatedly, including the administration as related to these weapons of mass destruction where none existed, on behalf of the people who claim falsely of the collusion between 9/11 and Saddam Hussein where none existed, on behalf of the people who said that regime change would be welcomed with flowers instead of IEDs, I say stop the deception, start telling the truth.

On behalf of the people who say that the Iraqi oil revenues would pay for this war instead of draining the American Treasury of over $400 billion, I say stop the deception, start telling the truth.

On behalf of those Americans who told us, repeatedly, facts which got us into this war in the first place, and which they are trying to sustain us in this war now, I say stop the deception. Stop the killing. Stop the carnage. Support our troops, do not support this escalation. Send a clear signal to the President that this is the wrong way to go.

For 6 years now, while the deception has deepened, we were told to shut up, bite your tongues, you are not as patriotic as me, you don't love America as much as I do. None of that is true. We have to stop this polarizing language and really focus on the best way out of this.

Even people who support the escalation can't claim that we are going to be in Iraq forever. What is your plan for eventually getting out of this thing? We say let's start the withdrawal now, let's start the diplomatic solution now, let's start the political solution now.

I want to say, on behalf of those who really thirst for peace, who believe that peace really is the answer, that we need to look at the words of Martin Luther King, Jr., when he spoke out against the Vietnam War. He said, ''There comes a time when silence is betrayal.'' And so it is.

And so, in keeping in line with the legacy of Dr. King, I want to talk about peace today. To those people who believe in the principles of peace and that peaceful dissent that guided Dr. King, those people should know that for you to raise your voice on behalf of peace is a patriotic act, it is a good thing.

□ 1815

To those people who say they believe in peace and believe peace is the right way to go, let me wrap up my remarks by just reminding you that Marine General Peter Pace, somebody who knows a little bit about warfare, Chairman of the Joint Chiefs of Staff, just last week said, There is no doubt in my mind that the dialogue here in Washington strengthens our democracy, period. He added, Potential enemies of the United States, they may take comfort in rancor, but they do not know anything about how democracy works. The fact is that peace is patriotic. Dissenting from an ill-fated policy of the President is the right thing to do. Indeed, it is our obligation.

So please continue to stand up for peace and never forget that peace is the answer, and peace is going to prevail.

Mr. HUNTER. Madam Speaker, I yield myself 2 minutes just to give some information that my great friend, the gentleman from Texas (Mr. REYES), commented on.

I made a comment a few minutes ago that I had understood that the Democrat leadership or a member of that leadership had stated that they would use DOD management policies to cut off the sending of either reinforcements or supplies to the warfighting theater and that I would oppose that very strongly.

My friend Mr. REYES expressed doubt that that had happened. He said he had not heard about it.

I just wanted to inform him I have the Reuters report here, and it quotes our colleague Mr. MURTHA: ''A leading congressional opponent of the war in Iraq on Thursday said his plans for placing conditions on how President George W. Bush can spend $93.4 billion in new combat funds would effectively stop an American troop buildup.'' This is quoting Mr. MURTHA.

Mr. MURTHA says: ''They won't be able to continue. They won't be able to do the deployment. They won't have the equipment, they don't have the training, and they won't be able to do the work. There's no question in my mind.''

That is the statement upon which I based my remarks a few minutes ago. It appears that statement has been made.

Mr. REYES. Madam Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Texas.

Mr. REYES. Did I hear you say that you spoke with Mr. MURTHA?

Mr. HUNTER. What is my friend's statement?

Mr. REYES. I would just say that many times, my good friend and I have discussed not to quote members of the media because most of the time they get it wrong. So I would wait until we talk to Mr. MURTHA.

Mr. HUNTER. Let me just say to my friend that I hope that this is a misquote; but, certainly, there was a press conference, and these are the quotes that are reported in the transcript by the press. So let us hope that that is not accurate. If it is not accurate, I will be very happy. If it is accurate, that will receive enormous opposition from this Member of Congress.

Madam Speaker, I yield 5 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Madam Speaker, I believe that the American people welcome this debate on Iraq, certainly one of the most important issues facing the

American people, and I believe we will all benefit from open, constructive, and sincere debate.

It goes without saying that no one Member of Congress or political party has a clear-cut solution to the complex problems our Nation faces in Iraq.

I expect that every Member of Congress will share their thoughts on whether we should approve or disapprove this 100-word resolution; and like every other Member of Congress, I offer and convey my respect, gratitude and thanks for the exemplary service and heart-rendering sacrifice made by our young men and women in the military. As so many have said, they have performed in an exemplary way, and they have accomplished every task we have asked them to do.

I have had the great privilege of representing Ft. Campbell, home of the 101st Airborne Division and the 5th Special Forces group who have served many times in Iraq.

Throughout this debate many speakers have quoted generals and other experts who have disagreed emphatically with many aspects of the military decisions and strategic decisions about Iraq. We know there have been and continue to be strong disagreements among those who have been intimately involved in this issue.

We have as a Nation endured so much. As has been said, over 3,000 American soldiers have died, and 23,417 have been wounded during the past 4 years in Iraq.

While I understand the arguments of those who support this resolution, I would like to briefly explain why I believe we should vote against this resolution.

Neither President Bush, Speaker PELOSI or any Member of Congress will have as much opportunity to maximize the possibility of success in Iraq as our new military commander in Iraq, General David Petraeus. He is responsible, with the men and women serving, for implementing the increased security for Baghdad. He was confirmed for this new responsibility by a vote of 81–0 in the U.S. Senate on January 26, 2007, a mere 20 days ago.

At his confirmation hearing, among other statements, General Petraeus said, ''Some of the members of this committee have observed that there is no military solution to the problem of Iraq.'' And he said, ''They are correct.''

Ultimate success in Iraq will be determined by actions in the Iraqi political and economic arenas on central issues as governance, the amount of power devolved to the provinces, the distribution of oil revenue, national reconciliation, and resolution of sectarian differences.

And then he went on to say, and this is key, It is, however, exceedingly difficult for the Iraqi Government to come to grips with the tough issues it must resolve while mere survival is the primary concern of so many in Iraq's capital.

For this reason, military action to improve security, while not wholly sufficient to solve Iraq's problems, is certainly necessary, and that is why additional U.S. and Iraqi forces are needed in Baghdad. They do have a role.

General Petraeus and our military have been asked to implement this additional security. He was confirmed to do this, as I said, just 20 days ago. Are we going to turn our backs and abandon General Petraeus and his soldiers this early? Are we going to say ''no'' without an adequate opportunity for the new strategy to work?

In truth, no one can predict the impact of a failed Iraqi state on regional stability, the international economy, the global war on terror, American security, stability in the Middle East and the lives of the Iraqi people. Twenty days is simply not enough time.

I would also like to remind the Members that on page 23 of the Iraq Study Group it says quite clearly, ''We could support a short-term redeployment or surge of American combat forces to stabilize Baghdad,'' and that is what we are trying to do.

In my view, it is premature to vote ''yes'' on this resolution, only 20 days after confirming a new general to go to Iraq to provide additional security in Baghdad so that the Iraqi Government will have a reasonable opportunity to succeed

Mr. REYES. Madam Speaker, now it is my privilege to yield 5½ minutes to the gentlewoman from California (Ms. ESHOO), a member of the Intelligence Committee.

Ms. ESHOO. Madam Speaker, I thank my colleague for yielding to me, the distinguished chairman of the House Intelligence Committee.

Madam Speaker, it has been a long and painful 4-year journey for the people of our country since this administration acted preemptively and unilaterally to invade and occupy Iraq, policies which I believe then and I still believe today would not and could not stand because they simply are not in our national character.

We were told Saddam Hussein had weapons of mass destruction. None were found.

We were told there was yellow cake. It was a falsehood.

We were told that there were trailers containing the evidence of deadly chemicals.

We were told the mission was accomplished.

We endured national and international shame when the horrific pictures depicting Abu Ghraib appeared.

We learned that our troops were not sufficiently equipped.

We mourned with our constituents as the death toll of American troops mounted and continued to mount. Just think, 137 casualties in November of 2004, then the deadliest month overall. Today, over 3,000 precious U.S. lives have been lost, with thousands maimed and injured and God knows how many innocent Iraqi lives lost.

We witnessed the world community's total support on 9/11, and we have witnessed the diminishment of America's credibility around the world because of the Iraq war.

We have heard the President and the Vice President talk about victory and insurgency in its last throes.

We have learned of manipulated intelligence and endured a no-oversight Congress.

Preemptive war, unilateralism, invasion, occupation, no post-war plan, an insurgency born of our blunders, and arrogance instead of reality.

Meanwhile, military experts, Generals Abizaid, Odom, Powell, and distinguished civilian leaders have called for change, a new strategy, and the urgency of diplomatic and political engagement, all to no avail.

One of the central findings of the recent NIE, the National Intelligence Estimate, highlighted the lack of effective Iraqi leadership as a main component driving sectarian and communal violence.

The bipartisan Iraq Study Group, appointed by the President, reported the utter urgency of action by the administration.

Retired General William Odom, former director of the National Security Agency under President Reagan and member of the National Security Council under President Carter, wrote an op-ed in the Washington Post on February 11.

I would ask that it be made part of the RECORD

[From the Washington Post, Feb. 11, 2007]

VICTORY IS NOT AN OPTION

THE MISSION CAN'T BE ACCOMPLISHED—IT'S TIME FOR A NEW STRATEGY

(By William E. Odom)

The new National Intelligence Estimate on Iraq starkly delineates the gulf that separates President Bush's illusions from the realities of the war. Victory, as the president sees it, requires a stable liberal democracy in Iraq that is pro-American. The NIE describes a war that has no chance of producing that result. In this critical respect, the NIE, the consensus judgment of all the U.S. intelligence agencies, is a declaration of defeat.

Its gloomy implications—hedged, as intelligence agencies prefer, in rubbery language that cannot soften its impact—put the intelligence community and the American public on the same page. The public awakened to the reality of failure in Iraq last year and turned the Republicans out of control of Congress to wake it up. But a majority of its members are still asleep, or only half-awake to their new writ to end the war soon.

Perhaps this is not surprising. Americans do not warm to defeat or failure, and our politicians are famously reluctant to admit their own responsibility for anything resembling those un-American outcomes. So they beat around the bush, wringing hands and debating ''nonbinding resolutions'' that oppose the president's plan to increase the number of U.S. troops in Iraq.

For the moment, the collision of the public's clarity of mind, the president's relentless pursuit of defeat and Congress's anxiety has paralyzed us. We may be doomed to two more years of chasing the mirage of democracy in Iraq and possibly widening the war to Iran. But this is not inevitable. A Congress, or a president, prepared to quit the game of ''who gets the blame'' could begin to

alter American strategy in ways that will vastly improve the prospects of a more stable Middle East.

No task is more important to the well-being of the United States. We face great peril in that troubled region, and improving our prospects will be difficult. First of all, it will require, from Congress at least, public acknowledgment that the president's policy is based on illusions, not realities. There never has been any right way to invade and transform Iraq. Most Americans need no further convincing, but two truths ought to put the matter beyond question:

First, the assumption that the United States could create a liberal, constitutional democracy in Iraq defies just about everything known by professional students of the topic. Of the more than 40 democracies created since World War II, fewer than 10 can be considered truly ''constitutional''—meaning that their domestic order is protected by a broadly accepted rule of law, and has survived for at least a generation. None is a country with Arabic and Muslim political cultures. None has deep sectarian and ethnic fissures like those in Iraq.

Strangely, American political scientists whose business it is to know these things have been irresponsibly quiet. In the lead-up to the March 2003 invasion, neoconservative agitators shouted insults at anyone who dared to mention the many findings of academic research on how democracies evolve. They also ignored our own struggles over two centuries to create the democracy Americans enjoy today. Somehow Iraqis are now expected to create a constitutional order in a country with no conditions favoring it.

This is not to say that Arabs cannot become liberal democrats. When they immigrate to the United States, many do so quickly. But it is to say that Arab countries, as well as a large majority of all countries, find creating a stable constitutional democracy beyond their capacities.

Second, to expect any Iraqi leader who can hold his country together to be pro-American, or to share American goals, is to abandon common sense. It took the United States more than a century to get over its hostility toward British occupation. (In 1914, a majority of the public favored supporting Germany against Britain.) Every month of the U.S. occupation, polls have recorded Iraqis' rising animosity toward the United States. Even supporters of an American military presence say that it is acceptable temporarily and only to prevent either of the warring sides in Iraq from winning. Today the Iraqi government survives only because its senior members and their families live within the heavily guarded Green Zone, which houses the U.S. Embassy and military command.

As Congress awakens to these realities—and a few members have bravely pointed them out—will it act on them? Not necessarily. Too many lawmakers have fallen for the myths that are invoked to try to sell the president's new war aims. Let us consider the most pernicious of them.

(1) We must continue the war to prevent the terrible aftermath that will occur if our forces are withdrawn soon. Reflect on the double-think of this formulation. We are now fighting to prevent what our invasion made inevitable! Undoubtedly we will leave a mess—the mess we created, which has become worse each year we have remained. Lawmakers gravely proclaim their opposition to the war, but in the next breath express fear that quitting it will leave a blood bath, a civil war, a terrorist haven, a ''failed state,'' or some other horror. But this ''aftermath'' is already upon us; a prolonged U.S. occupation cannot prevent what already exists.

(2) We must continue the war to prevent Iran's influence from growing in Iraq. This is another absurd notion. One of the president's initial war aims, the creation of a democracy in Iraq, ensured increased Iranian influence, both in Iraq and the region. Electoral democracy, predictably, would put Shiite groups in power—groups supported by Iran since Saddam Hussein repressed them in 1991. Why are so many members of Congress swallowing the claim that prolonging the war is now supposed to prevent precisely what starting the war inexorably and predictably caused? Fear that Congress will confront this contradiction helps explain the administration and neocon drumbeat we now hear for expanding the war to Iran.

Here we see shades of the Nixon-Kissinger strategy in Vietnam: widen the war into Cambodia and Laos. Only this time, the adverse consequences would be far greater. Iran's ability to hurt U.S. forces in Iraq are not trivial. And the anti-American backlash in the region would be larger, and have more lasting consequences.

(3) We must prevent the emergence of a new haven for al-Qaeda in Iraq. But it was the U.S. invasion that opened Iraq's doors to al-Qaeda. The longer U.S. forces have remained there, the stronger al-Qaeda has become. Yet its strength within the Kurdish and Shiite areas is trivial. After a U.S. withdrawal, it will probably play a continuing role in helping the Sunni groups against the Shiites and the Kurds. Whether such foreign elements could remain or thrive in Iraq after the resolution of civil war is open to question. Meanwhile, continuing the war will not push al-Qaeda outside Iraq. On the contrary, the American presence is the glue that holds al-Qaeda there now.

(4) We must continue to fight in order to ''support the troops. ''This argument effectively paralyzes almost all members of Congress. Lawmakers proclaim in grave tones a litany of problems in Iraq sufficient to justify a rapid pullout. Then they reject that logical conclusion, insisting we cannot do so because we must support the troops. Has anybody asked the troops?

During their first tours, most may well have favored ''staying the course''—whatever that meant to them—but now in their second, third and fourth tours, many are changing their minds. We see evidence of that in the many news stories about unhappy troops being sent back to Iraq. Veterans groups are beginning to make public the case for bringing them home. Soldiers and officers in Iraq are speaking out critically to reporters on the ground.

But the strangest aspect of this rationale for continuing the war is the implication that the troops are somehow responsible for deciding to continue the president's course. That political and moral responsibility belongs to the president, not the troops. Did not President Harry S. Truman make it clear that ''the buck stops'' in the Oval Office? If the president keeps dodging it, where does it stop? With Congress?

Embracing the four myths gives Congress excuses not to exercise its power of the purse to end the war and open the way for a strategy that might actually bear fruit.

The first and most critical step is to recognize that fighting on now simply prolongs our losses and blocks the way to a new strategy. Getting out of Iraq is the pre-condition for creating new strategic options. Withdrawal will take away the conditions that allow our enemies in the region to enjoy our pain. It will awaken those European states reluctant to collaborate with us in Iraq and the region.

Second, we must recognize that the United States alone cannot stabilize the Middle East.

Third, we must acknowledge that most of our policies are actually destabilizing the region. Spreading democracy, using sticks to try to prevent nuclear proliferation, threatening ''regime change,'' using the hysterical rhetoric of the ''global war on terrorism''—all undermine the stability we so desperately need in the Middle East.

Fourth, we must redefine our purpose. It must be a stable region, not primarily a democratic Iraq. We must redirect our military operations so they enhance rather than undermine stability. We can write off the war as a ''tactical draw'' and make ''regional stability'' our measure of ''victory.'' That single step would dramatically realign the opposing forces in the region, where most states want stability. Even many in the angry mobs of young Arabs shouting profanities against the United States want predictable order, albeit on better social and economic terms than they now have.

Realigning our diplomacy and military capabilities to achieve order will hugely reduce the numbers of our enemies and gain us new and important allies. This cannot happen, however, until our forces are moving out of Iraq. Why should Iran negotiate to relieve our pain as long as we are increasing its influence in Iraq and beyond? Withdrawal will awaken most leaders in the region to their own need for U.S.-led diplomacy to stabilize their neighborhood.

If Bush truly wanted to rescue something of his historical legacy, he would seize the initiative to implement this kind of strategy. He would eventually be held up as a leader capable of reversing direction by turning an imminent, tragic defeat into strategic recovery.

If he stays on his present course, he will leave Congress the opportunity to earn the credit for such a turnaround. It is already too late to wait for some presidential candidate for 2008 to retrieve the situation. If Congress cannot act, it, too, will live in infamy.

He identified the shortcomings of the administration's Iraq policy and presented some of the clearest and most prescient thinking on the issue to date.

He places in stark relief what many of our colleagues refuse to accept, that the preemptive, unilateral course set by the President is not a strategy for success in Iraq.

He says: ''The first and most critical step is to recognize that fighting on now simply prolongs our losses and blocks the way to a new strategy. Getting out of Iraq is the precondition for creating new strategic options. Withdrawal will take away the conditions that allow our enemies in the region to enjoy our pain.

''Second,'' he says, ''we must recognize that the United States alone cannot stabilize the Middle East.

''Third, we must acknowledge that most of our policies are actually destabilizing the region. Spreading democracy, using sticks to try to prevent nuclear proliferation, threatening 'regime change,' using the hysterical rhetoric of the 'global war on terrorism' all undermine the stability we so desperately need in the Middle East.

''Fourth, we must redefine our purpose. It must be a stable region, not primarily a democratic Iraq. We must redirect our military operations so they enhance rather than undermine stability.''

So many experts, so many respected leaders, so many voices of patriots, and their critical analysis ignored.

Madam Speaker, in the preamble to our Constitution, three magnificent words lead the document: ''We, the people.'' The people of our Nation made the clearest and most important solemn judgment on Iraq in last November's election. They said, in overwhelming numbers, to change the direction of this war, to de-escalate, not escalate.

That is exactly what this debate is about. We pay tribute to and support our troops who honor our country with their service. We say, as the American people have said, enough is enough. I urge my colleagues to vote for this resolution.

□ 1830

Mrs. WILSON of New Mexico. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Madam Speaker, I hope we all can recognize the profound importance of our mission in Iraq. History surely will. The mission in Iraq will impact our national security for decades to come.

The United States seeks a region of stability and peace to create a more secure world for our children and grandchildren. Al Qaeda seeks a region of terror and bloodshed.

The President believes victory in Iraq is key to victory on the war on terror. Al Qaeda believes our defeat in Iraq is key to its vision of violent Islamic rule. Our security is clearly at risk.

Americans are frustrated by the current situation in Iraq. We have witnessed the removal of a historic dictator, yet our men and women in uniform remain at risk. We have witnessed historic democratic elections, yet those elected have not yet brought security. We have been told about the progress we have experienced in training Iraqi security forces, yet violence continues to rage.

With growing uneasiness, we have watched a back and forth tug of war between progress and setback, and we mourn the loss of every single brave American who has fallen during this mission.

Madam Speaker, I share this frustration and sorrow. Yet I believe we must not allow our frustrations to blind us to the need for victory over radical jihadists. This House must work together in addressing the challenges in Iraq, because the outcome will be closely linked to our own national security for years to come.

Regrettably, the resolution before us does nothing to enhance this security. It does not offer a solution to the challenges in Iraq. It does not recognize the magnitude of the failure. And it does not recognize the nature of our enemies. For these reasons I strongly oppose it.

Madam Speaker, we know terrorists friendly to bin Laden are among the enemy in Iraq. Even before the fall of Saddam's regime, the terrorist mastermind Zarqawi had sought refuge in Iraq. His network of terror grew rapidly. Bin Laden's top deputy applauded his actions and counseled him on achieving dominance in the region. Although Zarqawi himself can no longer do harm, al Qaeda in Iraq remains a threat to our security.

An American defeat in Iraq would embolden the terrorists like no event before, bolstering bin Laden's view that America is weak. Al Qaeda would enjoy more than just a morale boost; they would have a new operational base to plot attacks against Americans and train new recruits. An American defeat in Iraq would almost certainly bring forth a government that turns a blind eye towards terrorism. This, Madam Speaker, would be catastrophic to our national security.

An American defeat in Iraq would also generate unspeakable chaos in the Middle East. The dangerous regime in Iran is already seeking to capitalize on what it perceives as our weakness. Iran is well on its way to developing nuclear weapons, and its fanatical president has publicly said that he wishes to destroy America and Israel. Syria would also take advantage of a power vacuum in Iraq, further destabilizing the Middle East. What is good for hostile regimes like Iran and Syria can be devastating for America's security.

In closing, Iraq is a central front in the war on terrorism, and its future will greatly influence our future security. An American victory would foster stability in a volatile region and provide a resounding defeat for terror.

For these reasons, we must give the President's new plan in Iraq a chance to succeed. Our resolve must override our frustrations. Our support for the remarkable members of our Armed Forces must be unwavering. And our determination in fighting radical jihadists who want to kill us and our families must never run dry. Madam Speaker, that determination must never run dry

Mr. REYES. Madam Speaker, it is my privilege to yield 6 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. I thank you, Chairman REYES, of the Intelligence Committee.

Madam Speaker, this resolution before the House today is very clear: Congress and the American people support our troops who serve bravely in Iraq, and Congress disapproves of President Bush's decision to send an additional 20,000 troops to Iraq.

There is not a Member of this body who does not pray for our Nation's success in Iraq and in the global war on terror. Our brave servicemen and women have performed in Iraq with valor and honor. They have done everything that a grateful Nation has asked of them since the beginning of the war.

Whether you are for or against the war, we must support our troops. This resolution does that.

The only people sacrificing in this war are the troops and their families. Many military personnel have served two and three tours of duty. It has been difficult on their families here at home. More than 3,100 of our finest sons and daughters have given the ultimate sacrifice for their country. More than 25,000 troops have been wounded.

I do not believe we need new troops in Iraq. I believe we need a new strategy in Iraq. The current strategy is clearly not working.

We have increased the number of American troops in the past, and it has not done anything to calm the violence. In fact, in certain circumstances the violence has increased. Even General Abizaid, commander of U.S. forces in the Middle East has stated, ''More American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.'' I completely agree with him.

I serve on the House Permanent Select Committee on Intelligence; I have been to Iraq four times and have met with America's top generals, U.S. and Iraqi troops, and Iraqi elected officials. We must give the Iraqis more responsibility to take control of their own country. We must cut the apron strings and let the Iraqis patrol their own streets. American troops will guard the perimeter areas and back up the Iraqis in an emergency. I call this the Perimeter Plan.

Redeploying troops to perimeter areas, the Green Zone, and lowering the profile of American forces will break the dependency the Iraqi military has on U.S. forces.

The Iraqis will gain more confidence in their own ability to secure their own country, and we will begin bringing our men and women home.

It has been said by my friends on the other side of the aisle that the Democrats don't have a plan. That is not true. Other Members of our party have a plan and I have a plan. In fact, I shared the Perimeter Plan with the President and members of his Cabinet on two occasions at the White House. I also gave a copy of the Perimeter Plan to the Iraqi Study Group that reviewed it before issuing its recommendations that have been largely ignored by the President. This is not cut and run like some on the other side of the aisle would like you to believe. It is a way to force the Iraqis to take more control of their country, while also allowing the U.S. military to do what it does best.

We have some of the best operations forces, Marines and Rangers, and the best technology in the world. These forces can focus on backing up the Iraqi military.

As Thomas Payne insisted during the American Revolution: ''We need to let those who want independence test their will and try their soul.'' More American troops hinder the Iraqi democracy from testing its soul, and hurt the world in the global war on terror. More than $400 billion has been spent on this war by American taxpayers with little or no oversight by Congress. From the invasion of Iraq and the start of the

war, a Republican House and Republican Senate have given the President almost whatever he wanted both in money and strategic resources. The days of the blank check are over. The stakes are too high to allow this money and resources to be spent unchecked.

In the first 6 weeks of this new Congress, the Democrats have held 52 House and Senate hearings on Iraq. We are conducting oversight and holding the administration accountable.

Iraq was not a hotbed for terrorists before the war, but it is now. The country has become a magnet for those who want to harm Americans and Iraqis and disrupt a new democracy. Terrorists have used Iraq against us to recruit and spread their twisted ideology worldwide.

But the global war on terror is much more than Iraq. While we are spending much of our precious resources in Iraq, we are not focused on fighting terrorism worldwide. We are taking our eye off the ball. We must refocus our efforts on other parts of the Middle East, Asia, South America, Africa, and other parts of the world. Good intelligence is the best defense against terrorism. This takes resources. We must prioritize where we put our money. It is not about Republicans or Democrats. It is about all Americans and keeping this country safe for our children and our grandchildren.

Madam Speaker, this is a critical moment in the war in Iraq. More troops will not help Iraq. A new strategy will.

Democracy is rooted in independence and self-sustainment. By implementing the Perimeter Plan, we encourage the Iraqis to take control of their own country. This strategy will allow us to be successful in Iraq and win the war on terror. This is why we must vote for this resolution. I urge Members to support it

Mrs. WILSON of New Mexico. I am pleased to yield 5 minutes to the gentleman from Nevada (Mr. PORTER).

Mr. PORTER. Madam Speaker, the Iraq war is the single greatest issue facing the American people today, and we must get the job done. Which is why I rise today in opposition to H. Con. Res. 63.

My prayers go out to Nevada's 26 families who have lost loved ones in this war and the other over-3,000 American citizens that have paid the ultimate sacrifice. I continue to pray for those who are in the war zone today around the world and for the families here at home.

Yes, a lot of mistakes have been made, but it is easy on Monday morning to look back and criticize. This war on terrorism is not in the textbooks. It is a war that must continually be reassessed, realigned, and restructured, because war is not perfect.

I want to bring the troops home just as soon as possible, as soon as the region is secured. There are no guarantees, but I believe the quickest way to bring our sons and daughters home is to send additional troops for a short period of time.

Madam Speaker, I oppose this resolution for three major reasons:

Number one, the impact on troops' morale.

Number two, there are no solutions today. This resolution sticks with staying the course.

And, number three, I believe this resolution puts us in the pathway of cutting off funds desperately needed for our troops.

First, on the morale: I have had the honor to be in the Middle East, in Southeast Asia, in Iraq, Afghanistan, Pakistan on three occasions, I believe more times than anyone in our delegation from Nevada. I have looked in the eyes of these young men and women of all ages in the deserts of Iraq, in Bethesda, and in Walter Reed Army Hospital.

To a person, morale is at an all-time high. But what I do hear consistently from these folks is they are afraid that Washington has looked the other way. They don't want to be the last man killed, and they are afraid the funds are going to be reduced and cut off.

And, you know, I even disagree with Secretary Gates and his perspective, and certainly with the Democrats with their approach that this debate does not send the wrong message. I believe that you are wrong. It does.

I received this e-mail just this week from a soldier I spent Christmas Eve with in Baghdad this past Christmas. And he said, ''Congressman, every day we are burdened with stories in the media of the American people wanting to cut and run, with slanted coverage of atrocities and the argument that it is possible to support the troops but not the war. I disagree, Congressman. Someone that supports me by extension supports my efforts to accomplish my mission.''

Madam Speaker, I hope this Congress heeds his words.

Another young man from Nevada visited the Capitol last year, wanted a tour of the Capitol, is proud of his uniform, because he was a soldier serving in the Middle East. But he was afraid he would be scorned, not unlike our family and friends that were scorned when they returned from Vietnam.

Through this resolution we are going to continue to send the wrong message to those who humbly protect our Nation.

The second reason, there are no solutions in this resolution. My father taught me a long time ago that before you complain you need to have a solution to the problem.

□ 1845

The Democrats have not presented the American people with a solution, only a resolution that endorses stay the course, which, as we saw in November, is unacceptable to the American people. This is not about leadership. This is unacceptable. I am open for ideas and suggestions as we fight this war on terror, but we must, we must win this war.

The third reason, this resolution opens the door to cutting funds desperately needed by our troops. The Democrats have said it time and time again. They are talking about cutting funds for body armor, for food, for military equipment and supplies.

This resolution, and their assertion this resolution simultaneously offers support for soldiers but not the President's plan, is disingenuous. I am deeply concerned that this resolution merely opens the door for Congress to move forward cutting off funds for our troops. We have heard it this week, and simply had the Democrats allowed the Republicans to add one sentence that we would guarantee we would not reduce the funds, would have changed the whole outcome of this resolution.

Madam Speaker, I appreciate this opportunity, but this resolution is a resolution of hypocrisy. The American people spoke in November and said we must not stay the course. I cannot support this resolution, and I don't believe the American people do.

Mr. REYES. Madam Speaker, it is now my honor to yield 5 minutes to the gentlelady from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Madam Speaker, I rise to support the resolution and to express my opposition to the President's plan to send additional troops to Iraq. While I rise as a Member of this House who opposed authorization of the Iraq war, I also rise as a member of the new Congressional majority, representing millions of Americans who voted for a new direction in Iraq, and I rise representing my own 34th congressional district of California, whose constituents overwhelmingly oppose this escalation.

Perhaps, most importantly, I rise as the proud stepmother of a U.S. Army serviceman who served in Iraq, and a proud wife of a marine who saw two tours of duty in Vietnam. While I will never personally experience war on the ground, I can speak from a wife and mother's perspective about what it means to have a loved one sent into harm's way.

Over 4 years ago, I spoke from that very perspective when I, with many of my colleagues, urged the President to exhaust all diplomatic efforts, give the U.N. weapons inspectors a chance to finish their job and, if necessary, establish a multilateral coalition force to confront Saddam before invading Iraq. These steps would have made it possible to say to my stepson and to all our Nation's sons and daughters, your country did everything in its power to keep you from harm's way.

Regrettably, the President did not do everything in his power to keep them from harm's way. We know now that decisions to invade Iraq were based on, at best, faulty intelligence, and, at worst, intelligence viewed to favor a

specific policy outcome. It is breathtaking now to consider how incomplete, simplistic, or just plain wrong our intelligence and projections were about the need to invade Iraq.

It is breathtaking to consider the cost to our Nation of this ill-conceived and mismanaged war in which billions of dollars have been spent without significant and appropriate oversight of the war effort, the occupation, or the plan for reconstruction and withdrawal from Iraq. Even more tragic is the huge price that has been paid in American and Iraqi lives and in our esteem around the world.

I share the commitment of my husband and stepson and that of all Americans to defend this Nation against all enemies. I believe, even as a peaceful Nation, we must be resolute in our determination to defend our country against hostile interests.

But the bar to war must be set high, and information on which we base our entry into war or escalate our involvement must be clear, compelling, and as unfiltered as possible. The President did not, in good faith, make the case to preemptively and unilaterally go to war in Iraq, and he has not made the case for this escalation. He has not explained to the American people why, after four failed escalations, this one will succeed. Even many of his generals and military advisors oppose this plan. To give approval to this administration, to continue its failed strategy, and put into jeopardy the lives of an additional 20,000 troops defies common sense.

Madam Speaker, we will all forever be grateful to the brave men and women in uniform who have done everything they have been asked to do valiantly and courageously.

Therefore, I continue to hope that the debate over this resolution will be absent the charges that we undermine their mission and their morale, for this is nonsense. There is not a Member in this body that does not respect and honor their service or support their efforts. Our message is to the Commander in Chief, not the brave troops who serve our Nation.

Four years ago, I asked myself whether we were doing everything in our power to keep our Nation's sons and daughters out of harm's way. Four years later, I stand here to oppose this escalation and ask that we begin the process of doing everything in our power to take our sons and daughters out of harm's way and bring them safely home

Mrs. WILSON of New Mexico. Madam Speaker, I am pleased to yield 5½ minutes to my colleague from New York (Mr. REYNOLDS).

(Mr. REYNOLDS asked and was given permission to revise and extend his remarks.)

Mr. REYNOLDS. I thank the gentlewoman from New Mexico.

Madam Speaker, we have heard many speeches this week talking about the honorable men and women of our Armed Forces. We all have constituents who have served bravely in Iraq and some have paid the ultimate price for this service, and we are forever grateful for that. We are grateful because these men and women put our freedoms and our country before themselves. It is this freedom that affords us the ability to undertake the debate on this shallow, shortsighted resolution.

If the purpose of this resolution is scoring political points and playing political games, then bravo to the Democratic majority, they have succeeded. But if the purpose of this resolution is for a new direction in Iraq that will secure victory and secure the second democracy in the Middle East, then this resolution comes up woefully short.

I am not prepared to look our soldiers and their families in their eyes and say I voted for this resolution, because while I support you, I do not support your mission.

We debate a resolution this week that represents a cavalier attitude about the mission our troops are carrying out, day in and day out, without fear, and without knowing whether some in the halls of this Congress still support them in this war on terror.

While we debate this resolution, let me be clear that, like my constituents, my patience is limited in Iraq. We must see more progress sooner rather than later. We must see the Iraqis play a larger role and take control of their country. The Iraqis need to recognize their failure to take control has consequences, the consequences of fulfilling bin Laden's wish to see Iraq become a new central base for terrorists, the consequences of destabilizing the Middle East and endangering Israel, our strongest democratic ally in the Middle East.

The consequence is of involving our enemies like Iran and other rogue states to develop weapons of mass destruction without the fear of repercussions. Ultimately in Iraq, it is Iraqis who will decide if democracy or tyranny rule the day, and whether they avoid the consequences of their failure.

But while my patience is limited, and I want to see progress, I will not play politics with our troops, which is what this resolution does.

Like Majority Leader HOYER said yesterday, no one should hide behind the troops. I agree, but equally important, Members of this body should not be hiding behind this resolution if their true aim is to cut off funding for our troops. Because while this resolution will indeed score a few political points for some debating in this Chamber today, this resolution also sends a message far beyond this Chamber.

Indeed, Madam Speaker, this nonbinding resolution, while lacking any bite in terms of strategy, and not changing anything on the ground in Baghdad, will send a message loud and clear to our troops: We are consigning your mission to failure before you even have a chance to execute it.

As I listened to SAM JOHNSON today, as he recounted the unspeakable damage antiwar efforts back home did to our soldiers in Vietnam, I wondered whether our brave men and women are listening to the taunts of America's enemies at this very moment as we debate not just this resolution but their mission. SAM JOHNSON is not alone in questioning the damage to the morale we may be doing to those fighting forces.

One of my constituents, a highly decorated Iraq war veteran, David Bellavia wrote, ''Each day . . . move(s) us closer to losing a winnable war and abandoning a worthy ally.''

Madam Speaker, for Congress to support this resolution gives encouragement to the jihadists and cuts the morale of our troops. In our global war on terror, we cannot show a lack of resolve because, as we know, after decades of attacks by these jihadists on our citizens, the World Trade Center in 1993, our embassies and the USS *Cole*, we know what a lack of resolve has meant. That lack of resolve hit us all when the jihadists attacked us again on the morning of September 11, 2001. That fateful Tuesday brought devastation to this country not seen since Pearl Harbor and, God willing, that we will never experience again.

The skies were thick with smoke, debris piled so high it brought to a standstill the city that never sleeps. Just days after the attacks, I stood at Ground Zero amidst the rubble, in anguish. I knew this was bigger than any political party, bigger than any one country. It is a global war on Islamic jihadism, and that war, as the jihadists have said, is now set in Iraq.

The question raised by this resolution is, will we yield? As Winston Churchill said, reflecting on the darkest days of the global war of his time, one that pitted the hopes of freedom against the ideology of hatred, ''Never give in—never, never, never, never, in nothing great or small, large or petty;

''Never yield to force; never yield to the apparently overwhelming might of the enemy.''

Madam Speaker, in the daunting challenge of our time, we must not waver, and we must not yield.

Mr. REYES. Madam Speaker, I yield myself 6 minutes.

I rise to express my strong support for our Nation's military and for the resolution before the House today. I am a proud veteran. I know what it is like to say good-bye to loved ones and be gone for a year, or 13 months, as in my case when I served in Vietnam.

I voted against authorizing the use of force against Iraq because I did not believe that the evidence provided by the administration, particularly the intelligence data, were sufficient to justify putting our troops in harm's way. Combat should be the last option. I know; I have been there.

Over 3,000 American lives later, and tens of thousands suffering debilitating injuries, yet we are no closer to our

goal of a secure and stable Iraq, and the situation there continues to deteriorate.

Our military families are paying a high price. There were a couple of articles in today's paper that talked about our inability to find common ground.

Well, I disagree. I think we find common ground because we care about not just our troops, but their families, our military families.

Madam Speaker, I would like to submit for the RECORD an e-mail from Sergeant Matthew Baeza

Hello Sir, My name is SGT Matthew Baeza, currently I am deployed in Iraq in support of Operation Iraqi Freedom '05–'07 with the C–84th ECB (H), out of Fort Richardson, AK. I am an El Paso native, and have not been too big in politics although I did my fair share of Democratic rallies with my father Luis Baeza when I was in high school. I have met you on several occasions through my father as well as when we met on the steps of the Senate when I was on a High School trip to DC in '99.

My concerns are brought forward wholehearted. They do not concern El Paso, but it does concern El Pasoans all over the country who serve in the military and who are deployed in the threatre of operations.

Many of us in the military believe in what we do and feel our mission here is warranted. The issues are not against our deployments but rather the length of our deployments.

You see, the ARMY is the only branch that will always deploy with a full 12 month rotation in deployments. Other branches have been cut to 6 months or even 3 months. I do realize there are certain elements in the other branches that serve a 12 month rotation like the ARMY.

The issue I have is that 12 months isn't that difficult to pull the first time. But into your second and third deployments (some soldiers serving 4 deployments back to back) it starts to break the backs of even the strongest of families. Children are seeking counseling as young as 3 or 4 years old due to the absence of their parents, and if a marriage survives, most end up seeking help from chaplains or marriage counselors. Is that how we want our Service Members and their families to live?

Out of a 5 year marriage, I will have been absent 3 years, and will only have known my son for 9 months, when I return days from his 3rd birthday. My marriage along with hundreds of other service members are quickly ending due to the amount of time absent from home.

I am not sure if surveys have been performed, but I can almost guarantee you the percentage of divorces have multiplied at an exponential rate. But yet talks of cutting down deployments have been in the works for year but no progress has been made.

The vast majority of Armed Services members are proud every day to put on our uniform and help others who cannot help themselves. But at what cost? At the cost of losing the ones we love. And at the end of it all we cannot place blame on our spouses, for they have been holding on longer than most could ever imagine.

Our spouses run multiple lives as my wife does. As a professional writer and reporter for the Anchorage Daily Newspaper, a mother, FRG (Family Readiness Group) Leader, and as a military spouse, my wife, she has a lot to deal with. Bills, care for our child, her work, and dealing with my calls home whether they be happy or sad. It is simply too much to ask from anyone.

My wife is as strong as they come, but with the last 3 years her patience has worn extremely thin. With us being away from home, many wives end up leaving their husbands searching for a better life, or long needed affection without a phone, or even to become their own person again. My wife told me something the other day that really hit me, ''No one knows who you are, they know Megan and Dominic, and the guy that keeps calling on the phone.''

That is who we have become to our families, just a voice on the phone. I am not asking to get out of this conflict. We are doing well here, plus if we leave, the friends I have lost here would have died in vain. I cannot have that on my conscience. We all realize the good we are accomplishing here, but we are losing our families over it.

We don't try to save the world, at least I don't, that is too much to ask of one person. But rather try for the ones closest to us. My son and my wife. But when they are gone, who is it for? Every day I am here I tell myself I do this for them, and others feel the same way.

I am not asking you to change the way things are, but rather voice your opinion and raise a flag for those of us that cannot. With your reputation you can influence others in helping us cut our deployments to shorter periods. We are not asking to leave Iraq or Afghanistan, but rather cut the time away from home. When you start stacking deployments on top of each other, families get broken, and when that happens, you get Service Members who cannot perform. Would could when your life is falling apart?

I hope you read this and understand where I am coming from, and realize I speak for a number of Soldiers, Sailors, Marines, Airmen, and Coast Guardsmen who have fallen into this horrible ordeal.

Thank you sir for your time.

MATTHEW BAEZA,
SGT, EN Supply Sergeant.

[From the Fairbanks Daily News-Miner, Dec. 8, 2006]

A HERO, HOME AT LAST

(By Michelle Cuthrell)

After spending 24 hours a day for seven days a week for four weeks a month for 16 months of deployment learning how to wait, you'd think small increments of time like an hour and a half would just fly by.

But standing in that Alert Holding Area on Fort Wainwright Tuesday night, 90 minutes felt like an eternity.

I guess patience isn't exactly in large supply when you are anticipating the imminent return of your husband from Iraq.

Standing amid the other moms and dads and spouses and children who were also impatiently awaiting the arrival of loved ones, I found myself fidgety.

I picked up Connor and then put him back down every five minutes, and I must have readjusted the belt and buttons on my black and red welcome home dress at least 50 times.

Every moment felt like another extension and every minute felt like another deployment. I talked a million miles a minute, and I must have asked my friend at least 20 times if the soldiers had left Eielson Air Force Base yet to head to Fort Wainwright.

I detested the anticipation.

I had so many emotions built up inside from 16 months of missing my husband like crazy and was experiencing this physical longing stronger than anything else I'd ever known to just touch him, hug him and hold him.

Which is maybe why, when the Army band began to play and those three magic garage doors simultaneously began to open, I broke down into tears.

I cried as the nearly 200 soldiers disembarked the buses that transported them from Eielson as the crowd erupted in cheers and the families burst into applause. I wept as the soldiers made their formation on the far side of the room, and I sobbed as they marched across that hangar-like area to their place in front of us.

And when their commander released them to their families, I broke down.

Soldiers sprinted toward us, frantically searching for their families, and in the crowd, I just couldn't see my husband. He wasn't in the very front, he wasn't in the very back, he wasn't near his old commander, he wasn't near anyone else I knew.

I was starting to panic, when all of a sudden, two soldiers cleared my path of vision and for the first time, I spotted him. I literally lost my breath. My heart fluttered the way it did the first time I met my husband, and I felt just like that 18-year-old girl again as we made eye contact for the first time.

My heart dropped, and my husband beamed.

I've never run so fast with a child in my arms in my entire mommy life. I had tunnel vision as I trotted toward the man of my dreams and flung my one arm around his neck as he embraced the two of us with the biggest smile I've ever seen from a man in uniform.

He held us tight, told me through giant smiling teeth that he loved me and missed me, and then pulled away to look down at his son for the first time since he was 11 days old. And in an act that I'm positive must have been from God, Connor looked up at his daddy and smiled as if Matt had been a physical part of his life for all eight months.

I cried. Then I laughed. Then I smiled. Then I shed another tear.

We hugged, we kissed, we stared at the beautiful life we had created together.

And when it was all said and done and our run-leap-hug maneuver was complete, we walked out of that AHA, hand in hand, with our worlds once again connected and our love once again in tangible form.

There's no more counting down the days ''until they come home.''

My hero is home, and my life is once again complete.

I want to read the e-mail that I got from Sergeant Baeza, a soldier who is from El Paso, not assigned to El Paso, but is from El Paso:

''Hello, sir, my name is Sergeant Matthew Baeza. Currently I am deployed in Iraq in support of Operation Iraqi Freedom. I am an El Paso native, and I have not been too big on politics, although I did my fair share of Democratic rallies with my father, Luis Baeza, when I was in high school. I have met you on several occasions through my father, as well as when we met on the steps of the Senate when I was on a high school trip to D.C. in 1999.

''My concerns are brought forward wholehearted. They do not concern El Paso, but it does concern El Pasoens all over the country who serve in the military and who are deployed in the theatre of operations.

□ 1900

''Many of us in the military believe in what we do and feel our mission here is warranted. The issues are not against our deployments, but rather the length of our deployments. You see, the Army is the only branch that will always deploy with a full 12-month rotation in its deployments. Other

branches have been cut to 6 months or even 3 months. I do realize there are certain elements in other branches that serve a 12-month rotation like the Army. Nonetheless, the Army uses a 12-month rotation.

''The issue I have is that 12 months is not that difficult to pull the first time. But into your second and third deployments, some soldiers serving with me back to back four times, it starts to break the backs of even the strongest of families. Children are seeking counseling as young as 3- or 4-years-old due to the absence of their parents.

''And if a marriage survives, most end up seeking help from chaplains or marriage counselors. Is that how we want our servicemembers and their families to live? Out of a 5-year marriage, I will have been absent 3 years and will only have known my son for 9 months when I return in a few days for his third birthday.

''My marriage, along with hundreds of other servicemembers are quickly ending due to the amount of time absent from home. I am not sure if surveys have been performed, but I can almost guarantee you the percentage of divorces has multiplied at an exponential rate.

''But yet talks of cutting down deployments have been in the works for years, but no progress have we seen. The vast majority of armed services members are proud every day to put on our uniform and help others who cannot help themselves, but at what cost? At the cost of losing the ones we love, and at the end of it all we cannot place blame on our spouses. For they have been holding on longer than most could ever imagine. Our spouses run multiple lives, as my wife does. As a professional reporter for the local newspaper, a mother who is raising a family on her own, as a military spouse, as my wife, she has a lot to deal with. Bills, care for our child, her work, and dealing with my calls from home, whether they be happy or sad. It is simply too much to ask from any one person.

''My wife is as strong as they come, but with the last 3 years, her patience has worn extremely thin. With us being away from home, many wives end up leaving their husbands, searching for a better life, or long-needed affection without a phone, or even to become their own person again.

''My wife told me something the other day that really hit me.'' And he quotes his wife: '' 'No one knows who you are. They know Megan and they know Dominic, and the guy that keeps calling on the phone.' That is who we have become to our families, just a voice on the phone.

''I am not asking to get out of this conflict. We are doing well here. Plus the friends I have lost here would have died in vain. I cannot have that on my conscience. We are accomplishing here, but we are losing our families over it. We don't try to save the world, at least I don't. That is too much to ask of one person.

''But rather try for the ones closest to us, my son, and my wife, but when they are gone who is it for? Every day I am here I tell myself I do this for them. And others feel the same way. I am not asking you to change the way things are, but rather voice your opinion and raise the flag for those of us that cannot, with your reputation and your influence, in helping us cut our deployments to shorter periods.

''We are not asking to leave Iraq or Afghanistan, but rather to cut time away from home. When you start stacking deployments on top of each other, families get broken. When that happens you get servicemembers who cannot perform.

''At what cost when your life is falling apart?

''Signed, Sergeant Baeza.''

Madam Speaker, that is what we are doing to our military families. That is what this resolution is about. It is about having the Iraqis accept responsibility for their own country and for their own responsibility and taking care of themselves. That is why we are doing this

Mrs. WILSON of New Mexico. Madam Speaker, I yield 5½ minutes to my colleague from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Speaker, watching television late last night I was reminded of the vivid contrast between Congress and the war on terror. On the one channel I watched Members of the House theatrically debating this nonbinding, that means pretend, resolution, while the other channel showed an American chopper hit by a rocket-propelled grenade and billowing black smoke, falling in the death spiral to the ground, killing all American soldiers aboard.

Tonight our soldiers face real bullets and real explosive devices; we debate a pretend resolution. I wish I could say this is merely a waste of time, but it is far more damaging than that. As Lincoln warned, a house divided itself cannot stand. Yet today our Congress stands divided for all the world to see. Our enemies are smiling and our soldiers are sick at heart.

Don't take my word for it. Let me read you an e-mail I received this week from a decorated Army soldier who served in the gulf war and again in Iraq on this war on terror.

He writes: ''The troops support the mission, support the President, and support the surge. We are moving the brigade out of here soon. I cannot be more adamant about the fact that partisan politics is hurting the mission and the morale. We want to win the war not the White House.''

I fear that some see that in the other order. The troops want to complete this mission. Congress wanted a change in the strategy, they got a change, now they don't want to support the change. That is exactly why Vietnam vets complained about politicians not allowing them to win. And this is not Vietnam all over again, but the politicians are making the same mistakes they did back then.

Let the generals run the war; you guys handle immigration. Well, listening to this debate, perhaps we should just turn the running of the war over to Congress. Unbeknownst to America, apparently the most brilliant, articulate military strategists have to be here in Congress. But a word of caution to my fellow MacArthurs and Pattons. It is easy to run a war when you are 6,000 miles from Baghdad and hold a microphone for a gun.

There can be only one Commander in Chief. The moment Congress begins interfering in battlefield decisions is the moment we are assured of losing this war and that moment is dangerously near.

I support this surge. If our military leaders and the Commander in Chief need these extra soldiers, I am behind them 110 percent. Am I certain the surge will work? No. But I am certain the consequences of failing in Iraq will ultimately cost us many more innocent lives and a much darker future, not just for Iraq but for my family and yours.

In Iraq and Afghanistan we are in a battle of wills. Should America retreat, should we withdraw prematurely, we will not only cement our reputation as a Nation that talks big and acts boldly, but at the first sign of difficulty shows no will, no backbone, no strength to keep our word.

The world saw our lack of will in Vietnam, they watched us run from Somalia, and today they see our backbone disintegrate over Iraq. They watched us for a quarter of a century, we wished away the terrorist attacks in Khobar, the USS *Cole*, and the first World Trade Center bombing.

Finally it hit home and already some in Congress are flying the white flag. Think. Nations like Iraq and Afghanistan who oppose terrorism are faced with a choice. They can live with terrorists among them or live in a free society with the protection and the backing of the world's greatest democracy. That is us. With their lives and the future on the line who will they choose? Is it not sad that today the world has just about decided that America will not keep its word, America cannot be counted on?

Terrorists know that while they can never hope to defeat our military on the battleground, they are assured if they just hold out, they can defeat us in Congress one opinion poll at a time. This is a test of wills, and whether we got here for the reason you agree with or not, it is a test. I believe we are here for the right reasons, and it is incredibly naive to believe that all of the terrorist organizations in the world were conveniently gathered in Afghanistan, like a Rotary Club.

We are wrong to pursue terrorist safe havens other than those that harbored al Qaeda on the some wobbly theory we should not pursue drug cartels other than the ones we believe smuggled in the drug that destroyed your child.

Due to technology and financing, terrorists are not limited to states and regions, and we have to pursue them. But whether or not you agree with how we got here, we are there in Iraq. And the nation of Iraq and our Nation have everything riding on the line. Eliminating Iraq as a safe haven for financing, training terrorist groups in the Middle East is a mission we must complete for our sake.

Thomas Edison once observed many of life's failures are people who did not realize how close they were to success when they gave up. If we fail in Iraq, we sentence our children to a lifetime of fear, of fear of going to the mall safely, going to work each morning and returning home safely, the fear of going with friends to a sports stadium without being torn apart in an explosion.

If we believe the price of war is high, wait until we endure the price of terror here in America. Our soldiers are giving their blood, what are we giving them? A resolution.

Mr. SPRATT. Madam Speaker, I yield 5 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Madam Speaker, I rise today in strong support of this bipartisan resolution that expresses disapproval of the President's escalation of troops in Iraq. In October of 2002, I stood on this floor in this House and voted against giving the President authority to wage war in Iraq. And I did so because I strongly believed that Congress should not abdicate its war powers and hand over to the President a blank check on the war.

I also recognized, having served on the Armed Services Committee and on the Terrorist Task Force prior to 9/11, that the evidence was not there. I may not agree with how this war has been handled, but I, along with everyone here and all of my colleagues on both sides, firmly stand by our troops. It is our servicemen and -women who are making a great sacrifice on the battlefield on behalf of all of us here in this Chamber and everyone across the United States.

And they, the troops, all deserve our unequivocal support. This war is creating a new generation of veterans and a new generation of needs for them. Today, over 25,000 both dead and wounded have been reported, while this body continues to appropriate billions of dollars to the administration for this war.

Let us remember our veterans and the cost to fulfill the promise that we have made to them for medical care. Today, the issue is not whether we were right or wrong to grant the President such broad authority in regards to this war in Iraq, but instead how he has exercised that power, what the results have been, and what his plans are for the future.

We have now entered the fifth year of this war. And I ask you, what progress have we made? What is our exit strategy? It is not a new question. It was a question that was raised from the very beginning when we went into this war, and when we raised it in the Armed Services Committee. This war and the reckless strategy behind it have cost us Americans some $532 billion, and over 3,100 American lives, as well as over 3,000 serious injuries.

It has resulted in increased sectarian violence and an uncertain future in Iraq. Madam Speaker, I think most of us here know that we need a new direction, and a new direction is justified. I can assure you that the American people want a new direction.

But what the President has offered to them is more of the same. The President is now asking for a massive escalation of over 20,000 troops. The escalation plan will not work, just like the previous troop surges that we have had have not worked. Madam Speaker, the American people have asked and have had enough. And with an up-and-down vote on this resolution, this Congress will not only send a message to the President regarding his misguided policy, but also send a message to the American people that their Congress is listening, it is here, and it is calling for a new direction.

I oppose this escalation plan because more troops in combat means more casualties and more loss of American lives. I have been to Walter Reed Medical Center, and I have seen our injured young men and women coming back from the battlefield. I have seen the sacrifice of what this war has done to our families and our loved ones.

Earlier this week, my office was visited by Mr. Jim Goodnow. He is a veteran from my district and an active member of the Veterans for Peace. Mr. Goodnow has traveled all over the country from his home base in Terlinqua, Texas, aboard his bus dubbed the Yellow Rose. He has been spreading the message of peace for many years.

Mr. Goodnow is not alone. And with this resolution we want to make it clear that this Congress and America and the American people have had enough. No more blank checks, no more violence, and no more escalation.

□ 1915

Madam Speaker, it is time that we stand by our country and stand up for our troops. I strongly urge my colleagues to support this bipartisan resolution.

Mrs. WILSON of New Mexico. Madam Speaker, I am pleased to yield 5 minutes to my colleague from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. Madam Speaker, I rise today in support of our troops and in support of victory in Iraq.

It is hard to ignore the inconvenient truth that this ill-timed measure will aid the terrorists and depress the morale of our soldiers who are fighting to defeat them. It also sends a wrong message to our troops at exactly the wrong time. They are carrying out their mission, as I speak, while we here in the Congress are condemning them.

It amazes me that at the same time General Petraeus was confirmed by the Senate, this resolution was introduced condemning his counterinsurgency plan for victory.

Never in our history has this country sent a war leader into battle, while condemning the very mission that he and the Armed Forces will be leading.

Make no mistake, this resolution is the first step towards cutting off funding for our troops. As a consultant to the Iraq Study Group, I supported the findings that failure is not an option, and that a troop surge is necessary for security and stability. I also supported the recommendation that a political and diplomatic surge is essential for peace.

The time for evaluating the success or failure of this endeavor will come soon enough, but now is not the time to be sending a message to friend and foe alike that we no longer believe in the mission.

But many in this country and many in this Chamber insist it is in America's interest to surrender and retreat from our obligation to help Iraq build a stable democracy. They say that, knowing full well the consequences of an early American withdrawal.

And what are those consequences? Chaos, instability in the region, and, in al Qaeda's own words, a threat that America has never seen before.

Recently, the ambassadors from Jordan, Egypt and Saudi Arabia told me that ''if the U.S. fails here, it will be catastrophic. We are in this together. They will come after us and then they will come after you.'' And then they will come after you.

Recently, after meeting with them, I had to say to myself, how will history then judge us; that when we stood at the brink, we chose retreat over advancement, surrender over victory, and defeatism for our children and for future generations?

Let us remember the words of President Kennedy, when he said: ''Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and success of liberty.''

Where is the party of President Kennedy today? This resolution sends a clear message across the Islamic jihad world that we will not bear any burden, that we will not oppose any foe, that we have lost our will, that they have won, and that they can come and they can get us.

I believe Abraham Lincoln summed it up best by saying that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion, that we here highly resolve that these dead shall not have died in vain.

As Members of Congress, the most sobering job that we have is to comfort the families left behind in a time of

great loss and a time of war. I have stood by, like many of my colleagues, to honor those who have paid the ultimate sacrifice for freedom. We all stand here today indebted to those brave Americans and their families.

And because those heroes and those families cannot speak on the floor of the House, I would like to share some of their words here with you today. And these are the words of Janet Norwood, a constituent, a Gold Star Mother, whose son, Byron, was killed in Fallujah while serving in Iraq. And she said: In the past I have always had great hope for this country. But, for the first time, during the State of the Union address last month, I had real doubts. I had doubts about our winning this war on terrorism. She said, When President Bush used the word ''victory,'' only half of the room stood to applaud. My heart sank. It was obvious to me at that moment that party affiliation was more important to some than victory over evil and the sacrifice our son and other sons have made.

Well, to Janet and all the other Gold Star Mothers, I say, I couldn't agree more. And as Abraham Lincoln said, a house divided cannot stand.

September 11 changed our lives forever. But the war on terror started long before that. The year 1979 changed the world. When Iran took our embassy hostage, the seeds of Islamic jihad were spread all over the Middle East.

These seeds planted hatred and contempt for freedom in the souls of men like Osama bin Laden. In 1983, they murdered our marines in Beirut. In 1993, Ramzi Yousef and his al Qaeda associates bombed the World Trade Center. They were supposed to fall that day, but that day would come later.

They struck the Khobar Towers in 1996. They bombed our embassies in Africa. They defeated us in Somalia. And they deliberately attacked the USS *Cole*.

Each time we failed to respond. And then came September 11. It was as if the United States was a sleeping giant. And not until the bloodiest alarm of 9/11 did the giant finally awake. And America cannot afford to go back to sleep again.

''It is hard to ignore the inconvenient truth that this ill-timed measure will aid the terrorists and depress the morale of our soldiers who are fighting to defeat them.'' It also sends the wrong message to our troops at the wrong time. They are carrying out their mission as I speak, while we here in Congress are condemning it.

The time for evaluating the success or failure of this endeavor will come soon enough, but now is not the time to be sending a message to friend and foe alike that we no longer believe in this mission.

It amazes me that just as General Petraeus was confirmed by the Senate, this resolution was introduced condemning his counter-insurgency plan for victory.

''Never in our history has this country sent a war leader into battle while condemning the mission that he and the armed forces he will be leading have been asked to complete.''

Make no mistake; this resolution is the first step towards cutting off funding for our troops. As a consultant to the Iraq Study Group, I supported the findings that a troop surge is necessary for security and stability. I also supported the recommendation that a political and diplomatic surge is essential for victory.

But many in this country, and many in this chamber, insist it is in America's interest to surrender and retreat from our obligation to help Iraq build a stable democracy. They say that, knowing full well the consequences of an early American withdrawal.

And what are those consequences—

Chaos. Instability in the region. A threat that America has never seen before. A threat that we will not be able to blindly put our head in the sand and wish it to go away.

Al Qaeda has openly said that they consider Iraq the central front in the ''Third World War.'' Their goal is to create a Caliphate with Baghdad as its capital. Their plan is to then conquer the rest of the world and force all humanity to submit to Radical Islam.

The National Intelligence Estimate released last month stated, ''If Coalition forces were withdrawn rapidly . . . this almost certainly would lead to a significant increase in the scale and scope of sectarian conflict in Iraq.''

Our allies agree. The Ambassadors from Jordan, Egypt and Saudi Arabia recently told me, ''If the U.S. fails it will be catastrophic. We are in this together . . . they will come after us and then they will come after you.''

How will history judge us then? That when we stood at the brink we chose retreat over advancement, surrender over victory, and defeatism for our children and for future generations.

Let us remember the words of President Kennedy when he said:

> Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty.''

Where is the party of President Kennedy today? This resolution sends a clear message across the Islamic Jihad world—that we will not bear any burden—that we will not oppose any foe—that we have lost our will—that they have won—that they can come and get us.

We are better than that.

We are Americans—the same Americans who defeated the most powerful country in the world at the time to win our independence.

We are the same Americans who defeated Fascists in Japan, Germany and Italy.

We are the same Americans who defeated the scourge of the Soviet Union, liberating millions more.

Now we face yet another challenge—defeating the jihadists and an ideology of hate. But our colleagues on the other side of the aisle say ''We will support the War on Terror, except where the terrorists have chosen to fight it.''

Our previous struggles were not easy, they were hard and required great sacrifice. Yet all of these challenges were met, and victory was won, and the world is a better place because of it. This struggle is the same. If we give up now, we betray not just the Iraqi people, and not just our place in history, but those who have paid the ultimate sacrifice.

I believe Abraham Lincoln summed it up best by saying:

> . . . that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain . . .

As Members of Congress, the most sobering job we have is to comfort the families left behind in a time of great loss, in a time of war. I have stood by, like many of my colleagues, to honor those who have paid the ultimate price for freedom. We all stand here today indebted to those brave Americans and their families. They are true heroes.

Because those heroes and their families cannot speak on the Floor of the House, I would like to share some of their words today. These are the words of Janet Norwood, a constituent and Gold Star Mother, whose son Byron was killed serving in Iraq. She said:

> In the past, I have always had great hope for this country, but for the first time, during the State of the Union Address last month, I had real doubts about our winning this War on Terrorism. When President Bush used the word ''victory'' and only half of the room stood to applaud, my heart sank. It was obvious to me at that moment that party affiliation was more important to some than victory over evil and the sacrifice our son and others have made.

To Janet and all of the other Gold Star Mothers, I say, ''I couldn't agree more.'' As President Lincoln once said, ''A House Divided Cannot Stand.''

Mr. SPRATT. Madam Speaker, I yield five minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Madam Speaker, in just a few weeks, America will begin its fifth year in the Iraq conflict. In that time, 3,117 members of the United States military have died, and over 23,000 American soldiers have been injured. $532 billion has been appropriated by Congress or requested by the administration.

You only need to talk or read letters from many of the returning military personnel or their families to understand that the mission in Iraq is unclear and the goals remain undefined. Our men and women are not certain if they are fighting Sunnis or Shiites, and often it depends on where they are in order to determine the answer to that dilemma. In essence, our military personnel are in the midst of a civil war, the flames of which were fanned by centuries-old animosities.

This week Congress has been addressing a resolution that reiterates its support for the troops and states clearly its opposition to escalation.

The first point could easily go unspoken. After all, we are exercising the very freedom of speech and debate that our Constitution requires, the public demands, and our men and women in uniform serve to protect.

The second point of the resolution speaks to the clear determination, as evidenced on November 7, 2006, that America does not support the President's planned escalation of this conflict.

Three previous troop buildups have already proven unsuccessful. In the first, from November 2004 to January 2005, troop levels in Iraq increased by about 18,000 troops. They did that in advance of the Iraqi elections held on January of 2005, and the number of daily attacks by insurgents rose to 61 from 52 the previous month, an increase of 17 percent.

On the second troop buildup, from June 2005 to October 2005, troop levels increased by approximately 21,500, and the number of daily attacks by insurgents in October of 2005 rose to 90, from 70 just 2 months earlier, an increase of 29 percent.

And the third troop buildup occurred from May 2006 to November 1 of 2006 when U.S. troop levels in Iraq increased by approximately 17,500 troops, and the number of daily attacks by insurgents in October of 2006 rose to 180, from 100 just 4 months earlier, an increase this time of 80 percent.

Now the President says he want to change course, but once again he proposes to only stay the course as he seeks to send in more personnel, and we still wait for the Iraqi forces to stand up.

Madam Speaker, 132 of my colleagues and I exercised the correct judgment in October of 2002 when we voted against the war in Iraq. We recognized then that this administration's claims that Saddam Hussein posed an imminent and direct threat to the United States were hyped up and many rightly foresaw that an American occupation of Iraq would, as one colleague recently said, be of undetermined length, of undetermined cost and undetermined consequences.

Tragically, this administration was not deterred. It has been flat wrong on pretty much all of its pre-war and subsequent judgments with respect to Iraq, with its questionable use of intelligence, its failure to plan, and its failure for far too long to protect our troops once they were there.

We knew then what has become painfully obvious since, that rather than open a new front and destabilize a new area in Iraq, we should have secured Afghanistan and addressed terrorism at its source as it was embodied by Osama bin Laden and others. The proposed escalation is not the answer.

Why, after such a debacle and such a dismal record, would this administration even think to follow the advice of the same people that got us into this situation in the first place?

The proposed surge or escalation is as baseless as was going into Iraq in the first place.

The latest National Intelligence Estimate, even that part that is unclassified, which I would imagine or speculate certainly puts the administration's best foot forward, states that even if violence is diminished, Iraq's absence of unifying leaders makes a political reconciliation doubtful.

Not enough capable Iraqi troops are showing up to fight. Not enough armed vehicles are available to protect the new American deployments. The State Department cannot recruit enough civil officials to manage the latest push to turn up the electricity in Iraq or to help with reconstruction.

And so Congress must, and I think they are going to this week, pass a resolution that reiterates our support to our troops and opposes the escalation. That action, I sincerely hope, will be followed by action which will prohibit the use of Federal funds to increase the number of troops above the number existing in Iraq on January 9, 2007.

The large majority of Americans are waiting for action by this Congress to insist that we begin redeploying our troops from Iraq and complete that redeployment as quickly as possible in a measure done in months, not years.

In essence, this week's action should be the beginning of a relatively short process, culminating in the redeployment of American troops from Iraq, and energizing diplomatic efforts and international efforts to stabilize that nation and ensure its security, while it provides for a platform to redirect the necessary attention to the unfinished business of Afghanistan and focus, Madam Speaker, our efforts on terrorism, both short term and long term.

I urge my colleagues, Madam Speaker, to support this resolution and take what I expect will be the first step in charting a new course in Iraq.

Mrs. WILSON of New Mexico. Madam Speaker, I am pleased to yield 5 minutes to my colleague from California (Mr. MCCARTHY).

Mr. MCCARTHY of California. Madam Speaker, I thank the gentlelady for yielding and for her service to the country.

Madam Speaker, I rise today in a different position than the majority of this body. You see, I am one of the 54 newly elected Members of this Congress. We did not have the opportunity to debate and vote on the authority to use military force in Iraq.

Madam Speaker, I want to have an honest debate, not for political gain and not one that questions anyone's patriotism, because I believe everyone in this body wants to move this country in the right direction.

But I believe the right direction means that we move forward, not backwards. On this floor today is a nonbinding resolution that I believe moves us backwards. This resolution offers no hope to the American people. It offers no plan of action, no new strategy with the prospect of achieving success.

A lot has changed since last November's election. We have a new Defense Secretary, recommendation from the bipartisan Iraq Study Group, and a new general, General David Petraeus. He will lead our troops on the ground in Iraq.

We have a new plan, a new way forward that addresses the problem of security in Iraq through a strategy that requires more ground power. This reinforcement of troops is recommended by the study group, and we will also hold the Iraqi Government accountable to establish and preserve the peace.

Our Commander in Chief, the military commanders, and our troops believe we can still achieve stability in Iraq.

But this resolution would be the first step in gutting the very resources necessary to achieve success. This resolution offers nothing.

The Commander in Chief, the bipartisan study group, and General Petraeus offer a new way forward. This resolution offers the status quo. The status quo is a mandate to fail and begins the chain of events that lead to a precipitous withdrawal from Iraq and all the consequences that would inevitably follow.

And what would those consequences be?

Withdrawal makes the young Iraqi democracy vulnerable to takeover by extremist elements that hate America.

What would withdrawal mean for the stability in the Middle East?

What would generations of Iraqis believe, that Americans will quit before the job is done?

Who will fill the void of our strength, al Qaeda, Syria, or a country like Iran that threatens regional stability through an aggressive nuclear program, that supports terrorist groups like Hezbollah, and that possibly supplies weapons to insurgents killing our troops?

Withdrawal only strengthens terrorist groups fighting the United States and demoralizes our American troops.

I may be new to this House, but I recognize when a simple, nonbinding resolution has potential to do great damage to our Nation and to our men and women in the military.

I believe that, by voting for this resolution, the House will send a demoralizing message to our service men and women who are courageously implementing this strategy. By voting for this resolution, the House will strengthen our enemies and tell them that the end is near; that the Congress will continue to undermine our Commander in Chief, our military commanders, like General Petraeus and our troops, by cutting funding or demanding further retreats.

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By voting for this resolution, the House will snuff out the hope of democracy that millions of Iraqi people have. By voting for this resolution, the House will begin a process that leads to the creation of a dangerous power vacuum in Iraq to be potentially filled by those who mean America great harm.

I ask the Members to join with me in voting ''no'' on this resolution.

Mr. SPRATT. Madam Speaker, I yield 5 minutes to the gentleman from New Mexico (Mr. UDALL).

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Madam Speaker, I rise today in support of this important resolution and with great hope that this debate and vote will signal an important step towards the end of the Iraq war, a war so ill-conceived, so ill-planned for, and so ill-executed that it has cost our Nation almost $400 billion, ignited a civil war, and further destabilized an already fragile Mideast region. Most importantly, this war has

resulted in the deaths of over 3,000 of our bravest military men and women. These men and women enlist in the Armed Forces trusting that their Commander in Chief will send them into harm's way only as a last resort and only with a clear plan for victory.

Madam Speaker, on both of these counts, the President has failed our soldiers.

It is time for us to redeploy our troops and redeploy them now. We have an opportunity to send a loud and resolute message to the President that his misguided judgment must cease, this war must now be subject to intense scrutiny and accountability by this Congress; and that he must heed the will of the American people, the overwhelming majority of whom now strongly disapprove of his handling of this war. Sadly, however, this President is tone-deaf when it comes to the most pressing issue of the day.

For the past 4 years, the President repeatedly stated that troop strength in Iraq would come from recommendations by generals on the ground. Yet by moving forward with his escalation plan, the President is ignoring solid military advice. General Abizaid, CENTCOM commander, stated: ''I do not believe that more American troops right now is the solution to the problem. I believe that the troop levels need to stay where they are.'' Additionally, according to various reports, General Casey repeated to the NSA Director his warnings that to send more troops to Iraq would be counterproductive. He believed it might make the Iraqi Government less likely to defend itself.

That concern was shared by the Iraq Study Group. In one of their recommendations they stated that the Iraqi Government must make substantial progress on national reconciliation, security, and governance. Without progress, we should reduce our political, military, and economic support for the Iraqi Government.

Tragically, the Iraqi Government has shown no progress on any of these fronts. We must not be a security blanket for an ineffectual government. But the President's escalation plan is exactly that, asking little of Iraq's Government while putting the lives of our soldiers squarely in the crosshairs of Sunni extremists and Shiite militias.

Many in the military leadership have stated that the solution to the Iraqi quagmire at this point must be 80 percent political and 20 percent military. This escalation plan is 100 percent military with no significant political breakthroughs either having been reached or even on the horizon. Rather than implement a rigorous diplomatic strategy, the administration has instead begun escalating the rhetoric with Iran, causing many people throughout the Nation and the world to fear another misguided military action.

Our soldiers have done everything that has been asked of them, and more. They have served bravely and honorably. They have trained Iraqi forces to the best of their abilities. But they cannot be asked to calm the sectarian violence ripping Iraq apart without leadership from Iraqi politicians. Yet the President is asking exactly that.

Last year, after visiting Iraq, I called for a phased redeployment by the end of 2006. That time has come and gone. Today I call on the President to finally listen to the American people. Today I call on the President to finally listen to the Congress. It is time to move our troops out of the middle of this civil war.

I urge my colleagues to support this resolution and send a clear message to the President that the time for this war is over

Mrs. WILSON of New Mexico. Madam Speaker, I am pleased to yield 3 minutes to my colleague from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, whether you are for or against the war in Iraq, whether you think the administration has done a good job or not, none of that, Madam Speaker, is the subject of this resolution. The issue that we are here debating now is whether or not we support the reinforcements that the Commander in Chief has sent to Iraq.

At the request of the commanders on the field, the Commander in Chief made the decision to send the requested reinforcements to Iraq. Many of them are already there, Madam Speaker. Those fine men and women have already been sent to Iraq.

The tragic effect of this resolution is to sabotage the morale of our troops and to broadcast to our enemies that Congress does not support our soldiers' mission.

Our Nation's troops are the bravest and most dedicated men and women on this Earth. They are risking their lives every single day to preserve our freedom and to ensure the safety of all Americans. They are not letting us down. We cannot let them down.

Again, Madam Speaker, the issue here is not whether you support or you oppose the war. It is whether you support our troops.

Every American, Madam Speaker, every American should agree that it is in our Nation's best interest to ensure that Iraq does not fall into the hands of terrorist groups or of a terrorist state like Iran. The consequences of that happening, the consequences of that happening, would be catastrophic for the region, for our allies in the area such as Israel, Afghanistan, Jordan, Egypt, and others, and for the United States of America. We cannot pretend, we cannot pretend, that this ill-timed resolution expresses anything other than a rejection of our troops' mission.

Our troops deserve much better than this. What our troops deserve, Madam Speaker, is our unwavering support. I refuse to let them down, and that is why I will be voting against this resolution.

Mr. SPRATT. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Madam Speaker, I thank the gentleman for yielding.

I rise in support of this resolution.

Let me just say, as Chair of the Veterans' Affairs Committee of this House of Representatives, no matter where we stand on this war, no matter where we vote on this resolution, we are going to make sure that the brave young men and women who come home get all the care and all the support they need from a grateful Nation. We will show what support of the troops means when they do come home.

Now, those who voted for the war back in 2002 are sometimes asked, Knowing then what you know now, how would you have voted?

Well, Madam Speaker, we knew then what we know now, and we know now what you are going to know a year or two from now.

Let me read to you what I said 4½ years ago when we had the debate on Iraq: ''I rise in opposition to this resolution to grant unilateral authority to the President. I cannot believe that the Members of this body are ceding our constitutional authority to this President. And they can give me all the fancy whereases and phrases and put all the fig leafs and write all the report language they want, but this is a blank check. This is a Gulf of Tonkin resolution. This is a violation not only of our Constitution but will lead to a violation of the U.N. charter.

''Wake up, my colleagues. Why would anyone vote to do that? That is not our constitutional responsibility. And when we vote on this resolution, will America be safer? No, I think America will be less safe. We will dilute the war against terrorism. The destabilization of the area will lead to the increased probability of terrorists getting nuclear weapons. Al Qaeda is probably cheering the passage of this resolution. Now is their chance to get more weapons.'' I said that then.

Then we talked about the imminent threat. You guys threw the imminent threat at us. What a lie. And what are you saying now? We are emboldening our enemies and demoralizing our troops. I heard the word ''sabotage.'' I heard the word ''retreat.''

I will tell you what demoralizes our troops, my colleagues. What demoralizes our troops will be the failure to provide adequate health care when they get home. What demoralizes our troops is the story of just a couple weeks ago when a young marine went to a VA hospital in Minnesota suffering from PTSD, and they said, You have got to go on a waiting list. And this young man committed suicide. That is what demoralizes our troops. That is what we have to prevent here, and that is what we are working on to do.

I said back in 2002: ''I have heard all my colleagues on the other side calling us appeasers, those who are going to vote against this resolution. We are

wishful thinkers. We have our eyes closed. We sit on our hands.'' And, of course, now we want to cut and run.

Well, I tell you, Madam Speaker, no one on this side is suggesting cutting and running. Making peace is hard work. Just ask Dr. Martin Luther King, Jr. Ask Gandhi. Ask Nelson Mandela. They didn't cut and run. They were peacemakers. And they changed the history of this world.

So let us not hear talk of retreat and sabotage and surrender. We want action for peace. We want it now, and we want the United States to be part of that action.

I said also in 2002, Madam Speaker: ''There is a whiff of Vietnam in the air. I had a constituent call me and say, 'You know, if you enjoyed Vietnam, you are really going to love Iraq.' The mail is running 10–1 against this war. Protests have already begun around the Nation and around the world.''

I said to the President then that ''you came to the office as a uniter, not a divider. Yet we have gone down the road to division in this Nation. You can see it. You can smell it. You can hear it. And we are going to get more.

''So let us not go further down that road, Mr. President. Rethink this policy. A country divided over war is not a country that is going to make any progress. Let us have a rethinking of this war.''

That is what I said in 2002. You guys didn't want to listen to us then. The President didn't want to listen to us then. You really should listen to us now and listen to the people of America who voted in 2006 to change this policy.

Let us respond to the American people. Let us vote against escalation. Let us begin to bring the troops home. Vote ''yes'' on this resolution.

Mrs. WILSON of New Mexico. Madam Speaker, I am pleased to yield 5 minutes to my colleague from Pennsylvania (Mr. TIM MURPHY).

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I want the American men and women serving in Iraq to come home. I want this war to end. I want the violence to stop, the injuries to stop, the deaths to stop, and I also want terrorism to stop.

Over the last few weeks, many of my constituents told me these same feelings, their strong feelings in support of or against this resolution.

I hear your concerns. No one can doubt your love of your country. Like you, I am deeply concerned about the direction of this war. Like you, armed with the knowledge of the present, the strategies of the past were too often incomplete. The intelligence was misinterpreted or inadequate.

The comments made here today on this resolution will be listened to by Iraqis and al Qaeda and the soldiers in the field right now, the marines on the high seas headed that way, and the thousands who already are on the offensive. Here is my message to them: Arab countries have told us that if we left now the results would be catastrophic. I want those Arab countries to impress upon the Sunnis and the Shias the absolute need to work for peace now. I want the United States to actively engage in diplomatic efforts with all Arab nations. There is no more time for delay. I want the Iraqi military to step up and take over combat operations, to be the tip of the spear, and for our troops to shift our mission to training and support. I want to see the Iraqi Government stand strong where every group feels respected and protected and all feel they have a future of hope.

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There is no time for delay.

I also want Republicans and Democrats to sit down together and discuss how to make these things come to fruition. I want us to review the recommendations of the bipartisan Iraq Study Group, to talk about which recommendations are worthy of implementation. I want us to thoughtfully, carefully and responsibly discuss not only what action we should take in Iraq, but to weigh the full consequences of any action and to offer real ideas, real strategies and real solutions.

I want this Congress to support our soldiers, every one of them; to tell them we value them and pray for them and their families and will give them what they need to do their job. I want all of them to know that we will stand with them until the last one returns home. And I want them to know that policy comes before politics, and that no poll, no political plan, no political threat should ever undermine our allegiance to doing what is right for our soldiers and our Nation. I want them to know that their work, their risks, their fighting, has meaning and purpose, and must be immune to the politics of Washington.

I want the soldiers and airmen from the 171st, the 99th and the 911th in Pittsburgh, and all our National Guard and Reservists and active duty to come home. I want their families to be able to embrace them, their children to be tucked in at night by them and our towns to be able to show the affection of a grateful Nation. But while they are there, while they stand sentry with eyes on the horizon, ride in their convoys or walk on patrol, I want their minds on the critical task of that moment.

I spoke this week to the mother of a soldier who was just killed in Iraq, Russell Kurtz. A finer and a braver man you will not find. I asked her what she thought about this discussion of sending more troops to Iraq, and she said, ''I would rather have more troops there helping my son.''

Dom DeFranco, the Pennsylvania Commander of the VFW, wrote this letter to the editor of the Almanac Newspaper. I will submit the whole letter, but let me read this. He said, ''Even with their pride, honor and dedication motivating them patrol after patrol, bad morale can bring down even the toughest warrior. As a Vietnam veteran, trust me, it cuts deep. Regardless of where you stand on the current war on terror, troops get the message that they are wasting their time when politicians and citizens make headlines criticizing military action.''

Madam Speaker, I include the entire letter for the RECORD.

TO THE EDITOR: Men and women are risking their lives in the Middle East trying to restore peace to an oppressed population. Their military gear and encampment offer some protection, but the threat of life-changing physical and mental wounds is constant. So is the challenge to always be mission-ready, prepared to make life and death decisions in a split second. A grueling situation for sure.

However, even with their pride, honor and dedication motivating them patrol after patrol, bad morale—especially when fueled back home by demonstrations and political grandstanding—can bring down even the toughest warrior. As a Vietnam veteran, trust me—it cuts deep.

Regardless of where you stand on the current War on Terror (The Veterans of Foreign Wars does not take sides in debates about military action), troops get the message that they are wasting their time when politicians and citizens make headlines criticizing military action.

As the debate about the War on Terror continues, I urge citizens and politicians to stay focused on providing our troops with all of the combat equipment, supplies, and personnel they need to be the most effective fighting force possible. Democracy affords politicians and citizens effective ways to debate policies without sending morale busting messages from the home front. Life on the front lines is tough enough without taking incoming salvos of negativity from back home. They also need our emotional support.

Like you, I want our troops home as soon as possible. But as long as they are in harm's way, we should back them with the full resources of our nation—in material, personnel and supportive messages. Anything less will have a negative impact on their morale and possible their safety.

Madam Speaker, listen to this comment from the American Legion regarding their unanimous support for the current action in Iraq and the increase in troops and their caution or political rhetoric. They said, ''Veterans of the Vietnam were remember what it was like to fight without the support of the people back home. You couldn't separate the war from the warrior then, any more than we can today.''

While our soldiers are there, I will support them with everything they need in terms of armor and ammunition, bullets and bread, weapons and words.

I will continue to work for all of these things, but for this point in time, while our soldiers are on the battlefield, I want to be able to look them in the eye and say at your moment of need, I backed you up on the battlefield.

Mr. CLYBURN. Madam Speaker, pursuant to section 2 of House Resolution 157, and as the designee of the majority leader, I demand that the time for debate on the concurrent resolution be enlarged by 1 hour equally divided and

controlled by the leaders or their designees.

The SPEAKER pro tempore (Ms. DEGETTE). Under the rule, that will be the order.

Mr. SPRATT. Madam Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Madam Speaker, I support the resolution before us today. In clear and succinct language it says what I believe must be said regarding the war in Iraq that America is engaged in by the choice of President Bush.

I support our men and women on the front line with all the training, the body and vehicle armor and the equipment they need to be successful at the task that they have been given, and I support them as they return, whether safe and sound or scarred by grievous wounds. Almost 24,000 have been wounded, and many returned broken in body or spirit. Many have suffered permanently disabling wounds. Thousands of others, not physically wounded, suffer severe traumatic stress disorders. And all will need and must be given the care and rehabilitation they have been promised.

America mourns the loss of more than 3,000 of our soldiers since that fateful first day of May in 2003 when President George W. Bush triumphantly proclaimed ''Mission Accomplished.'' At no time in the 220 years since the founding of our Nation has America suffered such casualties during an occupation following war. This occupation has been spectacularly mismanaged, yet Americans are asked to suspend doubt and support an already used tactic, placing almost 20,000 additional troops on the ground around the clock, with our young men and women caught between the combatants in the civil war raging in Baghdad's urban streets and neighborhoods.

I oppose this escalation. It is 4 years too late and more than 100,000 troops too few. The tactic itself has been used repeatedly over the last 4 years, with dangerously counterproductive results. Each time this tactic has been used, it has left behind greater hatred for the occupation and the occupiers, as well as thousands of new recruits for the insurgency or al Qaeda. I believe that this escalation will be remembered for the deaths of many more American soldiers and Iraqi civilians.

President George W. Bush has repeatedly cited the 300,000 strong Iraqi army and police force which we have spent billions of dollars to train and equip. They should be pacifying their capital city. As dysfunctional as it is, the Iraqi government which we created must decide whether they want all-out civil war or a stable, unified Iraq, with oil revenues fairly distributed and with changes to their Constitution to assure the rights of 40 percent of the population who are not Shia Muslims. We cannot decide that for them.

The civil war will continue and our casualties will continue to mount until we disengage our forces from a direct military role, except to deny haven to al Qaeda. We must place responsibility directly on the Iraqi government.

At this very late date, virtually everyone agrees that peace and stability for Iraq cannot be secured militarily, but only politically. Our best chance for a positive outcome to this tragic and unnecessary war is outlined and unanimously recommended by the Iraq Study Group, led by former Secretary of State James Baker and former Congressman Lee Hamilton.

We should substitute a robust, multifaceted diplomatic campaign to discourage all of Iraq's neighbors from engagement in the growing civil war and to gain support and assistance for a stable, unified Iraq. That diplomatic campaign must involve major powers and regional groups like the European Union and the Arab league, along with all of Iraq's neighbors, without exception or precondition. The U.S. should always be willing to talk. In every way, talk is far less costly than war.

In a month, the war in Iraq will have gone on 4 years, well beyond our participation in World War II. It is time to begin bringing our troops home.

Mrs. WILSON of New Mexico. Madam Speaker, I am pleased to yield 5 minutes to my colleague from Ohio (Mr. HOBSON).

Mr. HOBSON. Madam Speaker, I want to begin by saying that last night when I was watching the floor debate, my colleague from Connecticut, CHRIS SHAYS, gave one of the best speeches on where we are with regard to the war in Iraq. It was a comprehensive overview of the current situation, and I agree with his views on this debate, and I would like to associate myself with his comments. I hope that my colleagues and those who are following this debate will take a moment to read his remarks.

Like Mr. SHAYS, I rise in opposition to this resolution. This is the wrong resolution to be considering if we in Congress are supposed to be fulfilling our responsibility to provide oversight on how this war is to be conducted. Rather than debating the so-called surge, which is actually taking place, we should be debating how to put policy in place that will bring stability and ensure the security of the American people.

Admittedly, the administration has made mistakes in the execution of this war. Many of us, both Democrats and Republicans, have been telling them that from the beginning. Among a number of things that we have been saying has been that they had enough troops to win the war, but they didn't have enough troops to win the peace. But we can't correct those mistakes. What we can do now is to find a strategy on how best to go forward.

So the question becomes, what can we do now that gives the Iraqis the best chance to take control of their country, while also allowing our troops to return home with honor? We owe it to the parents and the families of the men and women who have fought and died in this war to not let their lives be lost in vain. That is the message that I have heard many times when I have met with those families in my district and one that many of my colleagues have also heard.

Last month, I went on a bipartisan congressional delegation trip to Iraq, Afghanistan and Pakistan. While we met with the U.S. troops and commanders, we also had a chance to meet with the leaders of those countries, including the prime minister, al-Maliki. He told us that if his country had the command and control equipment and our backing, the Iraqis could begin to take over their own security in 3 to 6 months and that we could begin to redeploy up to 50,000 of our troops.

Madam Speaker, we need to make sure that Prime Minister Maliki has the tools and resources to do just that. Frankly, the American people would be better served if that were this debate, instead of this nonbinding resolution.

Our focus should be on fixing what needs to be fixed so that the Iraqi people can take control of their country's fate, like they did 2 years ago when they held their first free elections in 50 years.

This action will require several steps. For example, as several of my colleagues have already mentioned, the bipartisan Iraq Study Group supports a short term surge of American combat forces to stabilize Baghdad. This is being done. The group also recommended that there be more diplomatic outreach in the region to include countries like Egypt, Saudi Arabia, Kuwait, Syria and even Iran, and this needs to be done by the administration.

Further, it is imperative that our U.S. troops begin to transition from a combat role to one focused on training, counterterrorism, force protection and controlling Iraq's borders.

My colleagues, the world is watching. Our friends, our enemies are watching and waiting to see what our next move will be. A retreat from Iraq would lead to even more instability in the region and create a haven for terrorist groups who despise freedom and our way of life.

What kind of message are we sending when we engage in debate that is essentially a political exercise, rather than one that is on substantive strategy on how to bring stability to the region?

Madam Speaker, we cannot accept defeat, but we must insist on making the changes necessary so that the Iraqi people can take the fate of their future in their own hands. There is a phrase that has often been repeated since the war began, and that is as Iraqi forces stand up, U.S. forces can begin to stand down. Defining a workable strategy to achieve that goal should have been the focus of this week's debate, rather than this nonbinding resolution that will not bring us a step closer to stabilizing Iraq and bringing our troops home or achieving stability in this region of the world.

Again, I urge my colleagues to oppose this resolution.

Mr. SPRATT. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Madam Speaker, I am here today to support the resolution.

Madam Speaker, I won't spend a lot of time assessing the blame and the responsibility for the quagmire that our Nation finds itself in in Iraq, but I do find it curious during this debate that the opponents of this resolution want us to believe that the history of the Iraq war begins today, that it has no past, that it has no consequences, just a doubtful future. This head-in-the-sand attitude, while politically expedient, denies reality and truth.

Rest assured that history will not be kind to the decisionmakers and the decider of this war, nor will it be kind to a Congress that looked the other way.

The resolution before us today is a first tentative step toward the removal of our troops from Iraq. The escalation proposed is another desperate act opposed by the American people and former military leaders.

The resolution does not demoralize our troops nor embolden the insurgents. To the contrary, this resolution offers hope to our troops that an end is in sight and that their elected representatives in this House are not passing on their authority regarding the most important issue confronting our Nation today.

I personally know families whose loved ones have been lost, badly injured or profoundly intangibly affected by this war. Our commitment should be to those families and veterans who need our full measure of support. Our gratitude should be measured in real resources for veterans, and not empty platitudes and political rhetoric expounded to justify an irreparable failure in Iraq.

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The focus of this debate is not centered on our soldiers who are nobly doing their duty and following their orders. It is directed at those who set policy and who have produced a war without end, with no plan of success or exit, with no international strategy, who now turn to a desperate and doomed escalation that only reinforces the failure and the desperation of those policymakers.

Rest assured that the civil war in Iraq will not end with the influx of more American troops. I do believe this resolution should have teeth. We must send a message that binds all of us to real action, an unflinching message of opposition to the escalation and a message of support for our troops. Today marks a step in that direction.

And I wonder, how many ways can the American people tell this Congress to act to prevent more loss of our blood and treasure in the war in Iraq? Weren't the elections that just happened a strong message? Isn't the loss of confidence by the public in their elected officials a strong message? Isn't the sacrifice and valor of our men and women fighting this war deserving of the respect of this government? Don't we have a duty to those men and women to protect them, reunite them with their families immediately, and, above all, share the truth with them, that the question is no longer if we get out of Iraq, it's how and when.

The answer to that question for me and many other families is, the sooner the better. I could stand here and read poll after poll that talks about the public's overwhelming opposition to this war and even more overwhelming opposition to this escalation. But as I think about it, the most important poll for those of us who serve in Congress needs to be our conscience. The resolution before us is simple and direct. It speaks in a very clear way to the frustration we all feel about this misadventure in Iraq. And I said I would not belabor the question of who to blame, but it is important to address the obvious.

Remember weapons of mass destruction? None found.

Remember the links between Iraq and the attack on 9/11? It didn't exist.

All the misspent funds in Iraq, misappropriated dollars. That was ignored by the administration.

''Mission Accomplished.'' What a premature political hype that was.

And a strategy for Iraq. It doesn't exist.

Funds for education, health care, our cities and towns, investments in our people here in this country, that has all been spent in Iraq.

The litany of failures and untruths goes on and on. The lack of leadership by this administration requires, no, I think it demands that this Congress assert its constitutional duty to check and balance this administration by beginning with the important step of passing this resolution.

Mrs. WILSON of New Mexico. Madam Speaker, I am pleased to yield 4 minutes to my colleague from Texas (Mr. HALL).

Mr. HALL of Texas. Madam Speaker, first and foremost, I stand and I hope we all stand in support of our troops. But I also rise today in opposition to H. Con. Res. 63. While I believe that we all share the same goal of winning this war on terror and bringing our brave young men and women home, I regret that this bill before us today absolutely will not lead to that goal. Nobody wants this war to end more than those fighting in it and we need now to do what it takes to bring our brave men and women home, but to bring them home in victory. If we don't achieve victory, the consequences are going to be disastrous for the progression of freedom all over the world, and instead of taking a step forward, we would be taking multiple steps backward.

So what is the point of this resolution? Is it going to block the troop surge? Absolutely not. Will it end the war? Not a chance. Will it help our chances of achieving victory? Absolutely not. This resolution will demoralize our troops who are sacrificing themselves for us today and tonight, and this resolution will give comfort to an enemy. This resolution puts politics before the lives of our brave soldiers and there is no way in the world that I can support it. The only chance we have for victory is to support the President's troop escalation. It's not a sure thing, but it's our best chance for victory. These added troops will help us secure Baghdad, stabilize the area, and accelerate the training necessary for the Iraqis to stand on their own. Only after these things happen can we leave Iraq the way we should and that is victorious.

I fully support our Commander in Chief, and I think he has much more information than I have or any other Member or combination of Members in regard to our war on terrorism, and particularly the war in Iraq. I think President Bush is a godly person, intelligent and educated, and cares for this country and cares for those who defend it. I will continue to support him as long as he holds the title of Commander in Chief of the Armed Forces of the United States of America. I heard the President loud and clear in his State of the Union address on January 23, 2007. What I gleaned from his speech is that he is asking for calendar year 2007 to complete the existing plan being implemented by General Petraeus and those who serve under him. And at such time, he fully expects the Iraqis to be in a position to defend their borders and protect their people, resulting in an executive order hopefully to bring the process of withdrawal of these American forces still defending our Nation, to bring them home.

This resolution will absolutely undermine the efforts of our troops in Iraq. I strongly oppose it.

Mr. SMITH of Washington. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. I thank the gentleman for yielding.

Madam Speaker, I don't have prepared remarks. I have been listening to this debate for the last couple of days, and everything that can be said on both sides has been said repeatedly. And thus far the only thoughtful argument I have heard to not vote for this resolution is that somehow it will demoralize the troops. That pretends that the troops live in a bubble and don't know what is going on and just never think. Everybody who has done any discussions or any polling of the troops know they already know that this war is over. It's not a military defeat. To put it that way is ridiculous. No one can defeat our military. It is absolutely undefeatable. It is a political defeat. We cannot win, which I am not even sure what that means, this war. This escalation will do nothing but delay the inevitable. America knows it.

To listen to the discussion I have heard in the last couple of days, all I can say to myself, if we had this attitude in the seventies, we would still be in Vietnam. For what? For what? We have done what we could do, and we may have to go back someday, and I may vote for it under the right circumstances. To never say never is ridiculous. We don't know where the cards are going to be played. We do know one thing: that today Iraq is engaged in a civil war. One of the leaders of that civil war isn't even in Iraq. He is in Iran. We are only delaying the inevitable at the cost of our young men and women. And I am not talking about money, because if this was the right war, a moral war, money wouldn't be the issue.

This war is over. We need to recognize that. We need to stop trying to play politics with it. Bring our troops home and prepare them for the next battle that we might all join in if it's the right place and the right time.

Mrs. WILSON of New Mexico. Madam Speaker, I am pleased to yield 3 minutes to my colleague from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Madam Speaker, I attended the Charlie Norwood funeral today in Augusta, Georgia. He was a veteran of Vietnam. I think it is ironic that because he was a veteran, we saw at the beginning of the funeral the honor guard walk in carrying the flag of the United States Army and the flag of the United States and all the battle ribbons on that flag, that as 70 to 80 of the Members of this body were showing respect to Charlie and his family, we were having this debate on another war.

The resolution before us is a sham resolution. It is nonbinding. I have voted on resolutions of war and peace in my time in this Congress. I voted on the first gulf war resolution back in the early nineties when we thought that there might be tens of thousands of body bags coming back with our troops in them. I voted on the first resolution supporting our President in this war after 9/11. Remember 9/11? We had more American citizens killed in one day in the Twin Towers and in the Pentagon than we have had in all the years that our troops have been in Iraq and Afghanistan. That doesn't demean their sacrifice. I have attended three funerals in my hometown of young men who have been killed in the line of duty in this current war.

This nonbinding resolution tries to have it both ways. It says at the first, in part A, we support the troops and in part B, we don't support our President's decision, the Commander in Chief, to send these reinforcements. Well, if it's nonbinding, why have the debate? I think it's commendable that we are having this debate. I wish it would have had some meat on it. Let's put a real resolution on the floor. But the Republicans weren't offered an alternative, so we have to vote for or against a nonbinding resolution that has it both ways in the resolution. I don't think that is very becoming to this Congress.

But when the time comes, I am going to vote ''no'' because I believe as Thomas Jefferson believed, and if you go to his monument not too far from here and look up around the ceiling, Thomas Jefferson says, ''I have sworn upon the eternal altar of God unending opposition to all forms of tyranny over the mind of man.'' This Islamic terrorist campaign is a direct attack on our democracy. It is a direct attack on our tolerance. We need to support our President. We need to vote against this nonbinding resolution. And then if we want to have a real resolution, let's bring it to the floor and have that debate.

I rise today in opposition to H. Con. Res. 63. This nonbinding resolution serves only to degrade and demoralize the troops currently engaged in forward operations and those additional troops President Bush has called upon. This is not a call for a new direction in Iraq nor is this a call for a new course of action. This is a political distraction and a call to our enemies around the world by showing a lack of resolve and fostering the idea of uncertainty towards support and funding for the men and women of our Armed Forces.

Speaker PELOSI and her fellow Democrats have charged that the previous policy did not work, the new policy will not work, and yet amongst all this rhetoric my colleagues on the other side of the aisle do not have a constructive alternative to put forth. Instead they offer legislation that if enacted would fuel the call for setting timelines and the withdrawal of our troops. To leave before the job is finished would leave our country in a weaker position globally and leave the Middle East without any hope for democracy to ever take hold. The extremists that oppose us are against freedom and we are right to be engaged in the fight for democracy and tolerance. The stakes are high and our enemies know this. They are not going to quit, but if we pass this resolution it will be the first step in signaling that we will. It is right to support the President as he lays out his plan for securing Iraq and is in our national interest.

The necessary framework for democracy has been established and the labor of our brave troops has produced many measurable results. A constitution was written by the Iraqis resulting in democratic elections where nearly 12.5 million people braved the threat of violence to cast their votes. A fair criminal trial was held for Saddam Hussein, the country's former dictator, who denied that right to his own people. I urge my colleagues to let the Iraqis lead and give democracy a chance. Establishing a secure Iraq, a thriving democracy and a noticeable reduction in crime will pave the way for numerous infrastructure improvements.

Sustainable achievements in the reconstruction effort include the building of more than 5,000 schools, the training of more then 60,000 teachers, the training and equipping of 323,000 police and military forces, the vaccination of 98 percent of Iraqi children, the ability of more than 7 million people to access phone service, the repair of nearly all of Iraq's railway stations, the restoration of electricity output and oil production to near prewar levels and the increased availability of clean water and sanitation. The milestones that have been reached are a testament to why we should not abandon our presence in Iraq. Progress is being made and we must continue to support our troops and Iraq's democratic government.

The President's call for more troops is a decision not made in haste. It is made with careful consideration and thoughtful advice from his commanders both at home and in the field. The additional troops will work with Iraqis to solve serious challenges and to find ways to curb future outbreaks of violence. To achieve success in combating those serious challenges it is important that America stands with Iraq so they can defend their own soil, create a sound economy and govern themselves effectively. The President understands the consequences of failure in Iraq, something this resolution proves the Democrats do not comprehend.

I have been to the funerals of men and women from my district that lost their lives in this war. I have pinned medals on the chests of the brave men and women from my district who returned home safely. Visiting with families at home and troops in Iraq I have seen first hand the effects this war has on Americans. This resolution serves to discredit the memories of fallen soldiers, the efforts of those still fighting, and to embolden our enemies. If we remember, our enemies attacked us on September 11th and instead of living in fear and leaving ourselves open to more attacks we chose to take the fight to them. In the time since, there has not been another major terrorist attack on U.S. soil. That is a testament to the fight our men and women are waging to protect the freedoms we so richly enjoy. I remain committed to supporting our forces serving abroad and ensuring they have the funding they need to complete their mission.

Some of my colleagues misguidedly stand to dismiss our efforts in Iraq. I stand with the resolve of former President Thomas Jefferson who said, ''I have sworn upon the altar of God, eternal hostility against every form of tyranny over the mind of man.'' We must not stand divided and turn our backs on those fighting for democracy where tyranny threatens to reign. We must be steadfast and support them in every way we can. We can not let the difficulty of the task diminish our support for the troops and the cause for which they are so diligently fighting. We must not let this frivolous resolution pass.

Mr. SMITH of Washington. Madam Speaker, I yield 5 minutes to the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank the distinguished gentleman for yielding.

Madam Speaker, I believe that each and every Member that has come to the floor tonight and over the last 2 days would never consider any of their remarks frivolous, nor would we characterize this debate as political. Unfortunately, in 2002, many of those same words were used to characterize a very needed debate and one that we had hoped that those who had the powers of decision would have listened to.

I remember standing in this same location and suggesting to my colleagues that I was proud to accept and to make as my choice life over death and peace over war. Through these years, members of the Progressive Caucus thoughtfully have gathered to reinforce the words that we offered during those days when even though the en masse lobbying and representation of mass destruction weapons, we knew that this was a war that would be ill-fated and misdirected. In fact, during that time, we had solutions. We asked for a continued use of political diplomacy and, as well, the continuation of utilizing the U.N. inspectors to determine if there were weapons of mass destruction.

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But now we have come some 5 years and we hear the same refrain. And I know in the hearts of those who have spoken that they are sincere. But if we said nothing else but point to those who have fallen, let their faces represent the sacrifice of America. Those are the faces of those who are always willing to go into battle, and not one of us on the floor today will ever say anything untoward about the United States military through the years and decades and centuries, because they have never faltered in the Commander in Chief's direction to go to war.

But what has really failed in this Congress in its oversight and responsibility and, as well, the choices being made by the leadership that has sent them into war.

And so, as Abraham Lincoln has said, ''We wish to honor the soldiers and sailors everywhere who bravely bear this country's cause; honor also to the citizen who cares for his brother. We will never forget.''

But we now stand in opposition to the escalation and support of this resolution because we believe that the Nation must hear, but also the leaders who make the decisions must hear this is wrong and misdirected.

The troops have been magnificent. We have had 180,000 of them who have served in Iraq from Texas, we have had 200 or more who have been killed, including the 3,000-plus that have been killed across the Nation. They do have a military success.

But we know that the surges do not work. We know it was ill-fated from the beginning. There was no collaboration, very minimal, and now the collaboration has ended. What is needed now is the declaration of a military success, which is what I have expressed in H.R. 930. And now we must search for diplomatic and political reconciliation, a Special Envoy to Iraq that focuses specifically on bringing together the Sunnis, the Shiites and the Kurds. We know that surges have only generated more insurgents, they have only generated more violence, and it has not brought about the safety that is needed.

Of course, the response is that this escalation will bring some sort of security to Baghdad, and then we can sit down and have reconciliation. One more soldier generates one more violent act. So we know that the troop surges do not work. We also know that it strains the readiness.

We need a diplomatic surge. More importantly, we need not to go over the steps of Secretary McNamara who indicated in his words, as I said in the October 2002, Former Defense Secretary Robert McNamara said in his mea culpa on the Vietnam War: We were wrong, terribly wrong. And he hoped that the suffering, as he quoted one of the philosophers, he hoped that what we had experienced in the suffering of Vietnam would give us experience. Today this ongoing war in Iraq shows we have thrown away that experience.

We also throw away the Constitution, because this is not pursuant to Article I, section 8. This is not a declaration of war that we are in, and we therefore need to terminate the power of the President that had been given in 2002 to attack Iraq. This document has not been followed. And so H.R. 930 will terminate the authorization given in 2002, because for these lives lost already we don't want to participate in the foolishness of monies being spent recklessly, the lack of accountability, and a war that already can be claimed as a military victory by the United States military who can now come home with honor and dignity.

Let us stand again on this floor and claim that we support life over death and we support peace over war and we want our soldiers to return home in celebration and dignity in honor of these who now are fallen on the battlefield.

Madam Speaker, I rise in strong support of H. Con. Res. 63. I stand in strong support of our troops who have performed magnificently in battle and with a grace under pressure that is distinctively American. I stand with the American people, who have placed their trust in the President, the Vice President, and the former Secretary of Defense, each of whom abused the public trust and patience.

I stand with the American taxpayers who have paid nearly $400 billion to finance the misadventure in Iraq. I stand with the 3,019 fallen heroes who stand even taller in death because they gave the last full measure of devotion to their country. For these reasons, Madam Speaker, I stand fully, strongly, and unabashedly in opposition to the President's unilateral decision to escalate the war in Iraq by deploying more than 20,000 additional combat troops to Iraq, and at least that many more to provide logistical support.

I wish to make clear, Madam Speaker, that sending more combat troops into Iraq will not lead to success in Iraq. We cannot achieve success in Iraq unless we change strategy. But the President's proposed troop surge is not a change in strategy and it does not signal a new direction; it is simply more of the same. As our most recent great President, Bill Clinton, once said, ''if you always do what you've always done, you'll always get what you've always got.''

In proposing this latest troop surge, President Bush seeks to ''cry havoc and let slip the dogs of war.'' But even Henry V did not exhort his troops, his band of brothers, to go ''once more, into the breach'' for a fifth time. And neither should we.

Madam Speaker, instead of a surge in combat troops, the United States needs to launch a diplomatic surge for political and national reconciliation in Iraq. That is why I have introduced H.R. 930, the ''Military Success in Iraq and Diplomatic Surge for Political and National Reconciliation in Iraq Act of 2007.'' As I will discuss in greater detail later in my remarks, my legislation offers a far better chance of sustainable success in Iraq than does the President's escalation. And equally important, my legislation will go a long way toward ensuring that never again will the American people or the Congress be bamboozled into rubber-stamping an ill-advised, ill-planned, preemptive war.

Madam Speaker, I am privileged to represent the citizens of the 18 Congressional District in the great State of Texas. The sons and daughters of the Lone Star State have always answered the call to service. More than 280 Texans have been made the ultimate sacrifice for their country. More than 2,200 Texans have been wounded. Only California has suffered a greater number of dead and wounded. Today, Madam Speaker, there are more than 31,000 Texans serving in Iraq, which is 12,000 more than the next highest state. Since the war began in March 2003, more than 180,000 Texans have served in Iraq, some deployed two, even three, in some cases four times.

Madam Speaker, it is more than irresponsible not to oppose the President's plan to escalate the war in Iraq. It is unconscionable. In opposing the President's latest folly, we send a message that is both simple and profound: You cannot win the just War on Terror by launching an unjustified War in Iraq. That is one of the hard and bitter lessons we have learned during the 4 years course of the War in Iraq.

The misguided, mismanaged, and costly debacle that is the Iraq War was preemptively launched by President Bush in March 2003 despite the opposition of me and 125 of my colleagues in the House of Representatives. To date, the war in Iraq has lasted longer than America's involvement in World War II, the greatest conflict in all of human history.

But there is a difference. The Second World War ended in complete and total victory for the United States and its allies. But then again, in that conflict America was led by FDR, a great Commander-in-Chief, who had a plan to win the war and secure the peace, listened to his generals, and sent troops in sufficient numbers and sufficiently trained and equipped to do the job.

My friends, I say with sadness that we have not enjoyed that same quality of leadership throughout the conduct of the Iraq War. The results, not surprisingly, have been disastrous. To date, the war in Iraq has claimed the lives of 3,109 brave servicemen and women (115 in December and 39 in the first 13 days of this month). More than 23,400 Americans have been wounded, many suffering the most horrific injuries. American taxpayers have paid nearly $400 billion to sustain this misadventure.

The depth, breadth, and scope of the President's misguided, mismanaged, and misrepresented war in Iraq is utterly without precedent

in American history. It is a tragedy in a league all its own. But it was not unforeseeable or unavoidable. As the President's intention to launch a preemptive war against Iraq became known back in the fall of 2002, thoughtful members in the halls of Congress took to the floor, and concerned citizens in the countryside took to the streets to stop it. Patriots all, we registered our dissent. We acted not out of dislike of the President but out of love for our country and what it had represented to the world. As Robert Taft, ''Mr. Republican,'' as he was affectionately known, the late, great Senator from Ohio, stated two weeks after Pearl Harbor, ''Criticism in a time of war is essential to the maintenance of a democratic government.''

My friends, in light of the enormous losses of precious American blood and treasure, it is very small consolation to know that those of us who acted on the biblical injunction to speak truth to power have been proven right in our warnings about the disaster war in Iraq would produce.

We predicted before the war that ''the outcome after the conflict is actually going to be the hardest part, and it is far less certain.'' We made the point that it was essential for the Administration to develop ''a plan for rebuilding of the Iraqi government and society, if the worst comes to pass and armed conflict is necessary.'' We knew the Armed Forces of the United States is invincible on the battlefield and would decisively defeat Iraq's forces and remove Saddam Hussein. But like the proverbial dog chasing the car down the road, we questioned whether the President knew what to do after we caught it.''

We warned of the ''postwar challenges,'' particularly the fact that there was no history of democratic government in Iraq, and that its economy and infrastructure was in ruins after years of war and sanctions and that rebuilding Iraq would cost hundreds of billions of dollars that could be better at home securing the homeland and waging the real War on Terror. And we warned against sending American soldiers to war in Iraq without adequate protection against biological and unconventional weapons.

I am also reminded how General Eric Shinseki told the Senate Armed Services Committee in February 2003 that the Defense Department's estimate of troops needed for occupying Iraq is too low and that several hundred thousand soldiers would be needed. But instead of heeding the wise counsel of General Shinseki, the Bush administration cashiered him out of the Army.

Indeed, anyone who questioned the Bush Doctrine of preemptive war was ridiculed and marginalized as unpatriotic, weak, sympathetic to terrorists, and un-American: Anti-Terrorism Chief Richard Clarke, Treasury Secretary Paul O'Neill, Council of Economic Advisors Chairman Laurence Lindsay, Joe Wilson, and congressional Democrats.

But four years later, people like us are now the majority. And we are united in raising our voices to proclaim: End the war and redeploy our troops out of Iraq.

Madam Speaker, it is instructive to review why the American people have turned against the war in Iraq.

The American people were told erroneously but repeatedly that the gravest threat facing America was Saddam Hussein and his regime. The Vice-President assured all who listened that he knew that Iraq and Al Qaeda had high-level contacts that went back a decade and that Iraq had trained Al Qaeda members in bomb making and deadly gases. He was wrong. What's more, the American people were led to believe that the regime in Baghdad had long-standing and continuing ties to terrorist organizations. Wrong again. President Bush even went so far as to say that you couldn't distinguish between Al Qaeda and Saddam when you talked about the war on terror. Of course, this claim turned out to be untrue as well.

That is not all, Madam Speaker. The campaign to persuade Americans that Iraq posed a clear, present, and mortal danger to us included the false claims that Iraq possessed ballistic missiles with a likely range of hundreds of miles—far enough to strike Saudi Arabia, Israel, Turkey, and other nations. It was also falsely represented to Americans that Iraq had a growing fleet of manned and unmanned aerial vehicles that could be used to disperse chemical or biological weapons across broad areas and that Iraq was exploring ways of using unmanned aerial vehicles to target the United States.

But the capstone of the administration's disinformation campaign was the claim that Saddam Hussein was actively pursuing nuclear weapons which could be used against America by Iraq, or by the terrorists to whom it was giving safe harbor. President Bush even went so far to announce to a world-wide audience in his 2003 State of the Union address that ''the British government has learned that Saddam Hussein had recently sought significant quantities of uranium from Africa.'' According to the President, facing such clear evidence of peril, we could not wait for ''the final proof that could come in the form of a mushroom cloud.'' We now know for sure that these claims were false. And covering up those false claims is one of the main reasons that Scooter Libby found himself in the predicament that led to his indictment by a grand jury and the on-going trial in the United States District Court for the District of Columbia.

Regarding the actual conduct of the looming hostilities, the Administration and its courtiers assured us that ''it would be a cakewalk'' and that American troops ''would be greeted as liberators.'' The Secretary of Defense, Donald Rumsfeld, boldly claimed that ''the war could last six days, six weeks. I doubt six months.'' Vice-President CHENEY said, ''I think it will go relatively quickly . . . [in] weeks rather than months.'' There are many things one could say about these rose- colored scenarios peddled by the Administration nearly four long years ago. But there is one thing you cannot say and that is ''truer words were never spoken.''

Finally, Madam Speaker, let us not forget the wildly extravagant claims of this Administration regarding the cost of this war. The Director of the White House OMB was quoted as saying that ''Iraq will be an affordable endeavor that will not require sustained aid and will be in the range of $50 billion to $60 billion.'' At last count, Madam Speaker, the war has cost the taxpayers $379 billion. That a cost overrun of more than 600 percent.

To put the cost of the war in perspective, consider that we are spending more than $8 billion a month to sustain the war effort in Iraq. Could this money be put to better use? Well, consider the following:

For $33.1 billion, or 4 months in Iraq, we could have fully funded the Department of Homeland Security FY 2007 budget.

For $10 billion, just 5 weeks in Iraq, we could equip every commercial airliner with defenses against shoulder-fired missiles.

For $8.6 billion, just 30 days in Iraq, we could finance the shortage of international aid needed to rebuild Afghanistan.

For $5.2 billion, just three weeks in Iraq, we could finance the capital improvements needed to secure the nation's public transportation system, including trains, subways, and buses.

For the equivalent of 5 days in Iraq, just $1.5 billion, we could provide radiation detectors at every port in the United States.

For only $1.4 billion, the cost of another 5 days in Iraq, we could double the COPS (community police grants) program.

For the cost of a mere two days in Iraq, we could fund the $700 million needed to provide 100% screening of all air cargo.

For $350 million, 26 hours in Iraq, we could instead make emergency radio systems interoperable.

For the cost of 8½ hours in Iraq, $94 million, we could restore the cuts in Homeland Security funding to cities hit on September 11.

Madam Speaker, opponents of the resolution before us contend that it gives comfort to the enemy and undermines the President's strategy for success in Iraq. They claim it is our patriotic duty to avert our eyes to this Administration's nearly unbroken record of spectacular failure and incompetence and rally around the flag. But to paraphrase the old saw: fool me four times, shame on you; fool me a fifth time, shame on me. The truth is, Madam Speaker, this Congress—and the American people—has not been fickle or impatient. Rather, it has been understanding and generous to a fault, overlooking and excusing blunder after blunder committed by the White House and the Office of the Secretary of Defense (OSD). As Kenneth M. Pollack of the Brookings Institution, and a former senior member of the NSC, brilliantly describes in his essay, ''The Seven Deadly Sins Of Failure In Iraq: A Retrospective Analysis Of The Reconstruction,'' in Middle East Review of International Affairs (December 2006), our trust and patience has been repaid by a record of incompetence unmatched in the annals of American foreign policy.

The Bush administration disregarded the advice of experts on Iraq, on nation-building, and on military operations. It staged both the invasion and the reconstruction on the cheap. It did not learn from its mistakes and did not commit the resources necessary to accomplish its original lofty goals or later pedestrian objectives. It ignored intelligence that contradicted its own views.

It is clear now that the administration simply never believed in the necessity of a major reconstruction in Iraq. To exacerbate matters the Office of the Secretary of Defense (OSD) and the White House Office of the Vice President (OVP) worked together to ensure that the State Department was excluded from any meaningful involvement in the reconstruction of Iraq.

The administration's chief Iraq hawks shared a deeply naive view that the fall of Saddam and his top henchmen would have relatively little impact on the overall Iraqi governmental structure. They assumed that Iraq's bureaucracy would remain intact and would

therefore be capable of running the country and providing Iraqis with basic services. They likewise assumed that the Iraqi armed forces would largely remain cohesive and would surrender whole to U.S. forces. The result of all this was a fundamental lack of attention to realistic planning for the postwar environment.

As it was assumed that the Iraqis would be delighted to be liberated little thought was given to security requirements after Saddam's fall. The dearth of planning for the provision of security and basic services stemmed from the mistaken belief that Iraqi political institutions would remain largely intact and therefore able to handle those responsibilities.

But there were too few Coalition troops, which meant that long supply lines were vulnerable to attack by Iraqi irregulars, and the need to mask entire cities at times took so much combat power that it brought the entire offensive to a halt.

It was not long before these naive assumptions and inadequate planning conjoined to sow the seeds of the chaos we have witnessed in Iraq.

The lack of sufficient troops to secure the country led to the immediate outbreak of lawlessness resulting in massive looting and destruction dealt a stunning psychological blow to Iraqi confidence in the United States, from which the country has yet to recover. We removed Saddam Hussein's regime but we did not move to fill the military, political, and economic vacuum. The unintended consequence was the birth of a failing state, which provided the opportunity for the insurgency to flourish and prevented the development of governmental institutions capable of providing Iraqis with the most basic services such as clean water, sanitation, electricity, and a minimally functioning economy capable of generating basic employment.

Making matters worse, the administration arrogantly denied the United Nations overall authority for the reconstruction even though the U.N. had far more expertise and experience in nation building.

The looting and anarchy, the persistent insurgent attacks, the lack of real progress in restoring basic services, and the failure to find the promised weapons of mass destruction undercut the administration's claim that things were going well in Iraq and led it to make the next set of serious blunders, which was the disbanding of the Iraqi military and security services.

Madam Speaker, counterinsurgency experts will tell you that to pacify an occupied country it is essential to disarm, demobilize, and retrain (DDR) the local army. The idea behind a DDR program is to entice, cajole, or even coerce soldiers back to their own barracks or to other facilities where they can be fed, clothed, watched, retrained, and prevented from joining an insurgency movement, organized crime, or an outlaw militia.

By disbanding the military and security services without a DDR program, as many as one million Iraqi men were set at large with no money, no means to support their families, and no skills other than how to use a gun. Not surprisingly, many of these humiliated Sunni officers went home and joined the burgeoning Sunni insurgency.

The next major mistake made in the summer of 2003 was the decision to create an Iraqi Governing Council (IGC), which laid the foundation for many of Iraq's current political woes. Many of the IGC leaders were horribly corrupt, and they stole from the public treasury and encouraged their subordinates to do the same. The IGC set the tone for later Iraqi governments, particularly the transitional governments of Ayad Allawi and Ibrahim Jaafari that followed.

Finally, by insisting that all of the problems of the country were caused by the insurgency rather than recognizing the problems of the country were helping to fuel the insurgency, the Bush Administration set about concentrating its efforts in all the wrong places and on the wrong problems.

This explains why for nearly all of 2004 and 2005, our troops were disproportionately deployed in the Sunni triangle trying to catch and kill insurgents. Although our troops caught and killed insurgents by the hundreds and thousands, these missions were not significantly advancing our strategic objectives. Indeed, they had little long-term impact because insurgents are always willing to flee temporarily rather than fight a leviathan. Second, because so many coalition forces were playing ''whack-a-mole'' with insurgents in the sparsely populated areas of western Iraq, the rest of the country was left vulnerable to take over by militias.

Finally, Madam Speaker, a cruel irony is that because the Iraqi Government brought exiles and militia leaders into the government and gave them positions of power, it is now virtually impossible to get them out, and even more difficult to convince them to make compromises because the militia leaders have learned they can use their government positions to maintain and expand their personal power, at the expense both of their rivals who are not in the government and of the central government itself.

All of this was avoidable and the blame for the lack of foresight falls squarely on the White House and the Office of the Secretary of Defense.

Madam Speaker, the American people spoke loudly and clearly last November when they tossed out the Rubber-Stamp Republican Congress. They voted for a New Direction in Iraq and for change in America. They voted to disentangle American troops from the carnage, chaos, and civil war in Iraq. They voted for accountability and oversight, which we Democrats have begun to deliver on; already the new majority has held 52 congressional hearings related to the Iraq War, investigating everything from the rampant waste, fraud, and abuse of Iraq reconstruction funding to troop readiness to the Iraq Study Group Report.

But President Bush is still not listening to America. He is acting as if nothing has changed. He is not offering a way out of Iraq, only a way forward that will take us deeper into the morass and quagmire.

The troop surge proposed by President Bush is not a new strategy for success in Iraq; it is just the same old repackaged policy of ''stay the course.'' This troop surge—this escalation of the war—will not provide lasting security for Iraqis. It is not what the American people have asked for, nor what the American military needs. It will impose excessive and unwarranted burdens on military personnel and their families. It is opposed by the Joint Chiefs of Staff. It is opposed by an overwhelming majority of the American people. It is opposed by a majority in Congress.

The architects of the fiasco in Iraq would have us believe that ''surging'' at least 20,000 more soldiers into Baghdad and nearby Anbar province is a change in military strategy that America must embrace or face future terrorist attacks on American soil. Nothing could be further from the truth, as we learned last year when the ''surge'' idea first surfaced among neoconservatives.

The President's proposed troop surge is not new and, judging from history, we know it will not work. It will only succeed in putting more American troops in harm's way for no good reason and without any strategic advantage. The armed forces of the United States are not to be used to respond to 911 calls from governments like Iraq's that have done all they can to take responsibility for the security of their country and safety of their own people. The United States cannot do for Iraq what Iraqis are not willing to do for themselves.

Troop surges have been tried several times in the past. The success of these surges has, to put it charitably, been underwhelming. Let's briefly review the record:

1. Operation Together Forward, (June-October 2006): In June the Bush administration announced a new plan for securing Baghdad by increasing the presence of Iraqi Security Forces. That plan failed, so in July the White House announced that additional American troops would be sent into Baghdad. By October, a U.S. military spokesman, Gen. William Caldwell, acknowledged that the operation and troop increase was a failure and had ''not met our overall expectations of sustaining a reduction in the levels of violence.''

2. Elections and Constitutional Referendum (September-December 2005): In the fall of 2005 the Bush administration increased troop levels by 22,000, making a total of 160,000 American troops in Iraq around the constitutional referendum and parliamentary elections. While the elections went off without major violence these escalations had little long-term impact on quelling sectarian violence or attacks on American troops.

3. Constitutional Elections and Fallujah (November 2004-March 2005): As part of an effort to improve counterinsurgency operations after the Fallujah offensive in November 2004 and to increase security before the January 2005 constitutional elections U.S. forces were increased by 12,000 to 150,000. Again there was no long-term security impact.

4. Massive Troop Rotations (December 2003-April 2004): As part of a massive rotation of 250,000 troops in the winter and spring of 2004, troop levels in Iraq were raised from 122,000 to 137,000. Yet, the increase did nothing to prevent Muqtada al-Sadr's Najaf uprising and April of 2004 was the second deadliest month for American forces.

Madam Speaker, by more than 60 percent, Americans oppose increasing American troop levels in Iraq. So do many of the nation's leading and most knowledgeable military officers. In testimony before the Senate, Gen. John P. Abizaid, the former Commander of United States Central Command, stated: ''I do not believe that more American troops right now is the solution to the problem. I believe that the troop levels need to stay where they are.'' General Abizaid's view is shared by Gen. Colin Powell, the former Secretary of State and former Chairman of the Joint Chiefs, who has said ''I am not persuaded that another surge of troops into Baghdad for the purposes of suppressing this communitarian violence, this civil war, will work.'' And Gen. Barry

McCaffrey (retired), who commanded the 24th Infantry Division during the first Gulf War, is even more blunt: ''It's a fool's errand . . . Our allies are leaving us . . . Make no mistake about that. Most will be gone by this summer.''

Even leading members of the Republican Party are skeptical of the President's latest ploy to salvage the mess he has made of Iraq. According to Sen. CHUCK HAGEL of Nebraska, the President's escalation plan ''represents the most dangerous foreign policy blunder in this country since Vietnam—if it's carried out. I will resist it.'' Senator HAGEL is joined in his skepticism by Senators OLYMPIA SNOWE, JOHN WARNER, SUSAN COLLINS, GORDON SMITH, NORM COLEMAN, GEORGE VOINOVICH, SAM BROWNBACK, ARLEN SPECTER, and a growing list of others.

Madam Speaker, although Americans are right to oppose the President's troop surge, stemming the chaos in Iraq will require more than opposition to military escalation. It requires us to make hard choices.

It is past time for a new direction that can lead to success in Iraq. We cannot wait any longer. Too many Americans and Iraqis are dying who could otherwise be saved.

Since the President still has not seen the light, we need to make him feel the heat. I believe the time has come to debate, adopt, and implement a plan for strategic redeployment. I am not talking about ''immediate withdrawal,'' ''cutting and running,'' or surrendering to terrorists. And I certainly am not talking about staying in Iraq forever or the foreseeable future.

I am talking about a paradigm shift. Rather than undertaking a misguided and futile surge in troops, the United States should surge diplomatically. The Armed Forces of the United States have performed magnificently. They won the war they were sent to fight. Their civilian leadership has not succeeded in winning the peace.

That is why I have introduced H.R. 930, which among other things creates a high-level Special Envoy to launch a new offensive on the diplomatic front. My legislation, the ''Military Success in Iraq and Diplomatic Surge for Political and National Reconciliation Act of 2007,'' implements twelve of the most important recommendations of the Iraq Study Group, headed by former Secretary of State James A. Baker and 911 Co-Chairman Lee Hamilton.

Among other things, H.R. 930, would require a diplomatic full-court press designed to engage all six of Iraq's neighbors—Iran, Turkey, Syria, Jordan, Saudi Arabia, and Kuwait—more constructively in stabilizing Iraq. These countries are already involved in a bilateral, self-interested and disorganized way.

While their interests and ours are not identical, none of these countries wants to live with an Iraq that, after our redeployment, becomes a failed state or a humanitarian catastrophe that could become a haven for terrorists or a hemorrhage of millions more refugees streaming into their countries.

Madam Speaker, when Congress authorized the president to use military force in Iraq in 2002, it departed from the wisdom of our forefathers. The Framers understood that while the military does the fighting, a nation goes to war. That is why they lodged the power to declare war in the Congress, the branch of government closest to the people. They knew that the decision to go to war was too important to be left to the whim of a single person, no matter how wise or well-informed he or she might be. But the AUMF passed by Congress was not a declaration of war but rather a blank check for the president to start and wage war in Iraq at a time, place, and manner of his choosing. It is time to rescind that blank check and return to first principles.

That is why H.R. 930 also includes another important legislative initiative, the ''Military Success in Iraq Act of 2007 (MSIA).'' This provision of my legislation is crafted to end the American military involvement in Iraq and redeploy American troops out of Iraq.

The MSIA declares that the objectives which led Congress to pass the 2002 AUMF have been achieved. It further declares that whenever the objectives set forth in an AUMF have been achieved, the AUMF expires automatically. Then it finds that Congress is the ultimate arbiter as to whether the objectives set forth in its AUMF have been achieved.

Because Congress now finds that the 2002 AUMF objectives have been achieved, my legislation provides that the authorization to use force conferred upon the President by the AUMF has now expired. My bill then makes clear that the President must obtain a new authorization to continue the use force in Iraq. Finally, my bill requires that if the Congress does not vote to reauthorize the use of force in Iraq by March 31, 2007, then all American armed forces in Iraq must be redeployed out of Iraq. Thus, under my legislation, an up-or-down vote must be held by the House and Senate to continue waging war in Iraq.

Madam Speaker, our domestic national security, in fact, rests on redeploying our military forces from Iraq in order to build a more secure Middle East and continue to fight against global terrorist networks elsewhere in the world. Strategic redeployment of our armed forces in order to rebuild our nation's fighting capabilities and renew our critical fight in Afghanistan against the Taliban and al-Qaeda is not just an alternative strategy. It's a strategic imperative.

My legislation requires the Congress to provide leadership on the most important issue of our day. That is what the American people want. That is what they voted for last November. That is what has been required all along.

And providing constructive leadership that will bring peace, enhance security, and save lives is the task to which I am now, and always have been, dedicated. That is why I strongly and proudly support our magnificent, heroic, and selfless service men and women. That is why I strongly support H. Con. Res 63 and squarely oppose the President's decision to escalate the war in Iraq. I urge all members to support the resolution before the House.

Mrs. WILSON of New Mexico. Madam Speaker, I am pleased to yield 5 minutes to my colleague from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Madam Speaker, the situation we are facing in Iraq right now is serious. The resolution we are debating here tonight, unfortunately, is not.

Everyone agrees the situation on the ground is unacceptable. To make it right, we need leadership, resources, and resolve. What we don't need is 36 hours of time trading speeches on a nonbinding measure, a measure that imparts no new policy, offers no new alternatives, and commands no real effect.

Most of the speeches I have heard this week are about the war. On that subject, there is plenty of room for disagreement. But the resolution before us isn't about the war, it is about a specific tactical question: the number of troops we need to deploy to finish the job.

I can't think of a group that is less qualified to make strategic and tactical decisions on the ground than 535 Members of Congress, sitting 6,000 miles away on Capitol Hill. Congress shouldn't be in the business of micromanaging war tactics.

Should we debate the war in Iraq? Certainly. Can we disagree about its goals and purpose? Absolutely. But decisions on the ground need to be determined by our military commanders on the scene, and not public opinion polls.

Of course, the other responsibility of Congress is, when it comes to wars, the power to fund them. As a member of the Appropriations Committee, I take that responsibility seriously. But if my colleagues on the Appropriations Committee and in the full House think the war is a lost cause, if they think that sending more troops to help secure Iraq is the wrong strategy, they shouldn't hesitate to cut off the funding for the operation. I wouldn't support that measure, but at least it would be a measure of genuine intent, not a two-paragraph statement on military tactics we have on the floor this week.

Mistakes have been made. But this is a mission that is consistent with our vital interest and worthy of our support. I don't believe President Bush has prosecuted this war flawlessly, and, frankly, I don't believe he has always particularly been well advised. But this strategy of reinforcement is not always supported by the President, it is supported by the military and the political leadership of Iraq.

People have to understand something. We are facing an enemy like no other we have faced before, an ideological enemy driven by hate, not reason; an enemy for whom there can be no rest until the freedoms and values that define our civilization are destroyed.

Victory is the only outcome that can be accepted. But the resolution we are debating on the floor this week was not written with ultimate victory in mind; it was written in expectation of defeat. And, unlike some of my colleagues, I am not willing to concede to defeat.

So many families have sacrificed so that we can be successful in Iraq, and they are willing to sacrifice even more. To cut support for them now would be unforgiveable.

You know, Mr. Speaker, watching the debate on the floor this week, my thoughts keep going back to the Loudon family who live in my district.

Their son Christopher, a member of his college ROTC program, was deployed to Iraq after graduation and came home this fall in a flag-draped coffin.

Their son Nicholas is a West Point graduate I nominated to the Academy, who served with his brother in Iraq, and he is heading back to Iraq this weekend for another tour of duty.

Their son Jonathan, their youngest, and another one of my Academy nominees, is going to West Point this fall. The Loudon family had great concern over whether to send their third and youngest son to West Point. In the end, they were swayed by their son's commitment to serve his country and their shared belief that his mission is one worth fighting for.

If the Loudons can remain strong and committed in the face of the most difficult circumstances any family can endure, why can't Congress?

I have gotten other calls from families in my district. One mother called this week to tell me that her son, a young man named Nathan Stone whom I nominated to West Point in 2001, is currently serving in south Baghdad, sweeping the city, going door to door, risking his life so the Iraqis can live their lives with a basic security. And do you know what he told his mother to relate to me? He told her that they are making a difference, they are seeing progress. They need help, they need these troops, and they will be excited when they get them.

If First Lieutenant Stone believes that these additional troops are vital to him completing his mission in Baghdad, that tells me a lot. And if the Loudons can send their youngest son to West Point knowing that he may some day be called into service himself, that tells me all I need to know.

Mr. Speaker, no one likes war. No one wants our troops to be in Iraq one minute longer than they have to be to ensure the mission is accomplished. Reasonable people may disagree on strategy, but this resolution is not about alternative viewpoints. There are no different courses offered, no suggestions, and no responsibility taken.

I stand with the Loudon family and Lieutenant Stone, and vote opposed to this resolution.

Mr. SMITH of Washington. Madam Speaker, I yield 5½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman.

We are debating a simple, straightforward resolution. Clause 1 says, ''Congress and the American people will continue to support and protect the members of the United States Armed Forces who are serving or have served bravely and honorably in Iraq.''

Every Member of Congress, despite outrageous allegations from the Republican side of the aisle from some, fully supports our troops and wants them to have the best equipment available to accomplish this mission. The disagreement is over the strategy that determines their mission.

The Republicans don't want to have a debate over that strategy. They are trying to conflate support for the troops with support for the President's failed stay-the-course strategy dressed up with a little bit of escalation.

But as President Theodore Roosevelt said during World War I, standing by a President, whether right or wrong, is not only unpatriotic and servile, it is morally treasonable to the American public.

Supporting the troops doesn't require supporting the failed policies of this President and his administration. The Republicans don't want to debate the conduct of the war and the future strategy in Iraq. The former Republican chairman of the House Intelligence Committee, PETER HOEKSTRA, wrote a letter to his colleagues saying, ''This debate should not be about the surge or its details. This debate should not even be about the Iraq war to date, mistakes that have been made, or whether we can or cannot win militarily. If we let the Democrats force us into a debate on the surge or the current situation in Iraq, we lose.''

So change the subject. Make things up.

There is a massive propaganda effort on the part of many Republicans to distract and dissemble. They have trotted out the tired and thoroughly discredited catch phrase, ''If we don't fight them there, we will fight them here,'' invoking the specter of Osama bin Laden and al Qaeda. However, U.S. intelligence agencies, including military intelligence agencies, have refuted that claim that the conflict in Iraq is driven by al Qaeda. It is not. The violence is driven by a civil war primarily between the Iraqi Sunnis and Shias in a 1,400-year-old conflict, and our troops are caught in the middle of that civil war. The recent National Intelligence Estimate definitively put that issue to rest. The Iraqi Sunnis and Shias have no interest in or capability of attacking the United States.

Osama bin Laden, al Qaeda, and their Taliban allies are still alive and active on the border of Afghanistan and Pakistan, thanks to the Bush administration and the massive diversion of our troops and resources from Afghanistan to an unnecessary war in Iraq. We do need to reinforce our troops in Afghanistan in order to end, once and for all, the threat posed by al Qaeda and the Taliban leadership.

Our Nation and our troops were led into the war in Iraq by the distortion of intelligence, dissembling by the President, and senior members of the administration. It is time for the truth. The Bush administration has saddled our troops with a failed strategy in Iraq. It is that failed strategy that hurts our troops, not the words of those of us who have pointed out the obvious failures by this administration.

I don't believe there is a level of U.S. troops that could stabilize Iraq at this point and resolve these underlying ages-old sectarian conflicts.

The President remains optimistic. However, optimism is not a strategy. Staying the course and repeating the failures of the past is not a new strategy. Vice President DICK CHENEY, despite the grim National Intelligence Estimate acknowledging the civil war in Iraq, dismissed suggestions that Iraq is a disaster, saying, ''The reality on the ground is that we have made major progress.'' Vice President CHENEY.

Optimism, stay the course, and delusion and denial, those do not serve our troops well. We need a real change in strategy.

A better strategy is to announce a time line negotiated with the Iraqi Government to bring our troops home over the next 6 months to a year.

The administration has always set time lines for political developments in Iraq, for the elections, for the drafting of the constitution. The administration argued such time lines were necessary to focus the energy of Iraq's leaders and to force compromises. We need to do the same on the military side. Negotiating a time line for bringing home U.S. troops with responsible parties in the Iraqi Government would boost the Iraqi Government's legitimacy and claim to self-rule, and force the Iraqi Government to take responsibility for itself and its citizens. Negotiating a withdrawal timeline and strategy with the Iraqi Government could more than possibly anything else improve the standing of the Iraqi Government in the eyes of its own people, a significant achievement in a region where the standing of rulers and governments is low, and it could also abate the insurgencies of both Sunnis and Shias. Too many Iraqis view us as an occupying force. Large majorities of both Sunnis and Shia want U.S. troops to withdraw, and approve of attacks on our men and women in uniform.

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The U.S. must engage, despite the reluctance of this administration, in robust diplomacy with all factions in Iraq, except the foreign terrorists and domestic al Qaeda elements and work with Iraq's neighbors in an effort to bring about political reconciliation among Sunnis, Shias and Kurds. Our troops have done all that has been asked of them in Iraq.

Saddam Hussein is dead. His allies are on the run or in prison. The threat from WMDs is nonexistent. The war that has been authorized by Congress is won. The troops should come home. Congress should not authorize U.S. troops to referee a civil war in Iraq.

Mrs. WILSON of New Mexico. Madam Speaker, I am pleased to yield 5 minutes to my colleague from Missouri (Mr. HULSHOF).

(Mr. HULSHOF asked and was given permission to revise and extend his remarks.)

Mr. HULSHOF. Madam Speaker, on November 19 of 1863, President Abraham Lincoln rose on the platform at Gettysburg, Pennsylvania, following a 2-hour oration by Edward Everett, and gave a brief but very eloquent discourse that has become a prominent

part of our country's heritage. At the dedication of the Gettysburg National Cemetery he acknowledged, ''The world will little note nor long remember what we say here, but it can never forget what they did here. It is, for us, the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced.''

Can we find some poignancy today in those simple words uttered 7 score and 4 years ago? What is the unfinished work that confronts this body politic, and more to the point, does this resolution promulgated unilaterally by the majority advance the cause for freedom for which 3,000 of our countrymen have given the last full measure of devotion?

For all of these rhetorical meanderings that have occurred lo these many hours, the responsibility for the current state of affairs in Iraq rests squarely with the majority of Members who serve in this Congress of the United States. Back on December 17, 1998, do you recall House Resolution 612 which declared in pertinent part, ''Resolved, by the House of Representatives that . . . the Congress reaffirms that it should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power' and to promote the emergence of a democratic government to replace that regime.'''

I note that the gentleman who just spoke, along with 400 other Members of the Congress, supported that resolution as the policy of the United States, and thereafter in October of 2002, Congress, both the House and the Senate, approved the resolution approving the use of force and military action necessary to effectuate that policy of regime change.

Now, deposing the former dictator, in relative terms, was the easy part, yanking him from his hiding place, a hole in the ground. He eventually stood trial in the dock as a common accused, was judged by his countrymen according to the rule of law, and held to account for the brutality of his many crimes.

A second policy objective, promoting a democratic government has been the harder path, but though difficult, is it no less important? As my friend and colleague, my classmate from New Mexico (Mrs. WILSON) so passionately and persuasively annunciated yesterday, America has vital national interests in Iraq.

Does anyone argue the contrary? Can we not all agree that we must deny al Qaeda sanctuary in Iraq? Do we not further agree that Iraq must not be the source of instability in the Middle Eastern region?

Well, if we can agree on these points, can the majority make a legitimate case that this resolution accomplishes either of those important interests? President Bush recently nominated General David Petraeus as the new Commander of Multinational Forces in Iraq. Widely known as a brilliant tactician in the area of counterinsurgency, General Petraeus was unanimously confirmed by the other body.

Today, however, the majority desires to deny this extremely capable commander the means to accomplish his objective. Isn't it incumbent upon us, as Lincoln urged, to remain dedicated to the task remaining before us? Haven't many in this body expressed frustration that the Iraqi Government has put limitations on the rules of engagement of our troops in our field, not allowing our military to hunt down the enemy because insurgents had escaped to a safe haven in a region deemed off-limits by the Iraqi Government?

Well, isn't the majority party doing exactly the same thing half a world away with this resolution? Isn't denying military additional reinforcements deemed necessary by our generals in the field hampering our last best chance for success?

Two nights ago I was moved by the quiet eloquence of the distinguished gentleman from New York (Mr. MCHUGH) when he made the simple yet ironic observation: At no time in our Nation's history has this House considered a public rebuke of a sitting Commander in Chief for the manner in which a war has been conducted that Congress itself has authorized.

On that score alone, I find this resolution breathtaking in its audacity. If I may be allowed to paraphrase the Great Emancipator, it is true, the world will little note nor long remember what we say here, but the world will never forget what we do here.

I urge rejection of this resolution.

Mr. SMITH of Washington. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Thank you for yielding.

Madam Speaker, it is a pleasure to see you in the Chair tonight.

I would like to thank the new leadership in the House tonight for the opportunity and the time to allow this body and the Members of this body to go on record about the President's war strategy.

Of course I would prefer that we were debating my bill, H.R. 413, which would rescind the authority that we gave the President to invade Iraq back in October of 2002. I voted against this war then, and I will continue to do so now.

We just cannot thank, though, our leadership. We have to thank the American people, the people that went to the polls in November, who voted for a change and a new direction for this country. You, our constituents, voted for this change, and now you are witnessing the historic debate on the President's policy in Iraq.

This resolution that we are voting on is very simple. It has two sections. The first section affirms our support for our troops who are serving and have served in Iraq.

The second section expresses disapproval over the deployment of 21,000 combat troops in Iraq. These two simple statements aren't legally binding. But they are binding promises to the American people who voted for us to change the direction. Promises are important. When soldiers and their families go to war, our government promises to support them, and that we should.

Just think, if we made the same promise to the school children when they go to school, that we would protect them from school violence and fully support their efforts to get an education, and that we should.

Just think, if we made that promise to provide health care for 47 million Americans who are without health insurance today, and that we should. The promise and the list of promises goes on and on, many unmet domestic needs that are not getting attention because of the war in Iraq.

Some say this resolution is meaningless. I disagree. It is a promise, and promises are important.

If we can support our troops and we can support the teachers who are educating their children, we can support the health care providers that are caring for their loved ones.

By voting for this resolution, we are making a promise to the American people to change United States' policy on the war. This resolution doesn't end the war, but it begins a new direction.

This is the first time that we have said ''enough is enough'' to the President. It is a good start. If we go on record in opposition to troop surge, we can express our disapproval to the country's addiction to oil and to the rich getting richer and the poor getting poorer. We can express our disapproval of the policy that keeps homeless people on the streets, that keeps one in six American children living in poverty, and allows our skies and oceans to continue to be polluted.

So to the American people, I thank you. I thank you for getting involved, because when you do, politicians respond. You have empowered us to chart a new course for the war in Iraq, and I am proud to cast my vote for this resolution.

Today we are keeping our promise to the people, for what we do for our brave troops, we can do for all of God's children. Yes, Mr. President, we can tell you that you are wrong.

In closing, I think what this debate is about is to wake up the world. America is coming back. It is coming back with the most powerful force on Earth, the energized electorate. This resolution is a breath of fresh air in our Nation's Capitol. It is time to get out of Iraq, it is time to lead.

Thank you, Speaker PELOSI, for bringing us this far in just a few short weeks.

Mrs. WILSON of New Mexico. Madam Speaker, I am pleased to yield 5 minutes to my colleague from Mississippi (Mr. PICKERING).

Mr. PICKERING. Madam Speaker, I rise in opposition to this resolution.

As we look back through our Nation's history, and we look back at all

the great chapters, there were moments, decisive, critical moments, where our Nation could have given up, or given in, could have withdrawn, could have surrendered, and those moments that make us most proud are those chapters in our history where we did not give up, retreat, surrender.

If we had a mission, we completed it. If we look to Lincoln's message at one of those turning and tipping points in our history at Gettysburg, when this Nation was in the midst of its bloodiest civil war, Lincoln said, We here highly resolve that these dead shall not have died in vain, that this Nation under God shall have a new birth of freedom.

We have a new Nation trying to grasp its first breath of freedom, to form a more perfect union of freedom and equality and democracy.

Lincoln's second inaugural address: With malice toward none, with charity for all, with firmness and the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the Nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

Today I took a couple on a tour of this great Capitol, and we walked into the Rotunda under the magnificent dome, the place where if you put the Statue of Liberty, it would still have room within that dome.

The dome was finished and constructed during our Civil War. Abraham Lincoln was questioned during that time, Shall we devote our time and our resources and the labor to the completion of the dome, or should that go to the war effort? And Lincoln said, No, that is a symbol of our union, and we will complete the work of the dome.

When Lee met Grant at Appomattox, it is said that Lee's first question to Grant was, Have they finished the dome yet? They had just finished it in the spring of 1865.

Today that dome defines and symbolizes the strength of our Nation and of our democracy. Many in the world probably thought during that time that we would never survive, and the real question for many of us today as a Nation at war that is spiraling in civil war, can that civil war end? Can a nation be unified? Could the hatred and the violence be stopped and then reconciliation bring unity?

There are many on the other side who believe that it is futile, that all civil wars will never end, that these ancient hatreds will not stop. But if we look to our recent history in Bosnia, there was a President of the other party who stood and said, We can intervene. We will give our military and our diplomatic resources to bring about an end to civil war.

He was successful, and history judges him well for that. To be honest, many on this side of the aisle did not stand in support of that President at that time. But our Nation remembers and are glad that we had a leader who intervened and brought stability to a critical region of the world, and new democracies emerged.

We started this effort together after 9/11. We all remember standing on the steps and singing ''God bless America.'' We can remember going to the cathedral, the National Cathedral, and praying for our guidance and for our unity. We authorized the war together. We adopted a policy of regime change together, overwhelmingly.

And now, 4 years later, when it is difficult and grave doubts rise, will we give up, or will we complete the work and finish the work in which we can be proud?

□ 2045

Lieutenant Joshua Trapp, who flies Apache helicopters in Iraq, deployed this spring after his marriage to Elizabeth of only 3 weeks. He now believes and hopes that he can complete his mission.

I rise today in Joshua Trapp's name, and all of those other Mississippians who have given their lives, that their life may not have been in vain, and that their mission may be supported in this body in this time and this place and that it is a chapter we in this place will remember as we age and grow old that we did not walk away, retreat, surrender, but we finished the mission.

Mr. SMITH of Washington. Madam Speaker, I would just first observe that none of these soldiers who died in Iraq, no matter what happens from this point forward, died in vain. No soldier who dies fighting for his country and his comrades dies in vain, regardless of the politics. I hope we would all understand that.

Madam Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Madam Speaker, for almost 4 years the administration has been saying, just give us more time, just give us more money, our plan will bring peace. And now they are saying, we need more troops, 48,000 of them. But we have already had four troop increases since we went into Iraq and none of them have brought stability.

Tragically, this war has cost more than 3,100 American lives, 143 from my home State of New York, and thousands of Iraqi lives, as well as more than 20,000 injured American soldiers who will carry their wounds for the rest of their lives.

The bipartisan Hamilton-Baker Commission called for a different approach. They said: ''The situation in Iraq is grave and deteriorating.'' As Mr. Hamilton said: ''The current approach is not working. And the ability of the U.S. to influence events is diminishing.''

The commission called for greater use of diplomacy. And the commission's report stated clearly that we must not make an open-ended commitment to keep large numbers of American troops in Iraq. They warned that doing so would continue to stretch our troops too thin, hampering our abilities to simultaneously face other threats in the world.

It would severely affect America's army readiness, and it would not give the Iraqi Government the incentive needed to help bring security. If this assessment is so clearly in opposition to a long-term deployment in Iraq, why is the administration doing the exact opposite?

They are calling for a bigger commitment of troops, for more expenditure of lives and treasure with no end in sight. They speak of victory, but what is victory? Was it finding weapons of mass destruction? There were none. Was it a nuclear weapons program? There was not one. Was Iraq an imminent threat to our security? We were told it was, but in fact it was not.

They claimed that they would exhaust all options before taking military action. But they did not even wait for the weapons inspectors' final report. Was our goal to impose democracy on the entire Middle East? The war has inflamed and destabilized the region. Whatever their justification, they have embarked on a policy that is dragging America into the mire of another country's civil war.

In this civil war we don't know who's shooting. We just know that all sides are shooting at us. We also now know that there was no al Qaeda connection in Iraq before we invaded. The Pentagon's Inspector General has reported that Douglas Feith, the Pentagon's Under Secretary, cooked intelligence reports to make a case to go to war based on al Qaeda. It is tragically ironic that now by invading we have actually made Iraq fertile territory for al Qaeda recruitment.

Madam Speaker, on top of their rush to war and their insufficient planning, their mismanagement is legendary. They initially estimated that the war would cost 50 to $60 billion. But by the end of this year, Congress will have spent about half a trillion dollars, ten times the original estimate.

Last week, we had a hearing on $12 billion that was airlifted into the war zone and now $8.8 billion is unaccounted for, completely missing. Madam Speaker, how much mismanagement and misdirection can this country tolerate?

In November, Americans voted for a new direction for the war, a new direction for Congress. I rise in support of this new direction and against this escalation in Iraq.

Mrs. WILSON of New Mexico. Madam Speaker, I yield 4 minutes to my colleague from Ohio (Mr. TIBERI).

Mr. TIBERI. Madam Speaker, I rise in opposition to this resolution this evening.

The resolution we are debating this evening is a nonbinding resolution. It has no effect of law. It does nothing to change our direction in the war on terror. For those who oppose the war, this

resolution does nothing to end it. For those of us who would like to debate the recommendations of the Iraq Study Group, this does nothing.

For those of us who would like to continue to show our support for the funding of the troops, it does nothing. For all of the chest pounding from the majority about a new direction or redeployment, this does nothing. This resolution could pass 435–0 and it still would do nothing.

Madam Speaker, there has been no opportunity for a free exchange of proposals this evening that could be useful in moving us forward. In fact, just this morning, one of Ohio's largest newspapers, the Columbus Dispatch, said it best in their lead editorial: ''Empty gestures. Democrat's resolution on Bush's Iraq war policy is political posturing.''

That says it all. Madam Speaker, your party has the majority in the House and in the Senate. Yet we have tonight before us a resolution that does not do anything. If the majority wants to exercise real leadership, let's have a true debate. Let's make real decisions, tough decisions, that is for sure, but real decisions.

Madam Speaker, let me tell you about a young marine corporal in my district. His name is Matt. Matt represents the best and brightest in America. Matt had a scholarship to go to college. He turned it down. He enlisted in the United States Marine Corps after Iraq was liberated.

Matt was on his second tour of duty just last month when he was shot. He returned home a few weeks ago. Matt will receive a Purple Heart. Weeks before he was shot, Matt sent an e-mail back to his family and friends in Ohio. In it he says: ''We have done a lot of good in Iraq, but on the homefront we likely will not see that reported.'' Matt said he has watched his fellow marines' hearts grow heavy when they talk to their family and friends, and that this is a tough part of war and a tough part of fighting for freedom.

I spoke with Matt a few days ago as we began debate on this resolution. Matt asked me to oppose the resolution and give him and his fellow soldiers the tools and the support that they need to help Iraqis help themselves take control of their own country, and together fight and defeat radical extremists.

Matt supports the mission. Matt does not want to see his children and grandchildren going back to Iraq to handle what can and should be done now. Our constituents elected us to lead, Madam Speaker. Our brave servicemen and -women look to us for leadership. We must not disappoint them.

Matt, God bless you and your fellow troops for your great and wonderful service to our country. I will vote against this resolution, this nonbinding resolution tomorrow, and will do all I can to support you and your fellow soldiers in your mission to fight and defeat radical extremists who seek to destroy our way of life.

Mr. SMITH of Washington. Madam Speaker, I yield 5 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE), a senior member of the House Armed Services Committee.

(Mr. ABERCROMBIE asked and was given permission to revise and extend his remarks.)

Mr. ABERCROMBIE. Madam Speaker, as chairman of the Armed Services Committee on Air and Land Forces, my overriding concern on every issue that comes before us is whether and how it supports our men and women in uniform.

Every decision about equipment, procurement, training, end strength or budget authorization must meet this test: Does it support our troops? The question before us today, increasing U.S. forces in Iraq by some 21,000 combat troops and somewhere between 3 and 28,000 support personnel fails this test in every respect.

Both the immediate and long-term effects of the war in Iraq on our Nation's military preparedness are evident and drastic. Extended deployments, premature redeployments, and sustained combat under unbelievably harsh conditions have taken a terrible toll on our forces and their equipment.

The results are an overstretched U.S. Army and Marine Corps with no fully mission-capable Reserve forces, and an urgent need for billions of dollars to repair or replace worn and damaged helicopters, tanks, other armored vehicles, including up-armored Humvees and other equipment.

I recently returned from an inspection of two of the Army's busiest repair depots in Corpus Christi, Texas, and Anniston, Alabama. What we saw there were skilled and dedicated employees working feverishly to make sure that our men and women in uniform, particularly those in Iraq and Afghanistan, have every piece of equipment they need to do their jobs and keep themselves safe from harm.

What we saw were the results of an administration's abject failure to mobilize this country's industrial base for this war of choice. Only now are we ramping up America's manufacturing capacity to fully support our troops at home and overseas.

Smugly self-righteous in its belief that U.S. troops would be targeted with nothing more lethal than rose petals, this administration has been complacent in leaving the burden of the war on the men and women of our Armed Forces, active, Reserve and National Guard. The impact of this attitude hit home for me in Corpus Christi when I read recently about the death in Iraq of a 48-year-old Army sergeant with five children.

Newspaper Columnist Dan Thomasson asked: What in the world was a 48-year-old man with five children doing in the military in Iraq? The answer is obvious, he was a member either of the National Guard or the Reserve. The Guard and Reserve are being used in a way never contemplated. Their repeated and sustained deployments turn lives upside down, sometimes permanently, and have a profound impact on families, businesses and whole communities.

Why have they been so misused? Because there is not anyone else. Because our active duty force is too small to sustain our engagement in Iraq and Afghanistan. To have acted to ensure the burden of this war would be more broadly shared, that the industrial sector would be mobilized, and the military equipment, supply and maintenance and repair systems put on a wartime footing would have been expensive and an admission of a reality the Bush administration did not want to confront.

The real and immediate concern is that forces now being deployed as part of this surge will not have the equipment they need when they get there. They will have to borrow it. We are not fully prepared to respond effectively.

The House then is considering an expression of support or opposition to another failure of leadership. Nearly 23 years ago, President Ronald Reagan's Secretary of Defense, Caspar Weinberger, outlined in a speech entitled ''The Uses of Military Power,'' six tests that need to be applied whenever combat forces are contemplated.

One: never commit forces unless the particular situation is vital to our national interest or that of our allies. Two: if we are willing to commit the force or resources necessary to win, we should commit them all.

Three: we should have clearly defined political and military objectives. Four: the relationship between the objectives and forces, size, composition, disposition, must be continually reassessed and adjusted.

Five: we must have the support of the American people and their elected representatives in Congress. Six: the commitment of U.S. troops to combat should be a last resort. President Bush's policies have failed every one of then-Secretary Weinberger's tests.

What then are the consequences of this failure? Our troops are in peril. Our credibility is shattered and the lessons of the past are submerged in empty rhetoric and political dribble.

□ 2100

Make no mistake, we are engaged in a war of choice, a catastrophe conceived in ideological zeal, cloaked in misinformation and administered with breathtaking incompetence.

It is an outrage that we have not had a single policy in Iraq worthy of our men and women in uniform. This surge is yet another misstep in this tragic journey to disaster. We need to end it and end it now.

Mrs. WILSON of New Mexico. Madam Speaker, I am pleased to yield 4½ minutes to my colleague from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. Madam Speaker, the morning of September 11, 2001, I was a Minnesota State senator meeting

with a group of local educators at a Perkins Restaurant in Woodbury, Minnesota. Because you can't find a babysitter at 7 o'clock in the morning, I had my three daughters with me at the restaurant when I learned of the attacks. After that meeting, I dropped our girls off at school and then, together with millions of Americans, in horror I watched my television as the terror unfolded. Thousands of innocent Americans were targeted for death that morning by an evil regime of radical jihadists. Then came the challenge of explaining to our children the magnitude of the tragedy that had just befallen our Nation. As a mother, I can tell you it was one the most difficult conversations that I have ever had.

September 11 galvanized Americans. We knew without a doubt that we had an enemy, but America fought back, united. We were attacked on September 11, but the radical Islamic jihadists declared war on innocent Americans long before that morning and, chillingly, that war continues even today. Their brand of evil chooses to kill the greatest number of innocent civilians. They are a cruel enemy. They are unwavering in their resolve to seek the total annihilation of the United States of America and of our freedoms, and of our Western allies especially. They seek to destroy our friend, the State of Israel.

Today, Iraq is the central front in this war, and that is according to the radical Islamists themselves. Some in this Chamber may want to deny that fact. However, it is the jihadists who chose Iraq as the central front in the war on terror. It wasn't the United States. And we fight them on their turf. Al-Zawahiri has said many times that Iraq is one of the crucial fields in the Islamist war. The radical Islamists know that they cannot beat us with guns and with bullets alone. They can only beat us in one way, and that is if they crumple the resolve of America to fight and to win this war.

To American soldiers, I want to say to you specifically tonight, know that many of us here in the United States Congress support you and your mission. We pray for you. We love you. We appreciate you and your sacrifices on behalf of our freedoms. It is because of your bravery that we will defeat the radical jihadists. Surrender is not an option, not if our goal is the maintenance of freedom.

It is very telling, I think, that the resolution that we are debating this evening only states what those on the other side of the aisle oppose. After all these hours of debate, the American people have yet to hear a plan from the Democrats for victory in this war against terror.

I believe, and you, our troops, know that victory against the evil people who want to kill Americans transcends politics. Victory in this war means that no mother will have to explain to their children the death of thousands of innocent Americans.

American soldiers, please know that many of us in this Congress stand strong in our resolve to support you and our fight to preserve America's freedoms. On my watch, I pledge to you during this, my term in Congress, that I will stand for you, and I will vote to preserve America's freedom.

And I want to say to you this evening that it is American soldiers, Minnesotans, who are in the National Guard. It is members of the Minnesota National Guard who make up over 10 percent of this increase in troops. Minnesota is supplying over 10 percent of those troops.

I had the brigadier general of the Minnesota Guard in my office yesterday, and I asked him, What is the morale? What is the message that these troops want me to know? And he said, They want you to know that they stand ready to fight, and their morale is high.

I say thank you to the Minnesota National Guard. Thank you for your sacrifice. Thank you for your bravery. I will stand with you. Just as the Minnesotans who stood first in line in the battle to fight for our Union, it is Minnesota who is standing strong in this battle to fight. It is the battle of our time, the balance of our generation, and I stand with you.

Mr. SMITH of Washington. Madam Speaker, I yield 5 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Madam Speaker, the great poet, Maya Angelou said, ''When I knew better, I did better.''

I am a member of the Progressive Caucus, proudly so, because I believe that we must always strive to do better to truly make progress.

A sign of intelligence and learning is to take the knowledge that we have acquired and adjust our goals accordingly. For some, it seems to be a badge of honor to stay the course, no matter what facts have come to light to contradict that course.

So what did some think they knew then, and what do we actually know now?

Some thought Iraq played a part in the attacks of 9/11. Now we know better.

Some thought that invading Iraq would not diminish our ability to continue our mission in Afghanistan, defeat the Taliban, and find Osama bin Laden, the mastermind of the terrorist attacks in America. Now we know better, but we still don't know where Osama bin Laden is.

Some thought that the intelligence used by the President to lead us to war was accurate. Now we know better.

Some thought that Saddam Hussein had weapons of mass destruction, which could not be discovered by the U.N. peacekeepers. Now we know better.

Some thought that Saddam Hussein tried to purchase yellow cake uranium from Niger. Now we know better.

Some thought that we did not need the support of the free world to enter into war. Now we know better.

Some thought we would never send our troops into harm's way without proper equipment. Now we know better.

Some people thought the people of Iraq would welcome us with open arms, and that the war would be won swiftly. Now we know better.

Some thought on May 1, 2003, some 4 years ago, that the mission was accomplished. Our President told us so on an aircraft carrier in a photo-op. Now we know better.

Most importantly, we know that young Americans have heeded their country's call and have placed themselves in harm's way to serve America. There is nothing nobler than the sacrifice made by our men and women in uniform. But such sacrifice should never be secured through deception. Now we know better, and we must do better.

Early on, many of my colleagues in the Progressive Caucus did not believe all they were being told about the connection between 9/11 and the terrorists and Iraq. We were all very concerned that pursuing an invasion of Iraq would be an act of aggression unheard of in our Nation's history.

What makes America unique is we believe that our Nation is founded on the rule of law, and that is what has made our country great and why we have been respected all over the world.

Millions of Americans put faith in the administration. Many could not have imagined that such a disastrous course would be pursued without truth beyond the assurances that were given. But now we know.

We know we have lost the goodwill of many of our allies. We know we have no exit strategy. We know that more Americans will sacrifice their lives. We know that mothers, fathers, wives, husbands and children will weep. Children will be orphaned, and young people will spend their lives maimed. And for what?

We can choose enlightenment or we can choose blind ignorance. We can choose to wrap ourselves in the American flag and claim that anyone who demands answers about the reasons for sending our troops into harm's way is unpatriotic and does not support our troops.

We can choose to use the knowledge we now have, or we can cling irrationally to the President's failed policies that led us to war.

The Earth is not flat. The sun does not resolve around the Earth, and we did not go to war for the reasons we were told. I don't know what the real reasons were. Maybe we will never know. But we do know better now and, knowing better, we must do better.

That is why I support this resolution, why I support our troops, why I oppose the escalation, and why we must follow the recommendations of the Baker-Hamilton Commission and shift from the war zone to the diplomatic arena. We have gone from shock and awe to aw shucks.

And escalating this war by putting 20,000 Americans into the streets of Baghdad, ala Mogadishu, aka Blackhawk Down, is inviting a 21st century Pickett's Charge or a Charge of the Light Brigade.

May God save us if the President of the United States will not.

Mrs. WILSON of New Mexico. Madam Speaker, I am pleased to yield 5 minutes to my colleague from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Madam Speaker, I rise tonight in strong opposition to this resolution and in strong support of our troops in the mission as they fight the global war on terror.

I am really disappointed in the hollow resolution that does not match the seriousness of this issue that we are debating. It appears politics, not the safety of our Nation, is leading the way.

Not long ago, several of my Democratic colleagues were arguing we need additional troops in Iraq. But now the President and the Iraqi Study Group say, send more troops, and now the Democrats are against it.

So when they say, now that they have the ability to and the responsibility to govern, the majority has no plan for success. In fact, the only plan is to cut funding for our troops on the ground in Iraq.

Statement after statement from Members on the other side of the aisle paint a very clear picture. This week's debate is merely paving the way for future cuts in funding for Iraq. The realities of the current global conflict demand a more responsible approach from this body.

We know that terrorist enemies are patient. They are calculating, and they intend on attacking us again. They have stated that Iraq is the central front for the global jihad, yet expelling America from Iraq is merely the first step in their strategy.

We also know that leaders of the terrorist organizations have ordered their followers to extend their jihad throughout the region and the world. So it is clear that the attacks on our country and the citizens will not stop if the troops pack up their bags and return from Iraq. The terrorists will follow us back to our America.

A long list of terror attacks took place long before 9/11 and long before we entered Iraq and overthrew Saddam Hussein.

I, like everyone else, want our troops to come home as soon as possible. However, with shortsighted political calculations made in this body that may cause us to lose that war, terrorist groups will only be encouraged to expand their efforts.

In addition to the terrorist groups who are watching this debate and our actions in Iraq, we also know that Iran will see that America is buckling to our political reactions to this issue. Not only does Iran stand to benefit from increased instability in the region, but seeing America retreat in the face of military obstacles will only embolden that rogue regime to question America's resolve.

While we can disagree on whether to send reinforcements, we must all agree that the consequences of losing the battle on the global war on terrorism is catastrophic and far-reaching.

America must not be a Nation where our school buses, our malls, our neighborhoods, become the battlefields for the war on terrorism. Therefore, we should be saying we will not retreat, we will not back down from this fight. We should stand 100 percent behind our troops and give them the tools and support necessary to get the job done. Our security depends on it.

Unfortunately, this resolution fails on each front. This resolution does not put forth a successful strategy for victory, and the resolution does not show our troops that they have our full support.

In fact, for the last 2 or 3 days, you have not heard one solution offered by the other side. You have not heard one solution offered of what happens if the President is right. This is too important of an issue for us to be backing down from and to be having silly political debates.

To the contrary, this resolution only serves to score political points and embarrass the Commander in Chief during a time of war. It does so while, at the same time, weakening the morale of our troops. Fighting and winning the war is serious business. It requires our President, our military leaders, our elected officials to make important decisions, tough decisions. Yet making tough decisions is what the American people expect their Representatives to do.

Therefore, I call on my colleagues to reject this resolution, end the political stunts, take seriously our responsibility to govern and to ensure the safety and the security of the American people.

This has been a rock fight. This is not a place for a rock fight. This is a place for serious deliberation to make sure that we keep America safe, both today and in the future.

I urge my colleagues to reject this resolution.

□ 2115

Mr. SMITH of Washington. Madam Speaker, I would just argue, first of all, I respect the gentleman from Texas, but I have only been here for an hour and 15 minutes and I have heard countless alternatives from many Democratic speakers. May not like those alternatives, may not think they are the best course, but it is wrong to say that the Democrats have not offered alternative courses of action in Iraq. They have offered a good many.

Madam Speaker, I yield 5½ minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Madam Speaker, I thank the gentleman for yielding.

With this resolution, Congress puts the Bush administration on notice we take the first step toward a course correction in Iraq that the American people voted last November.

We also put the leaders of Iraq on notice that our troop strength there will be redeploying, not escalating.

This House cannot stand by and expect our courageous troops to win the war against terrorism militarily while the Commander in Chief loses it strategically and ideologically.

Some have said passage will make bin Laden smile. They are mistaken. He is already smiling due to the devolving chaos in Iraq. He is achieving exactly what he set out to do: forcing us to destroy a nation to save it, while embroiling our military in an unending Islamic civil war of attrition that produces more terrorism and anger toward America.

Our mission in Iraq is struggling, but it is not due to a shortage of supplies or a lack of will or poorly trained forces. To the contrary, we have the best military in the world, with every dollar appropriated by this very House.

Our mission is faltering because the President misjudged the field of battle. Our troops are poised against a borderless political movement determined to mobilize downtrodden people.

That idea emboldens its adherence to confront the largest military force in the world. That idea enlists the weak to confront the powerful. It pits puritanical religious followers against kingdoms, against the superrich, and against corrupt regimes they deem to be unfaithful. And in Iraq it propels Sunni against Shia.

Despite the heroic efforts of our troops, the paradox is that the war in Iraq cannot be won in Iraq. Indeed, the war in Iraq becomes counterproductive in winning the war of ideas across the region.

We cannot ask our troops to bear the burden of winning a ground war when the President's policies have lost the idea war.

We know the truth. There were no chemical labs, as pictured here, when Secretary Powell laid out the case against Iraq before the U.N. and said there were chemical labs in Iraq. There were no such chemical labs. There was no yellow cake uranium from Niger, and there were no weapons of mass destruction.

We cannot ask our troops to win military victory when the administration's reason for invasion were falsehoods and debased our Nation throughout the world.

The intelligence was not faulty. No one should be allowed to blame this on the Central Intelligence Agency. Our intelligence community, including the CIA, tried to tell President Bush and Vice President CHENEY, but they refused to listen.

Madam Speaker, though I voted for the NATO mission in Afghanistan, I spoke out strongly against the resolution authorizing President Bush to wage preemptive war against Iraq because I feared what would happen:

more terrorism, not less; more instability, not less.

Since that vote I have supported our troops at every turn and will continue to support them. And I do not regret my vote against the war in Iraq, and I do not apologize for my support of our troops. But now is the time to take the first step toward course correction to redeploy them more effectively.

The roots of terrorism did not spring from Iraq. Terrorism sprang from diplomatic and political failures in undemocratic states, from an Afghanistan that was let fester after the Soviet defeat. Terrorism springs from an Iran whose Shia majority our Nation has isolated for the last quarter century and tried to throttle for the prior quarter century.

Terrorism springs from Saudi families who pay to promote the most radical form of Islam in other nations to hold onto power in their homeland, one of the most undemocratic places on Earth. Terrorism springs from the unaddressed Israeli-Palestinian standoff. Terrorism springs from a Lebanon where the Shia majority has been underrepresented in the institutions of government.

Terrorism springs from a view, fair or not, that the United States allies with the rich but not the poor across the undemocratic Islamic world. How can America stand for democracy in Iraq but not in all of the oil kingdoms and theocracies to which this Nation has been unfortunately tethered for our entire adult lifetimes?

How can we ask our troops to bear the brunt of war in the most oil rich region of the world when we have refused to become energy independent here at home?

Madam Speaker, we cannot ask our troops to bear the burden of war when real diplomacy has been absent and political coalitions for victory are missing in action. In the end, war is the breakdown of diplomacy.

Now is the time for a course correction: redeloyment of U.S. forces, benchmarks to measure strategic achievements, diplomatic alternatives such as a soft partition of Iraq enforced by the world community to quell the rising Sunni-Shia-Kurd standoff.

Chances are the violence in Iraq could continue for years to come. The danger now is that our actions to date exacerbate it and encourage this violence to spill over into Jordan, Turkey, Bahrain, Kuwait, Lebanon, and even Saudi Arabia.

This resolution begins to resurrect America's reputation among the freedom-loving nations of world. America has always been a nation that believes in containment, not preemption. We have always known defense, not offense, is the best war strategy. We have always been strong enough to ferret out, wait out, outsmart, and counterweight the enemy.

3,117 U.S. dead; 23,000 injured; hundreds of thousands of Iraqis dead; the rejection of the world community. These facts should lead us to face a future of a new possibility.

This resolution opens that door. I urge my colleagues to vote ''yes.''

Mrs. WILSON of New Mexico. Madam Speaker, I am pleased to yield 5½ minutes to my colleague from Florida (Mr. MICA).

Mr. MICA. Madam Speaker, first let me say to those who question our going into Iraq, I voted to go into Iraq and I would vote the same way again. We have found 300,000 mass graves to date, and standing right at this podium, the Iraqi leader told us that Saddam Hussein slaughtered 1 million of his fellow citizens.

The question before us tonight, and what Congress is now considering, is a nonbinding resolution that makes two points. The first point is it praises our troops. The second point is it speaks against the President's decision to increase or surge our U.S. troop numbers in our current attempt to end the civil and terrorist conflict in Iraq.

Let me say at this point that I do not fault individual Members and their choice made tonight or tomorrow to support or oppose the arbitrary nonbinding resolution that is before us. I do, however, fault the failed Democrat leaders who crafted this resolution behind closed doors, written in the dark of night.

The people should know that this is not a true debate. In fact, this exercise is a 3-day politically hatched farce. In fact, this exercise is absent of any legitimate legislative process. It is also, in fact, vacant of the two options provided Congress under our Constitution: first, to declare war or, second, to appropriate funds for the conduct of war. In fact, this is a stealth resolution brought to the floor absolutely void of the democratic process; that our men and women are fighting, as we are here tonight, to preserve our freedoms at home and the rights at home and extend those rights to oppressed people abroad.

This is not Cuba. This isn't Venezuela. This is not North Korea or some Third World country. This is the Congress of the United States.

But let me congratulate the authors of what history will surely record as a very dark chapter in the conduct of the House leadership and the House of Representatives, leadership, in fact, entrusted to them by the American people.

Let me congratulate the authors on the clever wording of a resolution to praise our Armed Forces and at the same time undermine our Commander in Chief. Very clever.

I also want to congratulate the very clever timing of the floor discussion of this worthless measure that disregards the fact that American troops have already been deployed for this mission.

Congratulations are also in order for duping the public and the media into creating the illusion that Congress is really doing something about the conflict in Iraq.

And again congratulations on making people think that this is bipartisan support, that this is going to be bipartisan support for a resolution that, in fact, achieves nothing but the discrediting of a President of the United States in a time of war. So I also want to extend congratulations to the crafters of this illegitimately drafted nonbinding resolution. Your accomplishments will be lauded by Hamas, al Qaeda, touted by Al Jazeera, and highly praised by America and Bush haters throughout the world.

Ironically, I pulled this up. Google it yourself. This is tomorrow, 8:17 Mecca time, Al Jazeera: ''Democrats Attack Bush War Policy,'' and the lead quote is from Speaker PELOSI.

Again, congratulations on your achievement.

Fortunately, though, folks, throughout history great Presidents have ignored Congress and have not wavered. George Washington was nearly recalled by Congress in the darkest hours of the American Revolution. He fought on for nearly 8 years to gain our independence and freedom. Abraham Lincoln endured untold criticism in Congress in his fight to ensure freedom for those once enslaved. Ronald Reagan never flinched in his quest to bring down the Iron Curtain and free millions. And George Bush will be remembered for freeing Iraq, giving women and the oppressed the right to vote, for conducting free elections, helping Iraq adopt a constitution, and combating terrorism and extremists.

The 110th Congress, however, will go down in history for adopting a nonbinding resolution. Think about it.

Yes, we all want our troops home. We all want our children to live in a world of peace. And this resolution will not help us achieve either of those goals.

Mr. SMITH of Washington. Madam Speaker, I now yield 5 minutes to the gentleman from Illinois (Mr. JACKSON).

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Madam Speaker, I rise today in defense of our national security, in support of our troops, and in favor of this resolution.

This measure is a first and important step in preventing the President's ill-conceived escalation plan; reversing our present, perilous course; and ultimately bringing our brave troops home from Iraq.

Mr. President, when in a deep hole, stop digging.

But rather than searching for a way out, the President proposes to dig down deeper, plunging further into a dark abyss. Blinded by ideology and steeped in delusion, the administration's answer to the chaos in Iraq is to send an additional 21,500 troops into the middle of it.

I do not support the President's shortsighted, wrong-headed, reckless approach. And on behalf of the American people, this House must act now to stop the continuation of an ambiguous, constantly changing, open-ended engagement in Iraq.

During the last 4 years, our men and women in uniform have answered the call of duty. They have demonstrated true courage and bravery and honor. They have served our Nation valiantly, even as many civilian leaders have failed them.

I mourn the loss of 3,100 Americans who died, 95 of whom are from my home State of Illinois. I pray for the thousands who have been seriously wounded and permanently disabled. And I have voted again and again to ensure that our troops in Iraq had the body armor and the equipment that they need to protect their lives and discharge their duties.

Tragically, the war in Iraq is a case study in ''mission creep.'' And the fact is no amount of troops can successfully complete a mission that is unclear, that is ill-defined, that is muddled and mutable.

During the run-up to the first gulf war, then-Chairman of the Joint Chiefs of Staff, General Colin Powell, put forth eight criteria to be met for military action. Among the critical questions posed by the Powell doctrine were the following: Do we have a clear attainable objective? Is there a plausible exit strategy to avoid endless entanglement? Have the consequences of our actions been fully considered?

The answer to each question when applied to Iraq today is the same as it has been since the start of this war: no, no, and no.

□ 2130

With the help of its author, the Powell Doctrine was shredded to bits and the mission in Iraq is adrift.

Consider this: On September 12, 2002, President Bush challenged world leaders at the U.N. General Assembly session to confront the grave and gathering danger posed by Iraq's weapons of mass destruction. However, no weapons of mass destruction were found there.

Then President Bush shifted his justification, arguing that the war was about liberating Iraqis from a brutal dictator. But in December 2003, 4 years ago, Saddam Hussein was found and captured. He has since been tried and hanged for crimes against humanity.

After Saddam was taken into custody, President Bush claimed that the mission was to spread democracy throughout the Middle East. Yet Iraq has deteriorated into sectarian violence erupting into a bloody civil war.

Now, with the violence increasing, the President says our mission is to confront the terrorists in Iraq so we don't have to face them here at home. However, according to government intelligence, the war in Iraq has helped recruit more terrorists, not vanquish them.

Madam Speaker, now is not the time to close our eyes, cross our fingers and stay the course. We cannot continue to engage in the same action and expect a different result. We should not send more of our soldiers to the desert on a mission that shifts like the sands beneath their boots.

The President's plan attempts to impose a half-baked, unworkable military solution, when Iraq needs a political one. Rather than a military escalation, this situation in Iraq requires a diplomatic and political intensification. The American military must stand down, so the Iraqi people can stand up and seek a political settlement and assume responsibility for their own future. The Iraqi government must engage in negotiations and compromises that balance the power of provincial and central governments, share oil revenues and protect the rights of every Iraqi citizen.

The Iraq Study Group, co-chaired by James Baker and Lee Hamilton, released a report in December stating the same. They said the security situation cannot improve unless leaders act in support of national reconciliation. There is no action the American military can take by itself that can bring about success in Iraq.

As Democrats, we support our troops, but we don't support the Commander in Chief squandering billions of our tax dollars and recklessly putting our brave soldiers in the cross-hairs of someone else's civil war. I believe our domestic national security rests on redeploying our military forces from Iraq in order to build more consensus in the Middle East.

To conclude, Madam Speaker, I support this resolution opposing President Bush's failed policy of escalation. It is time to bring a responsible end to this war, to bring our troops home, and to bring them home right now.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. CAPPS). The Chair must remind Members that remarks in debate should be addressed to the Chair and not to the President.

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

Madam Speaker, I recall March 6, 2003. I came to this floor and spent an hour and outlined the 17 resolutions before the United Nations in which Saddam Hussein continued his open defiance. That is what was also discussed. So what is lost from this debate is Saddam Hussein's recalcitrance unto the world. As a veteran of the Gulf War, that was ended by a ceasefire, where Saddam Hussein did not uphold his end of that agreement.

To the last speaker, he spoke about the political and economic, but in order for an infancy government to be able to survive, you have to be able to establish its political apparatus, you have to be able to give it its economic goals and a means to achieve them, but you also need to establish security.

Therein lies the President's plan. He met with the leaders of Iraq and he got some concessions from Iraq. ''In fact, you will take the lead, you will work with your parliament, you will achieve these political and economic goals as we work together to establish your security.'' That is the plan.

The Democrats only want to focus on one small portion of the plan, which is called a surge, which is disrespectful to the plan. But it makes good politics, and that is what is disheartening to me.

Madam Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Madam Speaker, I rise tonight after another long day out of disappointment—disappointed that we are not having a real debate about how we win in Iraq. We have spent countless hours in what is little more than political theater.

This body is scheduled to meet 145 days this year. Just to open our doors, we spend over $8 million for each legislative day. This debate will cost some $30 million, yet it will yield nothing but a partisan vote on a nonbinding resolution after literally hundreds of speeches designed to do no more than charge up one's own political base.

I am deeply disappointed. The people expect more from us. They expect solutions, not grandstanding. They expect both parties to work together. There will be no victory when our votes are tallied. We will have every problem we began with, but be even further apart politically.

Tonight, I believe we embarrass ourselves before our brave men and women in uniform, before the American people and before our enemies.

Mr. SMITH of Washington. Madam Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, after Congress has successfully completed action on the first 100 hours, we now begin a critical 100 days for the future of our engagement in Iraq, United States policy in the Middle East and our struggle against violent fundamentalism. Between now and the Memorial Day recess, 100 days for Congress to reassert itself as a coequal branch of government, as envisioned by the framers of the Constitution, to change the course in Iraq.

This is a decisive moment. It is time for every one of us who would be a leader to lay our cards on the table. Each must be true to our own conscience and to the responsibility of office by letting the American people know honestly and directly what we stand for and what we would do in Iraq.

This resolution gives clear and concise voice to the desires of the American people. It expresses support for our troops and demands that we not place more of them at risk without a reason or a plan. And I strongly support it.

Along with this resolution, the Congress under Speaker PELOSI's Democratic leadership has already done more to provide oversight and accountability than Republicans over the last 5 years. We have held 50 hearings on the conduct of the war, fraud and failure in reconstruction efforts, and the outrage of our troops being sent into harm's way without the equipment they need. I applaud the efforts of our leadership

on the Appropriations Committee to end the practice of giving too much to the wrong people to do the wrong thing.

However, these are only the first steps. We should not only oppose escalation of the war, but we should pass legislation to bring the war to an end responsibly. Investigations must be followed by specific and personal accountability for crimes that have been permitted in the conduct of this war.

We should use the power of the purse to ensure that funds go specifically to keep our soldiers safe, rebuild badly damaged military readiness, undertake new diplomatic efforts and support the Iraqi people, not an open-ended occupation.

For the last 2 years, I have been working with concerned citizens in Oregon to develop a responsible plan to end the war and provide the best hope for a better future in Iraq. Last month, I introduced comprehensive legislation, the New Direction For Iraq, H.R. 663, as a model for the kind of legislation that Congress should enact, and I am confident will enact.

This legislation would bring the troops home, require a comprehensive diplomatic effort, redirect reconstruction assistance, promote international efforts to disarm militias, investigate and punish war profiteering and deal with the 2 million Iraqi refugees who have been forced to flee their country, people the administration has only recently been able to recognize.

A word about Iran. It is a complex puzzle, more difficult than any of us imagine and one that poses real challenges. But as the President marches us closer and closer to a major provocation, maybe a new war, whether intentionally or not, Congress should not let itself be steamrolled or lied to, as it was with Iraq; Congress must assert itself with real diplomacy and a real strategy.

It is also time that America lived up to our ideals. No more torture, kidnapping and unauthorized wiretaps; no more lying and unnecessary secrecy; not treating the Constitution as a suggestion or using false claims about national security to score political points against those of us who have been right about this war from the beginning.

We must start treating the public like a partner and recognize that they are far ahead of the President and the Republican leadership. I am just frustrated to hear false analogies to the dark days of World War II or to the Civil War. We are bogged down in somebody else's civil war, and we have been doing it longer than World War II or the Civil War, with no end in sight, until now.

They should join us in taking this conversation to coffee shops, churches, campuses and conference rooms, working with the American people.

Over the next 100 days, I will continue to fight for a comprehensive plan that I am confident will come forward. It is in the honor of Travis Bradach Nall, a constituent of mine who was killed in Iraq the very day the President taunted the insurgents to ''bring it on.''

For Travis and over 3,000 of his brave comrades who have given their lives, I urge support of this resolution as a critical first step to bringing this tragic war to a close.

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

Madam Speaker, I stand before you in opposition to this resolution. It champions a dismally irresponsible and dangerous course of action. On its face, the resolution merely addresses the troop surge, ignoring the President's plan in its totality, as I said earlier.

I will now address our efforts to move forward on the diplomatic and economic front. With regard to the establishment of government capacities, the establishment of the rule of law is a necessity, for to have Iraq address the national plan of reconciliation, to have them pass enabling legislation for the Constitution and amendment process, and to set provincial elections, is extremely important.

With regard to the economic piece, the concession whereby the Iraqi government will seek to have a quasi-Alaskan model with regard to the revenue sharing of its precious assets is extremely important, because you do not want the distribution of the oil proceeds to go to regional leaders. It will only empower them and then weaken the unity Federal Government.

With regard to the debt relief agreements, much has been negotiated, but the neighboring Gulf States need to step forward, and upcoming meetings are at hand.

The debate seems to be on the security piece. There are those saying well, let's just back out completely. They use words such as ''withdraw to the United States'' and ''redeploy.'' But is that a plan? I haven't heard any form of military plan. They say what, we will just turn it over to them? Wow.

As we listen to the neighboring leaders, they express caution of cataclysmic consequences. I fear how America will be defined by our friends. Do you reach out to a child as you are teaching it how to walk, let go of the hand and let them fall and say it is up to you, and leave them alone? You are going to have to find your way to the kitchen. Or do you go back and help them walk?

I am concerned about how cold and callous the new majority is to this new infant democratic government. But I guess even more disconcerting to me is the politics behind this resolution. While the majority tells the American public that change must occur, that we are going on the wrong course, this amendment basically opts for the status quo, the same status quo for which they have attacked the administration, which they campaigned against last fall.

They offer no solution, only acting as the critic, and being a critic is the easiest role in the world.

□ 2145

Just sit back and just bark at someone, yet offer no plan of resolution for stability within the region. What is the plan of success for them? Silence.

Let us also address the undemocratic process under which their resolution was brought to the floor here. We stand here and debate how best to bring democratic government to Iraq, yet this majority in Congress shows the leaders in Iraq how to be undemocratic and deny a Republican minority a chance to bring a substitute resolution. I find that quite ironic that this Capitol that is supposed to be the most democratic process in the world is now undemocratic.

I beg of my colleagues not to play politics with the safety and security of this Nation. I must remind this body and the American people the threat we face.

Iraq is a critical front in the larger global war on terror. We are entrenched in a fight against masters of intimidation, bound together by an extreme, perverted ideology which they claim is a legitimate interpretation of Islam.

Our enemies seek to establish regimes that rule according to a violent and intolerant distortion of the Islamic faith, that is, to deny all political and religious freedoms and aim to establish sanctuaries for violence and additional attacks. They have no centralized command structure or place to call home. Instead, they exploit local conflicts to build a culture of victimization. They mobilize resentful, disillusioned, and underemployed young men and women and have mastered technology to aid them in their bidding.

Abu Masab al-Zarqawi, the former leader of al Qaeda in Iraq, explicitly warned that the establishment of a democratic Iraq is the death of al Qaeda there. Think about that. The leader of al Qaeda in Iraq says to establish a democratic Iraq is the death of al Qaeda. Yet, what does the new majority want? Pull-out of our troops, weaken the stability of that country, to be overtaken then by al Qaeda, instead of strengthening the democratic government, ensuring that they have an economy political apparatus and have the security to prevail, which is the death of al Qaeda.

Our resolve should be to succeed in this struggle, and we must be stronger in our resolve than their resolve to inflict terror. At every step they are watching our move, waiting for us to falter, fail, drop our guard, or just walk away.

General John Abizaid, the former commander of U.S. CENTCOM, described well the ramifications of letting Iraq fall to terrorism in his testimony before the United States Senate: ''The enemy's vision of the future would create a region-wide zone that would look like Afghanistan under the Taliban. Music would be banned, women ostracized, basic liberties banished, and soccer stadiums used for

public executions. The people of the region do not want the future these extremists desire. The more we talk about this enemy, the more its bankrupt ideology will become known.''

This enemy uses suicide bombings, beheadings and other atrocities against the innocent citizens of the world to pursue its objectives. They are the enemy of freedom and wanting nothing more than to disrupt peaceful, civilized people everywhere. No one is safe from this hatred, and it is not restricted to the Middle East. Just ask those in London and Italy and other places around the world. This is a global threat. Iraq is not the limit of this beast's haven.

It is the challenge of our generation to destroy this enemy wherever it lurks. We cannot do it without the resolve, cunning, and above all vigilance. The price that we pay for freedom is eternal vigilance from those who seek to steal it away.

While we have not been attacked on our homeland since September 11, 2001, it is not for the lack of the terrorists' efforts. We have been fortunate to have spoiled and foiled several plots here in this country and around the globe. Yet, the fight is far from over. Chances are that today you feel safe in your neighborhood. You can walk to the store. You can play with your children at the local park or in your backyard without having the fear of being blown up by a roadside bomb or being shot by a sniper. You allow your children to go to the malls without fear of a suicide bomber.

It is that peace of mind, this feeling of safety that we are endowed as the elected leaders of this country to preserve at all costs.

I remind you that these extremists want to disrupt and destroy our every way of life. They are not equipped to do battle on a conventional battlefield. Instead, they look to disrupt our most basic freedoms, our securities and our institutions, public and private. The world is their battlefield. Their hope and their goal is to outlast our resolve.

It is our burden to bear, our generation's great challenge to defeat their hopes and objectives. We cannot cower and seek the sanctity of security in this challenge. You are not free when you cower. You have given in to the designs of the terrorists if you do.

This debate began with the Speaker asking whether or not this resolution will make our troops safer. The answer I believe is no. This resolution lacks courage. It lacks leadership and it lacks a forward way of thought. This resolution, to me, is pure political theater. The administration has given us a legitimate plan to work with, and the majority in this House has given us nothing but criticism and a path for an easy way out that virtually holds the door open for terrorists to destroy an infant democratic government and to open a way of access to the U.S. and our allies for terror.

I close with a thought from a past President who faced the trials of war in his lifetime. President Kennedy said, ''Let us resolve to be the masters, not the victims, of our history, controlling our own destiny without giving way to blind suspicions and emotions.''

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Washington. Madam Speaker, I yield 5 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I join my colleagues today to add my support to this resolution.

This resolution is straightforward and simple: we support our troops and oppose President Bush's plan to send more than 20,000 additional combat troops to Iraq.

I support this resolution because we need a new direction in our Iraq policy. This war has been going on for almost my entire service in this House, and during that time, I have heard one misrepresentation after another.

This war began on a flawed premise, that Iraq had weapons of mass destruction and posed an imminent threat to the world. After months of fruitless searches, it became clear that there were no weapons of mass destruction; but 3 years after coming to that conclusion, we are still in Iraq.

Then we captured Saddam Hussein and more than 3 years later we are still in Iraq. We were told we needed to be there to fight the terrorists who attacked us, but we all knew that al Qaeda was based in Afghanistan, not in Iraq.

Vice President CHENEY said the insurgency was in its last throes; and 20 months later, our troops are still in combat in Iraq.

We were told we were in Iraq to establish democracy and freedom. Iraq now has a Constitution and an elected government, but over 1 year later we are still in Iraq.

It was 3 years, 9 months and 2 weeks ago that President Bush declared mission accomplished, but our troops are still in Iraq.

We in this House and the American public have been continuously misled about this war. Enough is enough. If I really believed that sending another 20,000 troops would end the war and bring stability to Iraq, I would support it. It would be worth the sacrifice. But the war in Iraq cannot be solved militarily because it is a political problem.

So when the President wants to send even more troops, we really need to take stock of what that means for our country and the lasting impact that it will have.

We all know the statistics: 3,124 American troops killed; over 20,000 wounded; and over $379 billion spent.

And I have seen the costs beyond the numbers, and I am sure my colleagues have as well.

Each visit that I have made to Walter Reed, every wounded veteran that I have met in my district and each condolence letter I write to the widow or the parent of a fallen soldier painfully reminds me of the great sacrifice we are asking from our men and women in uniform and their families.

There are also costs that we don't have numbers for, but they are worth considering. How many children will grow up without a parent because of this war? How many veterans' lives will be forever altered because of the injuries they have endured? How are we being perceived throughout the world, and has it made us more vulnerable to terrorism?

As we consider the President's decision to send yet more troops and to escalate the costs we are bearing, we need to ask ourselves whether the cost of sending more troops to fulfilled a flawed policy is justified. I don't think it is, and most Americans don't think it is either.

As far as I am concerned, this is a moral issue. We are not doing right by our troops and their families to continue sending them into harm's way without a winning strategy.

And we are not doing right for America. Our continued presence in Iraq is breeding new recruits for terror groups and eroding the readiness of our own Armed Forces.

We are increasingly vulnerable to defending our interests in other parts of the world, such as Afghanistan, where just yesterday The Washington Post reports that NATO lacks enough troops to fight the Taliban and al Qaeda.

It is time to change our tactics and bring an end to our current mission in Iraq. This resolution is not going to do that, but it is a first step in articulating to this President that staying the course is not working and it is not acceptable to the American people.

I urge all my colleagues to join me in voting ''yes'' on the resolution.

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

Thinking about this debate, I reflected back to when this House voted on the resolution to go to war and so thought I would better look up what I said, because I remembered something that was very serious to me and what was very curious was the years before 2001.

I had watched a lot of people vote against the defense bill. Yet coming off of September 11, there was this bravado about going to war, and I felt a sense of unease. So I thought I would go back and see what I said when I came to the floor on that day, and I would like to share it with everyone.

I said: ''I have seen great resolve uttered in this Chamber and the swaggering display of courage.

''I can share with my colleagues, as a veteran of the gulf war, that war may be glorious in verse or prose, but in reality it is not. We are about to send America's finest, and that means men and women will die. It will be a noble cause, but we must remember the resolve of this moment, because in war it is chaotic. Not everything is going to go right. We cannot be 400 and 500 generals between the House and the Senate.''

Now, I said that back on September 14, 2001, trying to caution all of my colleagues, many of whom had voted against defense bills, now rattling sabers, feeling this bravado of let us go to war.

Now I have to ask, was that a false bravado because now, as war has gotten chaotic and has gotten hard and difficult, now they cower, and I have great concern.

So I ended with: ''We cannot have the bravado of today and then run at the first sound of the guns.''

Please remember this day when it gets hard.

The gentleman I am about to yield to, the gentleman from California (Mr. LEWIS), was chairman of the Defense Appropriations Committee, and I remember him well because I had served as the chairman on the House Armed Services Committee at the time and served with Mr. SMITH, and when we came out after Oklahoma City, then-President Clinton, very concerned about terrorism, and we passed our first anti-terrorism bill here in the House and many people were like, wait a minute, that was a domestic act of terror.

No, President Clinton began to focus abroad, not only upon the Russian Mafia, but he was also focusing on Osama bin Laden and other terror. It can be debated whether or not he took great vigilance on that front or not, but let me post a real compliment to Mr. Clinton because he turned to Hugh Shelton.

General Shelton was at the time the commander of Special Operations. I was very upset coming out of the House conference on the anti-terrorism bill because JOE BIDEN and I were trying to bring the country to roving wiretaps, but the country was not ready for it. So then it was defeated.

I then get on the phone and call General Shelton and bring him up to Washington, D.C., and I asked him a simple question: What are the top ten unfunded requirements that you have given Special Operations, the missions that you have to do in the dark world to secure America but you don't have the resources to accomplish them?

□ 2200

He sat down and he detailed them. More importantly, as President Clinton then named him, appropriately and wisely, the Chairman of the Joint Chiefs, he worked then with JERRY LEWIS and prepared the force. So when America was hit on September 11 and we immediately sent those special operators into Afghanistan, they were prepared, they were equipped, they were trained to fight in the dark world and special operations, and JERRY LEWIS, his leadership, was responsible for that.

Mr. Speaker, I yield to the gentleman from California such time as he may consume.

Mr. LEWIS of California. Mr. Speaker, I thank my colleague for those very, very poignant remarks laying the foundation for all of us to understand just how serious this challenge is that we are about.

Mr. Speaker, I rise to oppose the resolution before us and urge those who are voting for it, or considering it, to carefully reconsider their decision.

Section 1 simply expresses all of our support for our troops who are fighting for our freedom and freedom in the world in Iraq.

All of us agree with that piece of the statement, and each of us has expressed our support and encouragement to our troops in our own way and our own time.

The second section challenges the President's, actually the Commander in Chief's, request for a surge in Iraq.

Much has been said about our going to Iraq because of the prospect of weapons of mass destruction in the hands of the madman Saddam Hussein. We presumed their presence, as most of the leaders of the world and most of the intelligence communities of the world so presumed. Not finding weapons of mass destruction does not set aside the importance of eliminating the force of Saddam Hussein from the face of the Earth.

It was my honor to lead one of the early trips to Iraq following the fall of Saddam. We were about to consider an $87 billion supplemental to help finance our presence in Iraq. I wanted to take a team of Members who would reflect much of the Congress, so that trip included conservatives and moderates and liberals. It also included within us Members who had voted to support going to war and those who had voted against it.

We visited most of Iraq, Mosul, Tikrit. We spent time in Baghdad. We visited the killing fields where over 500,000 bodies of Iraqis lie, Iraqis who were murdered by Saddam Hussein. We saw the golden palaces and visited the industrial sites suffering under Saddam Hussein's neglect. We saw the economic conditions, the handbasket conditions left by Saddam Hussein.

We stopped out of country on our way home to consider the fact that there was this supplemental appropriations before us when we returned, some $87 billion, discussing what we had experienced. And the experience had a tremendous effect upon all of our colleagues. It is properly summarized by the statement of one of our Members who said: ''You all know where I have been coming from. I voted against the war. But after we have seen what we have seen over this long stay in Iraq, I am afraid what I am about to do is going to be very, very unpopular at home but I don't know how we can do anything else. Sometimes,'' he said, ''you have to be ahead of your people; sometimes we are elected actually to lead.''

That was almost 4 years ago. And fast forward to today. Saddam Hussein is gone, he is dead, and he is buried. But the extremists jihadi Islamic terrorists remain and continue to impact the entire Middle East. That is why we must succeed in Iraq. That is why we cannot afford to withdraw troops now.

Watching our floor debate last night, my wife turned to me and said, ''They want us to redeploy or withdraw. They want us to retreat.'' She said, ''George Washington did not retreat when our country was in danger.'' She questioned why we find ourselves in this kind of circumstance today.

I was reminiscent of that early time in our history when our Nation was threatened. The French came to our rescue, our assistance, and indeed played a major role in our future Commander in Chief himself being successful.

Americans should never forget that. The Statue of Liberty stands on Ellis Island as a reminder of the French view of that young America, its potential, a land of hope where freedom could reign and opportunity indeed might abound. For that and many other reasons we love France, and the French people are our friends.

But France is not entirely the same country at this point in its history. She no longer provides such a leading light for the world. No longer is it presumed that the French language should be the language of the international world. Today, about 10 percent of the French population is Muslim. Much of that population is middle class and something less than a middle-class opportunity.

Within that group, there abounds the voice of Islamic extreme. There are those who advocate jihad and who would wipe France as we know it off the face of the Earth.

We should not consider withdrawing now, because a stable Iraq is vital to our national interests and is an important part of our ability to promote peace and economic opportunity in the entire world. It is a critical battleground in our war against terrorism.

If we succeed in Iraq, we will have taken a gigantic step towards stamping out the source of terrorism that exists in that part of the world. If we are not successful in Iraq, we will meet extremist Islamic activism elsewhere. 9/11 was only a part of a beginning. If we do not stop extreme Islamic jihadists in the Middle East, we will see it again, and most likely we will see it again here at home.

Review with me for a moment where we have been in Afghanistan and Iraq and where it may take us. Al Qaeda was nurtured and gained strength in Afghanistan. America had played a key role in forcing the former Soviet Union to cease its incursion in Afghanistan. The Islamic extremists who surround the likes of Osama bin Laden took advantage of the vacuum of Afghanistan, and used it as a training ground that would provide the terrorists an opportunity to spread their jihad around the world and spread terrorism with it.

America cannot allow the likes of Osama bin Laden to have places like

Afghanistan to serve as training grounds. It is in our vital interests to see that Iraq, for example, does not serve as a recruitment and training ground for the forces who oppose freedom and oppose our very way of life.

Make no mistake about it, there are forces in the Islamic world who do not believe we should exist. They may be relatively new or small in number, but there are those of Islamic jihadist extreme who are committed to the death of the nonbelievers. There are those on the extreme Imam fringe who teach hatred for the infidels in mosques all around the world.

We do not want to believe in such extremism as a country or a people, but the true believers want all of us to be dead, all Englishmen, all Germans, all French people, all Americans who are not committed to their belief. The heathens should be dead. How else would one be able to convince men, women, and children to strap themselves with bombs and kill the innocents by the thousands? If not death to all infidels, how else would a mother praise Allah as her young child explodes as a bomb in a crowded train station?

The war on terror goes well beyond Iraq. But make no mistake, that war will not be won by walking away from Iraq.

The President has called for a surge of just over 20,000 troops. That request does not flow from a naive presumption that maybe, just maybe the battle for Baghdad can be won by a few brave men.

The call for these troops is a change in strategy, a strategy that suggests that, with the leadership of such brave men committed to taking the Iraqis out front, can lead the way to a successful change in Baghdad, indeed, a change throughout Iraq; a strategy that the President would suggest involves clearing areas of Baghdad, clearing other areas throughout Iraq, stabilizing them, and then providing the real opportunity for democratic growth and change in Iraq.

A successful stabilization of Baghdad indeed is only the beginning point in Iraq. To me, this kind of change is the real hope for the people, not just of Iraq, but of the entire region. To me, that is the definition of success in Iraq.

If we are successful, we will have changed the face of the Middle East. A successful Iraq will send a great message to the likes of Iran, Syria, Yemen, and Indonesia.

The chance for a long-term peace and the chance for stability in the entire Middle East is the great strategic interest of the United States saving tens of thousands of lives are worth a great commitment by the world's only remaining superpower. The economic values that are to be gained from stabilizing the region are impossible to estimate, but they can be measured in multiple trillions of dollars.

But what happens if we walk away now? Also difficult to estimate, but here are but a few of the possibilities. And listen to the possibilities:

First, instability is replaced by a new kind of centralized authoritarian control potentially, perhaps an arbitrary government with Saddam-like controls. Shia would very likely be in charge, and force would be exercised in the name of stability.

Beyond that, Kurdistan in the offing; an insecure Kurdish population to the north would do all it could to provide for its own protection. The prospects of independent Kurdish region or state would create major tension between Turkey and Baghdad and that new region in northern Iraq. Beyond that, Sunni Iran would look upon the new direction of Iraq with great concern because of sectarian differences.

□ 2215

Fourth, the jihadist extremists of Islam would have increased sway in the entire region. The threat of terrorism all over the world would be a reality to those who would but look. Indeed, the prospects, to say the least, should be frightening to anybody who will but look.

Ladies and gentlemen, Mr. Speaker, all of our country, please realize that this is not the time to walk away. This is the time for the only remaining superpower in the world, America, to lead on behalf of freedom, to lead on behalf of people who are looking for opportunity and change for the entire world.

Mr. BUYER, I very much appreciate your extending me this time.

Mr. BUYER. Reclaiming my time, I thank the gentleman for his contribution.

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

Mr. SMITH of Washington. Mr. Speaker, I yield myself such time as I may consume.

I guess the first thing I want to point out, and there are other arguments I want to make, but during Mr. LEWIS' comments, and I have a great deal of respect for the gentleman from California, he mentioned that, you know, George Washington never retreated. Well, as it happens, I just read a biography of Mr. Washington, and not to go puncturing holes in the midst of our great Nation, he retreated a fair amount, actually.

In fact, I don't know where we got this idea that the great leaders of our time only went forward. We have heard about President Kennedy and President Truman. At one time or another, they retreated from a fair number of battles. Now, sometimes that was a wise and tactical maneuver to win the larger war. Sometimes it was a mistake.

History judges, but I think it does sort of portray the thinking of the President that the only way is forward, regardless of the details. A little more thought, I think, might help us. I will return to that point at the end of my remarks.

But the first thing I want to say, I think this is by and large a very good debate on a very important issue facing our Nation. The only time I become troubled in this debate is when speakers on the other side say that this is just political, and that this resolution is irrelevant. What they are saying is that the opinion of the United States House of Representatives on the most important public policy issue facing our Nation today is irrelevant. The opinion of the people's House doesn't matter.

Now, that explains a lot for the last 4 years while the minority party was in the majority, when they did not question this President, when they did not express their opinion in a way that would move us in a more positive direction.

I feel very strongly that it is absolutely the responsibility of those of us in Congress who represent people, our constituents, to express our opinion. In a way we are expressing their opinion. That is what we are supposed to be here in the House, the most directly reflective voice of the people of this country.

So to say that this is irrelevant is just an absolute attack on the Constitution and the way this country is supposed to be set up. We must express our opinion on the most important issues of the day.

Then we come to the next issue, which is, you cannot question the Commander in Chief. He is the guy in charge, he knows more than the rest of us. You cannot question him. It undermines everything.

Let me say I express a certain amount of sympathy for the view that we should place faith in the Commander in Chief. That is a good part of the reason why I voted for this resolution 4 years ago. A little more than a year after 9/11, our President was saying to us, To prosecute the broader war on terror I need this authority. And I had my doubts, but, by and large, I want to be supportive of the Commander in Chief, recognizing the power he has.

But the question I have for the minority is for how long? How many mistakes does this President have to make before we don't have an obligation, not just a right, but an obligation to express our disapproval and try to get him to move in a different direction? Books have been written, more than I can count, about all of mistakes that this President has made in Iraq; books not written just by opponents of the war, many of them written by proponents, outraged that they took their idea, the President took their idea and made such a hash of it.

We have an obligation at some point to stand up and say, enough. Mr. Commander in Chief, I am sorry, but based on 4 years, we do not trust you enough to give you a blank check anymore. We have to express our opinion, and that is what this resolution does.

Let me also assure you, we want to win. We, on this side of the aisle, recognize everything that has been said on that side about the threat that al Qaeda and their followers present. We

will fight them anywhere, anytime, because we recognize that threat.

In fact, I believe that there is al Qaeda in Iraq, and we should fight them.

But what we are talking about specifically today, and Mr. BUYER mentioned the 21,000 troops, that is the aspect of the plan that we focused on, precisely because that is the aspect of the plan that is most wrong, that does the exact wrong thing, sending 21,000 U.S. troops to fight in a civil war that has been better described by some of my colleagues, so I won't go into it any further, that they cannot possibly sort out the bad gays from the good guys is the exact wrong thing to do.

Given that feeling, and I have personally thought about this a great deal, I met with the President on a couple of occasions as he outlined this plan. I talked with many soldiers who served, gotten many opinions on this, and have come to the honest conclusion that it is a mistake, that it undermines our ability to win that larger war against al Qaeda, which is the war we are fighting.

Given the fact that I feel that way, I would be betraying everything that I said I was going to do when I got elected if I didn't on the RECORD express that opinion. That is what this resolution does.

So I know this hope will go unfulfilled, but I would hope at a minimum that the minority can stop saying that the opinion of this House is irrelevant. If they feel that way, they should all just go home. All right, it matters. You may disagree with the opinion we are expressing. I urge you to vote ''no'' if you feel that way, but I don't feel that way.

I feel we need to tell the Commander in Chief that he has led us down one too many blind alleys. We disagree with him. We want him to change course, and that is the will of the people's House, being expressed by us. That is not just our right. It is our duty as Members of Congress.

Mr. Speaker, it has been nearly four years since the war in Iraq began—four-and-a-half since President Bush and his team in the White House started the effort to launch our nation on the path to this war. We learned a lot during that time frame, but two things stand out. First, the war effort has failed to achieve the outcome the President hoped for, instead creating problems he clearly felt would not come to pass. Even he admitted that he is dissatisfied with the way the war has gone. Second, at every step along the way, beginning with the way the President got us into the war, right up to the President's latest plan to once again increase the number of U.S. troops in Baghdad, President Bush and his administration made mistake after mistake—failing to an almost incomprehensible level to learn from past errors or to demonstrate even a modest level of competence in prosecuting this war. Countless books from all points on the political spectrum lay out in painful detail all the mistakes this administration made in Iraq.

It is way past time for this Congress to stand up and say enough. We disapprove of what President Bush is doing in Iraq.

But our friends on the other side of the aisle claim that such a statement is meaningless. This is an astounding assertion. The United States House of Representatives—the elected voice of the people of our Nation—stating clearly and on the record how they feel about the single most important policy issue of our time is meaningless? This opinion, expressed by the minority party, perhaps explains the utter lack of oversight and accountability that they employed when they were in charge—standing by and acting as mere cheerleaders for the President's actions in Iraq as he made mistake after mistake. The other side of the aisle at least has a consistent record of believing that the opinion of Congress, a body our Constitution set up as a coequal branch of government with the Executive, is meaningless.

As much as I disagree with this conclusion as to the proper role of Congress in expressing its opinion on the Iraq War, I do understand this initial reluctance to pressure President Bush to change course. In a time of war we all want to stand behind our Commander-in-Chief as a first option, and the powers of the presidency make it difficult for Congress to, in a clear-cut straightforward manner, direct the President in the conduct of war. But the President's record of mistakes in Iraq makes it clear we can no longer cling to this first option, and, difficulties notwithstanding, the cost of continuing down the same path the President has been pursuing in Iraq has reached the point where Congress must at least try to force a change in direction.

This effort should logically begin with a clear statement from the House that we disapprove of the way the President is conducting the war in Iraq. That is what this resolution does. With this vote members can no longer hide behind, ''on the one hand, but then again on the other'' statements. We can all mutter about things we don't like in Iraq, but an official on the record vote is required to make that disapproval clear. Do you support the way President Bush is conducting the war in Iraq? Yes or no.

And make no mistake about it the President's plan to increase the number of U.S troops in Baghdad represents no change in policy. It is stay the course, more of the same. In the last year we made large increases in the number of our troops in Baghdad twice already. Both times violence went up in the city, and as we have begun the current increase in troops that violence has once again increased. The lesson should be clear at this point—United States military might will not stop or even reduce the violence in that city.

Listening to the arguments against this resolution helps to understand why our President insists on making some of the same mistakes over and over again in Iraq. We are told that our fight in Iraq is a clear-cut battle against the same type of al Qaeda-backed extremists who attacked our Nation on 9/11 and that we are defending a worthy Iraqi government against these evil forces. If this were true, I would support whatever increase in troops was necessary to defeat that evil force.

But it is not even close to true—it is instead a dangerous attempt to paint a black and white picture on a situation that is far, far more complex. Baghdad is caught in a sectarian civil war. Both Shia and Sunni militias are battling each other as well as United States forces and the Iraqi government. It is a complex web of frequently changing alliances and interests that makes it impossible for our troops to separate good guys from bad guys. This is why our troops cannot stop or even reduce the violence. And the Maliki government we are being asked to support spends as much time acting like they are supporting the Shia side of the civil war as they do acting like they want to bring Shiites, Sunnis and Kurds together to form a stable Iraq.

Al Qaeda is in Iraq and we should continue to target them, but that effort will require a far, far smaller U.S. military presence than we have there today. Currently we are expending an enormous amount of resources in Iraq, most of which is going towards putting our forces in the middle of a chaotic civil war where our efforts do not advance and may even retard our fight against al Qaeda. That massive military commitment reduces our ability to pursue al Qaeda in the dozens of other nations where they have influence—most glaringly in Afghanistan and Pakistan.

This larger, more important fight is not solely or even primarily military. Diplomacy and other efforts to move disaffected Muslim populations away from joining al Qaeda are a huge part of our battle, and we need to enhance those efforts. But we can't, because we're hamstrung both by a lack of resources—financial and strategic—that are tied down in Iraq, and because our open-ended occupation of Iraq continues to undermine America's standing in the world.

Instead of sending more troops to Baghdad the United States policy in Iraq should be to instruct our military leaders there to put together plans to as quickly and responsibly as possible reduce the number of U.S. troops in Iraq. We need our troops to focus on al Qaeda and its supporters, not to be bogged down in a sectarian civil war that is only tangentially related to the larger fight against al Qaeda.

The first, critical step in this process of changing our policy in Iraq is this resolution. Congress must make its disapproval of the President's policy in Iraq clear and on the record.

Mr. Speaker, I yield 5 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. I thank the gentleman for yielding.

Mr. Speaker, I thank our Speaker and the majority leader for scheduling this long overdue debate on Iraq. For 4 years we have suffered from a Congress that was unwilling to lead, and content simply to follow on Iraq. The previous majority gave the President a blank check for the war and rubber-stamped the funding. They ignored oversight, avoided investigations, and stifled debate.

Today in Iraq, the price of this neglect is the loss of too many American lives caught in the crossfire of a sectarian civil war.

Now our new Democratic leaders and committee chairs are asserting Congress' constitutional responsibilities on war and peace. We are reclaiming a congressional role in foreign policy in order to bring a responsible end to the U.S. military involvement in Iraq. One step is this resolution, which sends a vital signal of disapproval of the President's escalation plan. Another is the

ambitious list of long overdue oversight hearings.

In the first 5 weeks of this Congress, we held more hearings on Iraq than the Republicans held in all of 2006. The next step, we should use the appropriations bills to shape policy in Iraq.

I strongly support the Skelton-Lantos resolution, which expresses support for the troops and disapproval of the President's escalation. Only a political solution, not a military one, will address the sectarian conflict in Iraq. Yet President Bush has rejected the wisdom of his military commanders, the Iraq Study Group, and many other experts by choosing to send more troops into a Sunni-Shia conflict that we cannot control.

Escalation, we know, is opposed by the majority of the American people. More telling, it is opposed by a majority of the Iraqi people. When the White House war plans diverge from the wishes of the people and leaders of Iraq, we must question the relevance of the mission. Our statement on the escalation is important, but our constituents also deserve to know our position on an exit strategy.

We cannot make needed investments in our future until we put our involvement in Iraq in the past. This war is straining our military and undermining our ability to deal with domestic challenges. We must force Iraqis to take responsibility for their own security by directing an orderly redeployment of the troops and promoting a political solution in Iraq with a focus on transition to Iraqi control.

Recent experience shows that the U.S. must impose deadlines with consequences so that Iraqi leaders will be compelled to take responsibility. An indefinite U.S. military experience in Iraq creates a climate of dependency that undermines the goal of having the Iraqi Government control internal security. It is not in our national interests to have U.S. troops placed between warring factions in a sectarian war.

To achieve this goal, I support H.R. 645, a bill introduced by Representative DAVID PRICE and Representative BRAD MILLER. The bill terminates, by December 31, 2007, the authorization for military operations in Iraq that passed, over my objection, in 2002. The original mission, eliminating weapons of mass destruction and ousting Saddam Hussein, is no longer operative.

If the President believes troops should remain in Iraq beyond 2007, he must come to Congress and justify a new mission, and Congress would have to vote to approve a new mission. H.R. 645 also requires the President to submit a plan and timetable for phasing out troop deployments by December 31, 2007. It prohibits funding for permanent U.S. bases in Iraq. It authorizes funding for employment, democracy, and governance programs in that country, and it creates a Special Envoy for Iraq regional security.

America's servicemen and women who have been sent to Iraq have served with skill, determination, and courage. We owe them and their families our gratitude and our unwavering support.

Like every Member of Congress, I have been to too many funerals not to understand the sacrifice of those who have served, and their families. Neither H. Con. Res. 63 nor H.R. 645 cuts our funding for armor and protective equipment still needed by troops in the war zone. Congress must take a long overdue leadership role in ending this war. This resolution is an important first step, and I urge all Members to support it.

Mr. SMITH of Washington. Thank you, I just want to add, before reserving the balance of my time, I want to thank Mr. ALLEN for offering a very specific plan and to once again remind all of you who are watching the debate that to charge the Democrats don't have a plan simply isn't true. We have a large number of them. We are just trying to get the Commander in Chief to start paying attention to them.

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

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

The mission here is to develop a country that can govern, sustain and defend itself, govern, sustain and defend. So under that, under govern, you have political. Under sustain, you have economic. And under defend, you have security.

So as I listened to my colleagues come to the floor and say it only requires a political solution, really? These are not inextricable. I also appeal for consistency. I just heard the last speaker talk about the necessity for national interests, so he said it is not in our national interests to be in Iraq.

Let's stop and think about that for a second. Let's be consistent. In the 1990s, Republicans operated under what was called the Weinberg Doctrine, that only commit U.S. ground troops if there is a national vital security interest. And that is how we kind of were guiding ourselves based off the Weinberg Doctrine. Then what happens? We have got Bosnia. We said oh, that is a European problem. Then the U.N. came in, the U.N. was ineffective.

President Clinton made a judgment, and he upset Republicans. He made a judgment that because of the atrocities in Bosnia, the ethnic cleansing that was occurring, that it took U.S. ground troops, a presence of them. Republicans at the time said there are not vital national interests at stake. Democrats then said, oh, that doesn't matter, this is a humanitarian cause.

Democrats said, it is okay to take U.S. troops, put them on the ground to stop the fighting for a humanitarian purpose. That is what Democrats said in the 1990s. Republicans were curious about all of this because it was against the Weinberg Doctrine. As a matter of fact, there were 315 votes. I brought a resolution to the floor, 315 Republicans; Democrats then said, oh, no, no, no, no. Don't put U.S. ground troops on the floor, and that was in the middle of the Dayton Peace Accords.

Bill Clinton was very upset with me. So the President brings me down to the White House and says, hey, work with me. So I said, I will, and we drafted benchmarks for the success of the civil implementation of the Dayton Accords. I worked with President Clinton.

Where do I hear you working for a solution in Iraq? Don't just be the critic. I ask of my colleagues, where is your consistency and your policies? If you are as consistent as you were for a Democratic President, it was a humanitarian cause in Bosnia, I don't hear you talking at all about the atrocities that occurred under Saddam Hussein.

□ 2230

The murders, the ethnic cleansing, a humanitarian cause, the effect it has not only upon the neighbors, the stability of the Middle East, but what about Israel? Do you want to turn your back on Israel?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HODES). The gentleman's remarks should be directed to the Chair, rather than to others in the second person.

Mr. BUYER. Mr. Speaker, do you want to turn your back on Israel? If that is what you are asking me, Mr. Speaker, do you want to turn your back on Israel?

I am stunned. I just ask for people to remain consistent, or if you change your beliefs, say that you change your beliefs, or if you don't want to say that you changed your beliefs, then we must assume that you changed your beliefs.

Mr. Speaker, I yield 5 minutes to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Mr. Speaker, I rise tonight to ask my colleagues to vote against House Concurrent Resolution 63. I ask this despite the fact that I am very much in favor of the first part of the resolution before us. The first part says: Congress will and should continue to support and protect the members of the United States Armed Forces who are serving or who have served bravely and honorably in Iraq. If the resolution stopped there, it would be great.

We would be sending a message that we unequivocally support our troops in Iraq, our troops who are preparing to go there, and General Petraeus is being confirmed to lead those troops.

But the resolution does not stop there. It goes on and by its words takes that support away. How do you support the troops without supporting the plans of those troops? General David Petraeus was confirmed just a scant 20 days ago with much praise and fanfare. He is probably one of the most respected men to ever wear the uniform.

Congress said to him, you are great, go get the job done. Now, less than a week after he took over in Baghdad, we are in the throes of the process which will essentially tell the general, sorry, we don't approve of the plan you created or are currently undertaking.

Most of those criticizing this plan offer no alternative, and I say most. Some have offered an alternative, but most of those criticizing this plan have offered no alternative.

Even the Iraq Study Group, a bipartisan commission of statesmen who have been heralded and quoted by the many who support this resolution, have indeed said that they support the short-term surge. This was later confirmed by Mr. Hamilton, the Democratic co-chair of the group when he appeared in front of the Foreign Affairs Committee of which I am a member.

I visited Iraq five times, the last with my friend from Indiana (Mr. BUYER). I met with the troops from my State and from others across America, thanking them for their service in combating radical Islam and the insurgency and liberating a people from tyranny.

I have sat down with the President and the Prime Minister of Iraq. I have told them that the Americans and the coalition forces would soon be leaving Iraq in the not-too-distant future. Their response has always been, we want you to leave but we need your help now until we can train our forces to provide our own security.

America will one day hand over responsibilities to the Iraqis, but it must be on terms which are beneficial to the interests of America, Iraq and the region, while not sacrificing the progress we have made or the security that we have earned. We must do right by the Iraqi people. We must do right by our troops in Iraq tonight, and we must do right by the men and women in uniform and their families who have served and sacrificed so much.

Our allies, countries in the region, in fact most of the world, agrees that if we pull out before the Iraqis are ready, it will create tremendous instability in the region, leading to the possibility of war and nuclear proliferation in the Arab states.

I had the opportunity to successfully play sports at a fairly high level. Whether it was on a Boys Club team, a high school team or a major college football team, nothing emboldened our team more or made us work harder to defeat the other team than when we saw dissension on the other team. We have an opportunity this week to send a strong message to our allies, the insurgents and most importantly the men and women in uniform who ironically are in combat tonight attempting to execute the plan that is being railed against on the House floor as we speak.

The message that we should send should be our will to not jeopardize the safety of those in Iraq by emboldening our enemies. We can show this by our will tonight of defeating this resolution.

The other thing I would like to say is that reference was made to Washington. And I also am reading a book on John Adams that is related, certainly. And Washington did at times have to pull back. He was facing the greatest army of the time.

But he did pull back. And Washington also was under tremendous pressure from Congress, under tremendous criticism. And I am certainly glad that Washington did not listen to that criticism, that he fought on. If he had not, we would probably be under British rule today.

Mr. BUYER. Reclaiming my time, Mr. Speaker, this past fall I had an opportunity to meet with 18 representatives of the European Union. The European Union is quick to say that we are not necessarily with you on Iraq. But boy, we are with you in Syria and standing tough on Iran.

Do you know what the message is? It is inextricable. You cannot pick and choose. The Middle East is so complex. So, Mr. Speaker, when you begged of me to address you the question, it is this: If we were to follow the Pelosi-Murtha plan, what happens to Israel if we leave a vacuum that is quickly filled by Islamic extremists in Iraq? Therein lies the question.

I believe we jeopardize the safety and security of a lone democracy called Israel, and we leave them to defend against a region filled with vipers who seek their annihilation.

Now, our friends who are also of Arab nations, they are partners in our coalition to help on the political and economic success of Iraq, and they are eager for us to also help Israel and the Palestinians resolve those differences. It is all inextricable.

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

Mrs. DAVIS of California. Mr. Speaker, may I ask how much time remains on both sides.

The SPEAKER pro tempore. The gentlewoman from California has 1 hour and 10 minutes. The gentleman from Indiana has 1 hour and 19 minutes.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume. I just wanted to mention to my colleagues on the other side of the aisle that it is concern for our allies in the region, it is concern for our friends there that we have chosen and speak to escalating our diplomatic efforts in the area that this resolution comes forward.

Mr. Speaker, I yield 5 minutes to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Mr. Speaker, it is good to see you in that chair, Mr. Speaker, because you and I, I think, are here because people in this country wanted a new direction. They had had enough. They wanted a change. And they want a new direction in how this country is being run. And if there is a single subject where they want a new direction, it is on Iraq.

Now, we have a resolution before us tonight that is a vote of confidence for our troops and a vote of no confidence for our President's policies in Iraq. First and foremost, I want to say that I support our troops and will fight to make sure they have the equipment they need and deserve. What they require on the battlefield they must have. What they need when they come home we must provide.

However, our troops are entitled to sound public policy with a realistic mission that strengthens America's national security interests. I am opposed to the President's proposed surge of sending 21,000 additional troops to Iraq. I was opposed to the invasion of Iraq, and I believe that we have taken our eyes off the necessary war in Afghanistan and against terrorism by the costly distraction of nation-building in Iraq.

We must be seeking Osama bin Laden. That is where our attention must be focused. But this surge is not a change in direction, but it is more of the same.

The President has not listened to the American people. He has not listened to the bipartisan Iraq Study Group or even to our senior officers such as Generals Powell, Abizaid, and Hoar.

Now, my opponent and I in this last election debated the issue of a surge. How my opponent knew that there would be a surge, that is beyond me. But he supported the escalation and I opposed it. And I still oppose this surge, because in my opinion it is too little too late.

The people of the Seventh Congressional District of Colorado spoke loud and clear. They questioned the President's policies in Iraq. Americans elected a new majority in Congress to act as a check and balance, and not a rubber stamp of the President's policies, especially those in Iraq.

It is time to turn over security to the Iraqi people, press forward with diplomatic efforts, create a multinational reconstruction effort and redeploy our troops from Iraq by the spring of 2008, as recommended by the Iraq Study Group.

It is time for Iraq to take responsibility for its future. Mr. Speaker, I urge the Congress and all of the Members to vote in favor of the resolution that is before us tonight.

Mrs. DAVIS of California. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Speaker, I rise in support of this resolution. While I believe that the President as the Commander in Chief has the inherent authority to manage the conduct of congressionally approved military action, I have serious concerns that a surge in the number of U.S. combat troops in Iraq is not the best course of action at this time.

The deployment of 21,500 additional combat troops to Iraq is not the answer. I agree with former Secretary of State Colin Powell when he stated: ''I am not persuaded that another surge of troops into Baghdad for the purposes of suppressing this communitarian violence, this civil war, will work.''

Secretary Powell is not alone in his belief. Generals Wesley Clark, Barry McCaffrey, John Abizaid, and James Conway have also made statements to this same effect.

I have traveled to Iraq and I have met with our military forces. And I believe our foremost commitment must be to their safety. I strongly believe that we must concentrate our efforts on preparing the Iraqi Government for the task of providing security to their own citizens. Our forces in Iraq should be primarily focused on training and supporting Iraq's own military and police.

We must continue working to shift the responsibility for security from the U.S. forces to those of the Iraqi Government. It is only through this path that we will ensure the safe and orderly return of our brave men and women.

Empowering the Iraqi people and the Iraqi Government must be our primary goal. I will continue fighting to ensure that our service men and women have every tool and every resource that they need to carry out their duties and return home safely.

We must all dedicate ourselves to ensuring that our brave men and women in uniform have all of the unconditional support and thanks. Their sacrifices and bravery must never be forgotten. We should also be mindful of those who have served and serve in our National Guard and Reserve units, and those that are not yet American citizens but who still serve our country with distinction.

Let us always remember the lives of more than 3,000 dedicated Americans who have lost their lives in this conflict, and the thousands and thousands of American soldiers that have been injured.

It is time to be bipartisan and move forward with a comprehensive plan for handing over responsibility to the Iraqi Government and stabilizing the region. Iraq must become the responsibility of the Iraqis. Let's surge forward only in the commitment to transfer responsibility for Iraq to the Iraqis.

Only together can we ensure the safe return of our brave and dedicated American troops.

Mr. BUYER. Mr. Speaker, I yield 9 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

□ 2245

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the gentleman, who is also the ranking member of the Veterans' Affairs Committee and obviously, very, very passionate and articulate on this issue.

Mr. Speaker, my constituents know that I vote my conscience. I voted against my party and our President when I thought that they were wrong. I have stood up to my leadership when my constituents knew Congress could do better.

But, Mr. Speaker, my vote on the resolution before us isn't about my party or about the President. Unfortunately, this vote and this debate is all about politics and providing some political cover. This vote does nothing to help our soldiers win. What I see here is this liberal leadership pandering to the vitriolic left wing of the Democrat Party.

How do I know this?

At the opening of this debate, Speaker PELOSI asked the only real relevant question: Will this resolution make our troops safer? In her remarks, and I have read and reread them, she didn't say how her resolution did that. I have pored over the remarks and the text of this resolution to find all the instances where the House will be giving greater resources to the troops, and it doesn't.

After I read all 60 words many, many times, I can tell you, not one single word in the resolution offers any more equipment, not any more diplomacy, or any more security for our troops.

And guess what?

It also does not bring one soldier home sooner. It doesn't demand the Iraqis take the lead in the fight. These omissions make it startlingly clear to me that the answer to Speaker PELOSI's questions, will this resolution make our troops safer, is absolutely no, it will not.

The Democrats have this resolution all wrong. To be more specific, there is not a single mention in this resolution of how we will send more body armor for the troops, not a single mention of new tools to detect IED explosives, not one word dedicated to up-armored Humvees, and, Mr. Speaker, not one mention of the method to fund the health care needs of those veterans who will come home. Not one word.

I invite the Speaker to come back into the Chamber and tell this House where is the additional money to make our soldiers safer and our Army stronger, because if she can't show me the substance in these 60 words, then they are nothing but rhetoric, and this resolution cannot and will not help our troops.

This week the House is debating a useless resolution that's only purpose is to weaken and divide. The American people are not stupid. They can see through this charade for exactly what it is. It is a toothless effort to provide political cover for Democrats.

As a matter of fact, the Orlando Sentinel, certainly not a conservative newspaper, has said that this is an empty measure. It says the pointless House Resolution on Iraq fails to set goals. It goes on to say, The U.S. House launched a welcome debate this week on the Iraq war. It is too bad 3 days of points and counterpoints will end in a vote on a pointless resolution. This isn't thoughtless policy, it is political cover.

Believe me, the Orlando Sentinel is, by far, not a very conservative newspaper.

My constituents know that over these 3 days we have debated a resolution with no teeth, no enforcement, and it is delivered in a way that has no guts, no character and provides no leadership.

Mr. Speaker, if this debate were about policy, we would be talking about changing or creating law. If the Democrats believed what they were saying, this House would be debating spending and funding, not wasteful rhetoric. If my colleagues on the other side of the aisle were genuine, we would be talking about benchmarks for Iraq, the Iraqi Government, and strict guidelines for appropriations.

I have heard some on the other side of the aisle say that this debate is about preventing an escalation. Is the Democrat majority so powerless that it cannot stop a deployment?

Before I got elected, Congress authorized this war, and with the force of law, this Congress could stop it. Congress' concern should be for our troops, not the Presidential and political ambitions of the Democrat Party.

It is rare when I stand on the floor and say that the Senate actually got it right, but I must commend them for their more thoughtful and less politically attuned resolution, because their resolution states the long-term security interests of the United States are best served by an Iraq that can sustain, govern and defend itself and serve as an ally in the war against extremists. That statement acknowledges the battle that we are waging and the eventual victory that we must achieve in the Middle East.

The 60-word resolution before this Chamber makes no such statement or recognition and sets absolutely no benchmarks.

My sole concern is for our troops. The litmus test for my vote is whether or not this resolution makes our troops safer.

Mr. Speaker, I believe every Member of this House should ask themselves the following questions:

Will this resolution protect one of our soldiers?

Will this resolution make one piece of armor thicker?

Will these empty words make a single IED less lethal?

Will this resolution stop one sniper or one suicide bomber from attacking our troops in the field?

Sadly, the answer is no. This resolution is not being debated in a vacuum.

We must ask the question, Could this resolution encourage our adversaries?

Could this debate put one of our soldiers in further harm's way?

Might some Islamic terrorist believe that the more of our troops that they kill, the quicker the U.S. will withdraw our forces?

If the answer to these questions is even possibly ''maybe,'' then I cannot vote for this resolution. We should not risk encouraging those who would attack our troops just for the empty gesture of partisanship.

Let's call this for what it is. This resolution puts our troops at risk for the Presidential aspirations of some Members of the opposite party.

Many Members have noticed that on the 11th day of every month I wear this pin. This was given to me by firefighters. It is a depiction of firefighters

putting up our flag in New York City after it was attacked. This is why we have very brave young men and women out there fighting today.

I am not a blind supporter of the President's policies. And if we wanted to make this debate about policy, I would be there to work with them.

The President knows all well my strong reservations about some of the policies in Iraq. But, Mr. Speaker, it has not been a perfect war.

I stand here today to let our troops know that I will hold the President's feet to the fire to ensure that our soldiers have the tools for our victory. That is what our soldiers want.

In the South, we have a wonderful saying and it goes like this: ''Git 'er done.'' Our soldiers want to get it done and come home. And our President wants the same thing. And this Congress should also demand the exact same thing. Let's get out there and ''Git 'er done.''

[From the Orlando Sentinel, Feb. 14, 2007]

EMPTY MEASURE—OUR POSITION: THE POINTLESS HOUSE RESOLUTION ON IRAQ FAILS TO SET GOALS

The U.S. House launched a welcome debate this week on the Iraq war. It's too bad three days of points and counterpoints will end in a vote on a pointless resolution.

The non-binding measure simply declares that Congress supports U.S. troops, but disagrees with President George W. Bush's decision to send another 20,000 to Iraq. Members who vote for it can say they made clear their opposition to escalating an unpopular war, but didn't sell out the troops.

This isn't thoughtful policy; it's political cover.

In the Senate, a detailed resolution whose sponsors include Michigan Democrat Carl Levin and Virginia Republican John Warner, the chairman and former chairman, respectively, of the Armed Services Committee, is a more constructive response to the president's troop surge.

While the Senate resolution declares support for U.S. troops and opposition to the surge, it also points out ''the long-term security interests of the United States are best served by an Iraq that can sustain, govern, and defend itself, and serve as an ally in the war against extremists.'' It advocates reaching that goal by encouraging Iraq's leaders to make the political compromises critical to promote reconciliation and security.

The resolution places the responsibility for dealing with Iraq's civil war where it belongs, on Iraq's armed forces. But it acknowledges a role for U.S. forces in battling terrorists, and in training and supporting Iraqi forces.

The resolution echoes an assertion Mr. Bush made in announcing the surge: The U.S. commitment to Iraq is not ''open-ended.'' But the measure goes a step further by declaring U.S. help should depend on getting Iraq's government to agree formally to meet benchmarks. These include sending all the troops it has promised to Baghdad, fairly distributing the country's oil revenues among all its people, and letting the country's military operate without political interference.

Unfortunately, parliamentary maneuvering between Democrats and Republicans over the Levin-Warner measure and two other Iraq resolutions doomed a debate and vote last week in the Senate. The chamber's leaders need to work out a compromise that will allow a full discussion and roll call on all three resolutions.

We share the misgivings of many members of both parties in Congress about the president's latest war strategy. But with the troop surge under way, and Mr. Bush vowing to push ahead, it's better at this point for Congress to raise the pressure on Iraq's leaders to meet their obligations to reconcile and secure their country.

Mr. Bush insisted this week that he would not be closely following the House debate. A vote for the House resolution will be easy for him to dismiss. But a bipartisan endorsement of the Senate's constructive measure is more likely to get the attention of the president, as well as Iraq's leaders.

Mr. BUYER. Mr. Speaker, reclaiming my time, I yield 4 minutes to the gentleman from Kentucky, RON LEWIS.

Mr. LEWIS of Kentucky. Mr. Speaker, this debate is a sad moment in our Nation's history. If there was ever a time when Americans should be standing together, this is the time. This resolution does nothing but divide.

Throughout our country's illustrious history, we have been confronted with many challenges, but challenges met with unity of purpose, unflinching courage and unyielding resolve to be victorious against all odds.

This debate, disguised as a no-confidence vote against the President, is really about defeat, about surrender, about retreating from an enemy determined to destroy our very existence.

Mr. Speaker, the obvious truth of our situation is that we may run, but we can't hide. They know where we live.

Today, Americans all over this great land should stop for a moment and consider this national debate. They should ask themselves what this means to them personally, their families and their neighbors. Is it worth the expense and sacrifice of war now in order to establish a secure and lasting peace? Or should our Nation take momentary relief and retreat as we wait for our newly emboldened enemies to strike our homeland with even more fierce and deadly attacks?

Mr. Speaker, we must all realize that September 11, 2001 was not the end of the radical Islamic jihad against the United States. It was just the beginning. September 11 was a declaration of war. The fact is, we are not at war with Iraq. Iraq is an ally in our war against the radical Islamic jihadists. Iraq is only one among many battlegrounds where we are fighting jihadists who are committed to the destruction of Western civilization and replacing it with theocratic Taliban-style rule.

Mr. Speaker, if we cut and run, if we retreat from Iraq, we will forfeit our ability to lead the world against the enemies of peace. Iraq, in all likelihood, would fall to Iranian dominance and would become a launching pad for terror attacks against the United States and Israel. Islamic jihadists will be emboldened in Afghanistan, Pakistan, and the greater Middle East. The world oil supply could be vulnerable to jihadist control, and nuclear armed missiles in Pakistan could turn into a hellish nightmare.

And Israel, Mr. Speaker, one of our closest and most faithful allies, could see its very existence perilously close to total annihilation. World War III could even be the final consequence of the misguided actions of this Congress if we retreat from Iraq. But sadly, Mr. Speaker, there are some in this Congress who are more concerned about the next election than the next generation.

So where are the FDRs, the Churchills, the Pattons, the MacArthurs, the Trumans, the John F. Kennedys, and the men and women of the Greatest Generation in this hour of our great peril? They are in Iraq and Afghanistan fighting for our safety and our security. But the self-centered generation, the politicians, the media types and the whiners and complainers are sitting in the safety of their homes complaining about the unpleasantries of war. This generation of the self-centered and indulgent, if successful in their defeatism, will condemn untold numbers to horrors never imagined by the most creative writers of horror fiction.

Mr. Speaker, I cannot, will not believe, as a Nation, that we have become so preoccupied with our own personal and political Quaedas that we have fallen asleep to the dangers before our Nation. The hour of decision is upon us. Will we rally from our slumber and awaken to reality? We are at war. Or will we close our eyes in self-deception and hide ourselves under the blanket of a cowardly resolution? Tomorrow we must choose. Will it be commitment over retreat, freedom over slavery, courage over fear, democracy over theocratic fascism, security over terror, life over death?

Mr. Speaker, our brave men and women serving in our Armed Forces have already chosen. They have willingly volunteered to put their lives on the line and, at this very moment, are fighting for all that we cherish. It is they who represent today's greatest generation.

Tomorrow we can honor these brave souls by choosing their values, by defeating this disgraceful resolution, or we can pass this vile legislation and have it recorded to our eternal shame.

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

Mrs. DAVIS of California. Mr. Speaker, I am now very happy to yield 5¼ minutes to my colleague from Maine, Mr. MICHAUD.

Mr. MICHAUD. Mr. Speaker, I rise tonight in support of this resolution that expresses our unwavering support of our troops and our opposition to the escalation in Iraq. This is an extremely important debate and it is one that is long overdue.

We have lost over 3,100 brave Americans. Many more will return home with mental health and physical wounds that will stay with them for the rest of their lives.

We have spent hundreds of billions of dollars. Hundreds of thousands of Iraqis have lost their lives or fled their homes as their country has fallen into deeper civil war.

Regardless of one's opinion on how we got into Iraq, we are there, and the situation is deteriorating. So the simple question before us is, What is the best plan for the future?

The President has called for an escalation of troops; in other words, more of the same approach.

I oppose an escalation of U.S. troops in Iraq. I will not support funding for the President's plan or blank checks for an open-ended commitment.

□ 2300

We need a new plan, and escalation is not what the Iraq Study Group called for. It is not what our top generals have advised, and it is not what the American or Iraqi people want. When General John Abizaid, former top commander in Iraq, asked his commanders in the field if more U.S. troops would help, the unanimous answer was no. As he said: ''And the reason is because we want the Iraqis to do more. It's easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.''

U.S. forces cannot clear and hold neighborhoods in Baghdad indefinitely. We have tried so-called ''surges'' before, and they have not stopped the violence. And as with these previous surges, when we leave, the same problems will return, and perhaps even worse.

The reality is that United States military strength cannot solve the problems in Iraq nor should it. The future rests on the capability and the will of the Iraqi people. Our continued dominance only prevents Iraqis from taking control of their country and their destiny. The military mission of toppling Saddam Hussein is over. The political mission, the reconstruction mission, the nation-building that this administration said it would never do has all but failed.

But that is what we must now address, not our strength of arms but our strength of diplomacy and our power to rebuild.

Our new strategy should be to withdraw and redeploy our soldiers quickly while empowering the Iraqi security forces. We can help to rebuild and create economic opportunity, to train Iraqis and perform other assistance as asked, but we cannot remain the dominant force in Iraq.

It is time for Iraqis to take control of their own country. A stabilized, secure and free Iraq can only be achieved when Iraqis take full control. Until that time our forces will be stuck in the middle of an increasingly violent civil war and all the while Afghanistan sliding back into danger and violence and al Qaeda continues to plot while our attention is being diverted.

I have spoken with many people in Maine about this war. I have spoken with current military personnel, many who have served in Iraq, their families, veterans, and concerned citizens of all political stripes. Everyone agrees there is no simple solution to the challenges we face in Iraq and how to solve it.

There is one opinion that is unanimous. We all support our men and women in uniform. They, like the generations before them, are heroes. They heard their country's call and they did not hesitate to answer. I am glad this resolution makes that support clear. We owe it to our military personnel to provide them with the very best when they are in harm's way and when they come home.

I have heard from many Vietnam-era veterans who fear that our new veterans may face many of the hardships that they faced. This cannot happen. As a member of the Veterans Affairs' Committee, I am committed to addressing the mental health and physical needs of our returning heroes, and I know the American people are willing to do that as well. And as we discuss alternative strategies, it must be clear that we must do something that fully supports our military personnel.

This resolution is not about politics. This issue should unite all of us. This is about the future of Iraq, our strategy abroad, and our welfare for our troops.

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

I would ask the last speaker if he could remain for a moment. I have such great respect for my colleague, Mr. MICHAUD of Maine. We have worked together on the Veterans' Affairs Committee. We deal with the consequences of war. And so out of my respect for Mr. MICHAUD, I would like for us to clarify what may be a potential contradiction.

The gentleman said that, and correct me if I am wrong here, unanimously commanders did not ask for an increase in troops. According to General Peter Pace, the Chairman of the Joint Chiefs, and this was in his testimony before the House Armed Services Committee on January 11, 2007: ''So, collectively, the military commanders, both U.S. and Iraqi, have asked for this increase. And those of us in advisory positions agree with their request.

''General Casey and his Iraqi counterparts have determined that there are more forces needed . . .

''To do this, we're going to need additional U.S. forces. General Casey and General Abizaid have asked for those additional forces, as have the commanders below them.

''In addition, to reinforce success at Anbar province, the Marine commander out there has asked for, and General Casey and General Abizaid have asked for, an increase of about 4,000 troops out there . . .

''So, collectively, the military commanders, both U.S. and Iraqi, have asked for this increase.''

That was our testimony of our Chairman of the Joints Chiefs before the Armed Services Committee. So I will yield to the gentleman and ask if he was aware of General Pace's comments before the Armed Services Committee because it appears contradictory to the gentleman's statement.

Mr. MICHAUD. Mr. Speaker, I thank the gentleman for yielding. Yes, that was a quote in a paper from General Abizaid where he said that they requested no additional troops, and I will try to find that article for the good gentleman to get it hopefully to him tomorrow.

Mr. BUYER. Mr. Speaker, I just want to make sure our record is clear because we have got the Chairman of the Joint Chiefs quoting General Abizaid. So I want to work with the gentleman.

Thank you.

Mr. MICHAUD. Mr. Speaker, I thank the gentleman very much. And I will find that quote, because you know sometimes quotes get misquoted; so I will get that for the gentleman.

Mr. BUYER. Mr. Speaker, I now yield 8 minutes to the gentleman from Florida (Mr. BILIRAKIS).

(Mr. BILIRAKIS asked and was given permission to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, failure in Iraq is not an option. We enjoy our freedom today only because we have been willing to fight for it in the past. We must win the war on terror that has been thrust upon us.

Before going any further, let me first clearly state that I do not believe we should have an open-ended commitment in Iraq. I believe a new strategy is needed. America has a proud history of promoting and fighting for democracy around the globe. I don't believe now is the time to abandon that commitment.

While a new strategy is needed, the resolution that we are debating does not present us with any new policy options. Instead, we are voting on a nonbinding status quo resolution which will not do anything to change the situation in Iraq. It smacks of political posturing. Americans expect more of the world's greatest legislative body.

Let us not debase the honor and tradition of the great men and women who have served before us. We are duty bound to serve the public and engage in serious lawmaking, not political pandering. This resolution does nothing. Worse, it endorses the status quo of the violence and bloodshed. Maintaining the status quo is what ultimately resulted in the situation we find ourselves in today.

The debate before is more consequential than the question of should we engage in a troop surge or not. None of us want to see Americans unnecessarily be put in harm's way. The debate before us is about the global threats facing the United States and how we choose to respond to them. Failure to forcibly respond to previous acts of terrorism has undermined America's credibility around the world and projected us as weak to our enemies.

Some examples of these attacks include: the World Trade Center in 1993; U.S. troops in the barracks in Saudi Arabia; sailors on the USS *Cole*; and

the bombings of the U.S. embassies in Kenya and Tanzania. Unfortunately, Americans were too quick to forget these terrible acts.

□ 2310

Like many Members of Congress, I believe there should be strategic benchmarks that are designed to hold both the administration and the Iraqi Government accountable for success in Iraq. These benchmarks should measure whether sufficient progress is being made. Unfortunately, under the restrictive rules imposed upon this debate, we will not have an opportunity to vote on other proposals which would institute benchmarks for success.

I am compelled to vote against this status quo resolution. Americans deserve a real debate with multiple options for success in Iraq, not closed proceedings that are intended to be a political ploy.

I would rather America fight the terrorists on the streets of Baghdad, instead of allowing the terrorists to attack our homeland.

I am concerned that the resolution we are debating this week is a precursor to cutting off funds for our troops. The Democrats have even called it a first step. I have heard it several times tonight. Our troops must have all the resources they need to accomplish their mission. I support our troops in the field. Therefore, I will vote ''no'' on this resolution.

General Petraeus has indicated that reinforcements will hasten the end of the Iraq battle, allowing us to direct our efforts elsewhere in this greater war on radical Islamic terrorists.

The national commander of the VFW, the Nation's largest organizations of combat veterans, issued a statement earlier this week which says, ''We need to send a message to our troops that America wants them to succeed in Iraq by giving the buildup a chance to succeed.''

As a Member of Congress, I will always do whatever possible to support our brave men and women in uniform. As such, I will actively oppose efforts to cut off funding to our troops.

I cannot support this resolution, but I am committed to working with the President and my colleagues in Congress to ensure that the actions taken in the war accomplish the following: Moves Iraq closer to a peaceful and stable democracy; improves America's security; ensures the utmost safety and best equipment for our soldiers; and provides the shortest feasible time frame for their return to their families.

Failure in Iraq will lead to Iraq becoming a training and staging ground for terrorist groups intent on destabilizing the entire Middle East and destroying the United States and our allies.

In closing, I thank and offer my prayers for all our troops, including those brave men and women in the Ninth Congressional District and throughout the State of Florida who have answered their Nation's call to duty.

God bless our troops, and keep them safe.

Mrs. DAVIS of California. Mr. Speaker, I am now pleased to yield 5 minutes to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I thank the gentlelady for yielding.

Mr. Speaker, I rise today in support of this resolution and in support of a new policy in Iraq. Up until this point, the Bush administration's Iraq policy over the last 3½ years appears to be one of America's worst foreign policy blunders. More than 3,100 of our brave men and women in uniform have been killed and more than 24,000 have been wounded, many very seriously, and hundreds of billions of dollars have been spent and in some cases wasted. This has resulted from the tactical mistakes, errors in judgment and other major missteps by the Bush administration.

It is painfully clear that a change in strategy in Iraq is needed now. We need a plan for bringing stability to Iraq and bringing our troops home. Unfortunately, the President's plan to add over 20,000 additional troops does not provide this, and, therefore, I must support this resolution.

I see three main flaws in the President's plan.

First, the administration has not provided convincing evidence that this surge will succeed after many similar plans have failed. After almost 4 years in Iraq, the American people are asking, why should we have faith in this plan and place more troops in harm's way?

Second, by failing to provide clear benchmarks for success or a time frame by which we can expect the surge to yield positive results, the President's plan appears to commit our country to a ''stay the course'' strategy with no clear end in sight. Aid should be tied to a deadline for progress by the Iraqi Government.

Third, and most importantly, the President continues to place too much emphasis on a military solution, when it is clear that force alone will not solve this crisis. Solutions must support broad international engagement to promote stability and reconstruction in Iraq and must address political, economic and religious issues.

Because of the need for such a plan, earlier this year I laid out a set of recommendations, and this week I introduced H.Res. 152 based on these. My proposal consists of three core recommendations.

First, encourage achievement of important goals and national reconciliation, security and governance by arranging a peace conference for Iraq's ethnic and religious factions, similar to the conference that led to the Dayton Accords. One venue for this would be El Salvador, which has shown a strong commitment to stabilizing and rebuilding Iraq and has gone through its own recent history of a bloody civil war and ensuing reconciliation.

But wherever and however it is done, the political, economic and religious issues must be addressed if peace and security are to be established in Iraq. And it is essential that more pressure be put on the Iraqi Government and all interested parties in Iraq to find and accept real solutions so the American forces can begin withdrawal.

The second recommendation is to seek international cooperation to develop solutions for Iraq. This should include calling an international conference that will work on putting together a peacekeeping force and setting up an international reconstruction program.

Iraq's strategic position in the volatile Middle East, its potential to become a terrorist safe haven, its large supply of oil and the great potential for a humanitarian catastrophe make security in Iraq a critical international issue. It is time for America to engage the nations of the world to encourage them to address this international crisis.

The final recommendation is to require the administration to give Congress detailed reports on the situation in Iraq so that we can make informed decisions regarding funding for reconstruction and deciding when American forces can be redeployed. This new Congress has been vigorously conducting oversight after 3½ years of congressional neglect, but we must have the full cooperation of the administration.

If the recommendations laid out in my resolution are followed, I believe American troops can begin redeployment in 2007, leaving a secure, stable Iraq.

As the U.S. Conference of Catholic Bishops stated, ''The search for genuine justice and peace in Iraq requires moral urgency, substantive dialogue and new direction.'' Unfortunately, the President does not give us this. That is why his plan is discouraging to many Americans who are weary of this war.

But no one is wearier than our troops and their families. This past weekend I spoke to a soldier who spent 13 months in Iraq and will likely be returning. He told me that it is important to make sure that we let our troops know that they have our complete support. We cannot let anything in this debate be construed otherwise. If this surge occurs even after we pass this resolution, we must continue to support our troops and pray for them every day, so that by God's grace they can succeed in their mission.

Mr. BUYER. Mr. Speaker, I yield 8 minutes to the gentleman from Texas (Mr. GOHMERT), a former Army captain.

Mr. GOHMERT. Mr. Speaker, I thank my friend from Indiana. I appreciate the opportunity to engage in this debate.

Mr. Speaker, like many others here, previously I typed up different potential remarks for this debate. But as I have listened to the debate over the last couple of days, I kept hearing some things being said over and over

again, and I started making notes of some of the things I just really need to address.

As the old saying goes, we are all entitled to our own opinion, but we are not entitled to our own set of facts. Facts are facts.

□ 2320

One of the things I have heard over and over the last couple of days, well, it goes without saying. Normally in reference to we support our troops, it goes without saying. If there is anything I have noticed since I left the bench and came to Congress is that nothing goes without saying in this House . Everything gets said and seems like gets said over and over again. Nothing goes without being said.

But let us talk about that. It goes without saying we support our troops. That has stirred up a great deal of debate and animosity at one point, and led usually into things about the lies the President told before this war, lies the President told before this war. Well, look, some of us believe in forgiveness.

I think there is still potential disagreement. Obviously we know that Saddam had weapons of mass destruction. He killed thousands of Kurds, gassed thousands of people. Certainly he was killing with mass destruction, but if you happen to believe really, honestly, truthfully that the President lied, then it is time to forgive President Clinton for all those lies. Forgive Madeleine Albright for all those lies. All the time, Madeleine Albright and Bill Clinton told us over and over again that there were weapons of mass destruction, and if President Bush happened to have believed President Clinton and Madeleine Albright and those people that were saying there were weapons of mass destruction in Iraq, well, I guess they just should not have believed the Clinton administration.

But there were things that the Clinton administration could base that on, but we have got to get past that. It just seems to engender so much hatred.

I have heard people say over and over this is a historic debate because the Republicans never allowed this debate when they were in the majority. I remember having discussions like this twice in the last Congress. We voted on a couple of resolutions, and people would say one thing and then end up voting another on the resolution.

Now, I did hear one of my friends across the aisle say something I do agree with. He said he did not believe it was appropriate to tell troops they were coming home on a certain date and then change that. I agree, and a number of us have been pointing that out to those in the military and to the White House. That needs to stop. When you tell somebody who is in harm's way you are coming home on a certain date, they need to come home. We can agree on that.

But then I heard another say, we need to avoid a constitutional crisis by shocking this President into a new course of action. You shocked him into a new course of action. He said we are going to send 21,000 troops over there, 21,500. In fact, people like HARRY REID down in the Senate have been calling for that last fall, maybe even as recently as December, but oh, wait, as soon as the President calls for it, then it is a terrible thing; we cannot believe that he is doing this.

So the President has proposed something new. His commanders in the field have said we need this, and so it is being done. We have got troops already arriving and more arriving all the time.

I heard another one make reference to Vietnam, and one in indignation said, have we not learned anything from Vietnam? I would submit, I believe, Mr. Speaker, apparently not, because some people want to rewrite history; but the fact is, if you go back, the people were saying get out of Vietnam, get out of Vietnam are the same people saying this now in Iraq, and so President Nixon tried to get folks out. For all his faults, and he did have plenty, and you will not hear me say I think he was a great President because he lied, but one of the things he did try to do, he saw the polls and started trying to get people out of Vietnam.

When we started the Paris peace talks, things broke down. It was not going well. He decided to bomb North Vietnam. He went on the attack. He was carpet-bombing Hanoi, and as SAM JOHNSON and those who were in the Hanoi Hilton said, they were worried they might be hit by the bombs, but they were so glad, finally the United States was reacting and responding, and as SAM says, when he left, to get the chronology correct, the bombing went on. They came back to the peace talks, and we reached terms, and the POWs, most of them were coming home. Sam said one of the leaders at the prison said, you know, if you guys had just kept bombing a little longer, we would have had to surrender completely.

That was a winnable war, but people were not doing what it took to win so that we could have a good reputation. If you go look at our enemies and al Qaeda's, the rhetoric now in Iraq, Afghanistan, around the Middle East, they are saying look at what they did in Vietnam. They promised their allies they were going to stick with them.

Gerald Ford has been quoted recently. What a fine man. I hear people on both sides of the aisle at his funeral and after his death. He begged this Congress and this House please do not cut off the funding; we promised them funding even after we pulled our troops out. But this Congress said, no, we are cutting the funding, and we have been harmed ever since.

So in 1979, in Iran, they were bold enough to attack. An act of war, that is what attacking an embassy is, and I was at Fort Benning at that time. Nobody was dying to go to Iran, but everybody I knew was willing to go and die because we had been attacked, and that was the first act of war in this war involving terror, and we did not respond.

We did not respond in 1983 when our barracks were attacked and our marines were killed. We withdrew 1991, on through the 1990s. We have not responded, but I want to touch on one other thing.

I saw the majority leader come down. I saw it replayed in the wee hours this morning. I did not realize it went on, and he came down and challenged what HEATHER WILSON, who had left the floor, said, and ultimately said basically, that anybody that would come and say, as she did, that there might be a problem with Democrats being willing to support and fund the troops as needed, and he said to come and say anything of that nature was just not honest. I think it comes close to violating the rules if it does not, but the fact is HEATHER WILSON had stood right here and she had asked her Democratic friends across the aisle, look, if you are really willing to say that, if you are saying that this resolution means we will always provide everything that is needed to our troops in harm's way, let us put it in the resolution. We will have a unanimous-consent amendment, we will both agree, and it was not agreed. The Democratic majority would not agree. The Rules Committee did not agree. The Democratic leadership did not want that in there.

So, to say it goes without saying ain't the way it should be. It ought to be in print. It ought to be here said in black and white because HEATHER WILSON was right: if you really believe that, put it in black and white where our troops can see, and I would just in conclusion leave you with this: this resolution for what it does and does not do, it is a stay the course, stiffen the enemy, start our collapse, and you look at our friend Mr. MURTHA's comments to say, that is what this starts the process for doing.

Ms. ESHOO. Mr. Speaker, I am very happy to yield 5 minutes to my colleague from Missouri (Mr. CLEAVER).

(Mr. CLEAVER asked and was given permission to revise and extend his remarks.)

Mr. CLEAVER. Mr. Speaker, as I began to consider the comments I would make during this debate tonight on the occupation, escalation and gravitation of the U.S. military action in Iraq, I concluded that my visit to this well must somehow echo the threat and frustration of the people who sent me to represent them in the people's House.

Tomorrow, the United States of America should begin a massive and voter-mandated salvaging operation in Iraq. Yes, as bad as conditions have gotten, there are important and valuable things that could be salvaged. A tarnished international image clings to a nation like a shadow to a human being. It follows a nation to the next

world crisis. It cannot be blamed for faulty intelligence, and it spoils opportunities to influence a world desperate for direction. Henceforth, we must conduct our foreign policy in a manner which salvages our sunken international image.

Because of the way we launched a long-range military action in Iraq, our prestige among the community of nations has surely suffered. Nothing deflates as a punctured international image. We can salvage our image not only by de-escalating in Iraq but also by reestablishing desperately needed dialogue with all the sovereign nations in the neighborhood with Iraq. It takes many, many people, and not just one to put a policy together.

Now, with regard to peace in the Middle East, it has become crystal clear that the United States cannot whistle a symphony.

□ 2330

It will take an orchestra of many international players willing to make music in the same key. The days of the international soloist or a conductor without an orchestra are past. We must salvage our relationship with the family of nations. We must salvage what is left of our Treasury.

Mr. Speaker, for most Americans war does not pay, but it must be paid for. And, to date, we have spent billions and billions of dollars that could have been spent for valuable programs to set this Nation on the right course. We must salvage soldiers. Yes, thousands of brave young U.S. soldiers have been killed, and Iraqis are dying weekly by the hundreds. If this conflict continues, there will be only two classes of young people, one half in graves, the other half in hospitals.

Some have said this conflict will last for decades. Nevertheless, that kind of policy or lack thereof has caused young Americans to ask: Will we ever see the last of this war, or will it see the last of us?

The Kansas City Chiefs is my team. The general manager, Carl Peterson, would never go to the sports editors of the local media and admonish them not to criticize the game plan of Coach Herman Edwards, because to do so would demoralize the players. Such a warning by the general manager would be ludicrous, if not loony. Why? Because the players of the Kansas City Chiefs are professionals who cannot be so easily defamed. And, friends, neither can the men and women who form the fiercest fighting force in the history of this planet.

After all the ethnic and sectarian human butchering, after all the billions spent, after all the children of God killed, after all the maimed who have been hospitalized, after all the dissenters who have been heard, after all the purple thumbs that have been raised, the war drum still throbs, the sabers still rattle, and the blood still flows. Yet, we can salvage the soul of the Nation, even though at this hour we seem to have lost our way.

Tomorrow, this Congress must adopt House Concurrent Resolution 63 as bold and beckoning to begin salvage operations.

Mr. Speaker, as I began to consider the comments I would make during the debate on the occupation, escalation, and gravitation of the U.S. military action in Iraq, I concluded that my visit to this well must somehow echo the fret and frustration of the people who sent me to represent them in The People's House.

For more than 132 years, the steamboat *Arabia* lay beneath the fathoms of the waters of the mighty Missouri River. Not until Bob and Florence Howley committed their life savings to a massive salvaging operation, did the rusting of this once stately riverboat cease. Today, the salvaged cargo of this retrieved vessel is on display in Kansas City's Historic River Market. Since I first walked into the Arabia Steamboat Museum in 1992, I have become a serious supporter of salvage operations. Anything of great value that is lost or damaged is worth salvaging.

Tomorrow, the United States of America should begin a massive and voter-mandated salvaging operation in Iraq. Yes, as bad as conditions have gotten, there are important and valuable things that can be salvaged.

A tarnished international image clings to a nation like a shadow to a human being. It follows a nation to the next world crisis, it cannot be blamed for faulty intelligence, and it spoils opportunities to influence a world desperate for direction. Henceforth, we must conduct our foreign policy in a manner which salvages our sunken international image. Because of the way we launched a Lone Ranger military action in Iraq, our prestige among the community of nations has surely suffered. Nothing deflates as fast as a punctured international image. We can salvage our image not only by de-escalating in Iraq, but also by re-establishing desperately needed dialogue with all the sovereign nations in the neighborhood of Iraq. With regard to peace in the Middle East, it has become crystal clear that the U.S. cannot whistle a symphony. It will take an orchestra of many international players willing to make music in the same key. The days of the international soloist, or a conductor without an orchestra, are past. We must salvage our relationship with the family of nations.

We must salvage what is left of our treasury. Mr. Speaker, for most Americans, war does not pay, but it must be paid for. To date, we have appropriated $380 billion for the armed conflict in Iraq, and the President has requested an additional $142 billion in the FY08 supplemental. With this amount of money, we could have fully funded No Child Left Behind and the COPS program (which places badly needed police on the streets in high crime neighborhoods). We must salvage respect from our noble veterans who, today, are outraged that they are showered with praise when they are in battle but blasted with neglect when they return home. Soon enough, they will discover that the President's recently submitted budget raises fees on veterans for their health costs by $355 million in FY08, $2.3 billion over 5 years, and $4.9 billion over 10 years. Those who serve—deserve!

We must salvage soldiers. Yes, thousands of brave young U.S. soldiers have been killed, and Iraqis are dying weekly by the hundreds. If this conflict continues, there will be only two classes of young people: one half in graves and the other half in hospitals. Some have said that this conflict will last for decades. Nevertheless, that kind of policy, or lack thereof, has caused young Americans to ask, "Will we ever see the last of this war, or will it see the last of us?"

Let me address a part of this debate which has frustrated me because of its defective logic. Over and over again, many of my honorable colleagues have stood behind this distinguished desk and warned that the debate on House Concurrent Resolution 63 will demoralize our troops in Iraq. Nothing could be further from the truth. I will never accept the premise that U.S. troops are demoralized by the debate in a democracy. The President's stated goal in Iraq is to aid in creating a nation where citizens and public officials can debate in a robust democracy. And then to denounce debate in The People's House as demeaning or damaging? My friends, that denigrates the democracy we so proudly extol and that our troops valiantly fight to defend. We cannot lead others to the light while we stand in the dark.

The Kansas City Chiefs is my team. The General Manager, Carl Peterson, would never go to the sports editors of the local media and admonish them not to criticize the game plan of Coach Herman Edwards because it will demoralize the players. Such a warning by the General Manager would be ludicrous if not loonie. Why? Because the players of the Kansas City Chiefs are professionals who cannot be so easily defanged. And friends, neither can the men and women who form the fiercest fighting force in the history of Planet Earth.

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Mr. BUYER. I would say to the gentleman that just spoke, that in 3 years Iraq has gone from a repressive dictatorship who enslaved his people to an inclusive government chosen by a freely elected Parliament under a popular ratified constitution. That is a fact.

I would like to yield 5 minutes to the gentleman from South Carolina (Mr. INGLIS).

Mr. INGLIS of South Carolina. I thank the gentleman for yielding. Mr. Speaker, we face three questions here tonight: Where are we? Where do we want to be? And how do we get there?

First, where are we? We are in phase three of a conflict in Iraq. In phase one, we overran Iraq in response to an American national security threat. We won.

Then came phase two. We were forwardly deployed; the terrorists brought the fight to us; we busted up terrorist networks. America was protected from further attacks. We won.

Now comes phase three. At best, Iraq is engulfed in a sectarian killing spree. At worst, Iraq has descended into a civil war.

So where are we? We are thankful for the incredible work of our military in winning phase one and two. We are aware, and I think all of us are aware, that only the Iraqi people can win phase three.

It is a neocon mistake to charge our warfighters with building an Iraqi national consensus. Iraqis must decide for themselves if they want to live in a unified, pluralistic, and peaceful Iraq. No amount of American military might can compel that result.

So where are we? Thankful for the successes and the outcomes that we can control; aware of the outcomes that we cannot control.

Where do we want to be? We want the Iraqis to take responsibility for their own country. The President is wisely pressing them to do so. We want the Iraqi leadership to make some key political decisions that can bring reconciliation. We want them to divide up the oil fairly, to allow banned Baathists back into positions of public trust, and to develop a working model of pluralism. We want the Iraqi leadership to know that they don't have forever, and that they should settle these reconciliation questions quickly. And we want to avoid the error of nation building.

The job of the U.S. military is to crush, kill, and destroy the enemies of the United States. They are not nation builders; they are warriors, and they do their jobs very, very well.

As commanded, our military entered Iraq to destroy what we understandably believed were threats to our national security. We were successful in destroying those threats and, thereafter, in interrupting terrorist networks. Those were outcomes that we could control.

Now, we are rightly asked for inputs that we can control, but we are faced with outcomes that only the Iraqi people can control. It is right to evaluate the quality of our force's inputs, but wrong to hold them accountable for outcomes beyond their control.

Diplomats, statesmen, peacemakers, and everyday Iraqis must work to develop a path to progress, a path that has milestones along the way, and which has rewards for meeting those milestones and consequences for failure.

If the Iraqi people follow the path to progress to a peaceful, pluralistic, and unified Iraq, they will have been successful. The path may lead to something less. Any lesser outcome is the responsibility of the Iraqi people. So we want a path to progress, and we hope for the blessings of liberty for Iraq.

Now, how do we get there? The President has ordered an increase in troop strength in Iraq. He thinks a surge in troops will give breathing room for the development of a path to progress. I am concerned that a surge will have the opposite effect: that we will give breathing room to the death squads; that our servicemen and women will be caught in the crossfire; and that the surge will end right where it began. In fact, that is what happened in Baghdad in August and September of 2006.

I am concerned that a surge sends a conflicting message. On the one hand, we are telling the Iraqi leadership, ''Hurry up, you don't have forever.'' On the other hand we are saying, ''No, not to worry. We are increasing the size of the American security umbrella.''

I want all Iraqi factions and all leaders of Iraqi factions to worry. I want them to see us reaching for the button that would bring down that security umbrella. I want them to imagine the click of the button and the feel of the wind from that descending umbrella.

The resolution before us isn't written the way I would have written it, but it is the resolution before us. Resolutions are the way that Congress discharges its constitutional responsibility to communicate with the President. This resolution says we disapprove of the surge. Parties on both sides have added additional and conflicting meaning to those words. In the end, I just have to vote on the basis of the words. That is why I am going to vote in favor of the resolution and express my concern about the effectiveness of the surge.

Mrs. DAVIS of California. Mr. Speaker, I am very happy to yield 5 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Mr. Speaker, on Monday morning of this week I had the opportunity to recognize and honor 53 elderly widows of veterans of World War II and the Korean War.

The sacrifices of that Great Generation are legendary, and they are a reminder of the sacrifice of the current generation of our military men and women who have heeded the call to service in defense of our Nation. Their patriotism, their willingness to put themselves in harm's way, possibly to pay the ultimate price for our Nation, should give us all pause.

So, Mr. Speaker, I stand here with deep gratitude and respect for the sacrifices of all of our troops, but especially for the 3,124 Americans killed in Iraq and those tens of thousands injured.

I stand here with great sympathy for the mothers and fathers, sons and daughters, whose loss is irreplaceable. I stand here tonight firmly and strongly in support of this resolution, in support of the troops, and in opposition to the President's escalation of our military involvement in the war in Iraq.

□ 2340

Let there be no misunderstanding. The men and women serving our Nation in our Armed Forces will continue to receive the support they require during their training, while they are in theater and when they return home.

It is in honor of their service and the sacrifices of their family, and the love of our country that we share that I stand to make it clear that the President's plan for Iraq to escalate the number of troops and to continue his failed conduct of this war is wrong.

Escalation of this war will not make our Nation safer. Escalation of this war will not stabilize Iraq. Escalation of this war will not move us closer to bringing our troops home, and escalation of this war will not better protect Americans from those terrorists who would stop at nothing to bring grave danger to our Nation and our allies. It is for these reasons that the President's escalation of the war in Iraq is wrong.

At a time when so many current and former military leaders, as well as the bipartisan Iraq Study Group, recognize the need for political, rather than military solutions to the ever increasing violence, that the President is so gravely misguided in sending more of our men and women into combat in Iraq.

Mr. Speaker, this resolution is the answer to a simple question: Do you believe that an escalation of this war will bring our troops home sooner, and will it help the Iraqis achieve the national reconciliation needed to bring a lasting peace to their nation? I and the majority of Americans do not think so.

We believe the facts are clear. Escalation of this war fails to address the administration's strategic and diplomatic failures. It does not move us closer to success.

What we now need to succeed in Iraq is an overwhelming political and diplomatic force, not more American combat troops. Instead, the President should be working to end U.S. combat involvement in Iraq. To do so, he must demand that the Iraqis take charge of their internal security, should demand that the Iraqi President take the lead in national reconciliation, he should engage all the regional parties to prevent this war from escalating regionally and to explore every diplomatic and political solution to end this war.

Finally, the President must be accountable for his actions to this Congress and to the American people.

Mr. Speaker, over the first 6 weeks of the Democratic control of Congress, we have begun to move our Nation in a new direction, to restore credibility and ethics in this Chamber and to put the interests of everyday Americans in the forefront. There is so much more to do, here at home, and in our relations internationally, to better ensure the security and opportunity for all Americans.

The war in Iraq overshadows all that we do. The war has already cost this Nation so much, young lives lost, greater uncertainty and instability in the Middle East, greater hostility towards our own Nation and financial costs that will take years to repay. So it is timely and right that we take action now to change direction and strategy in Iraq.

I stand with the majority of Congress in support of this resolution, in support of our troops, and in opposition to the escalation of U.S. combat troops in

Iraq. This resolution sends the President a very strong message. It is our hope and the hope of the American people that he heeds it.

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

As a good listener of the gentlelady's remarks, I would think she would be in support of the President's plan. I agree with her when she was talking about what is necessary for Iraq to govern itself, but in order for this country to begin to govern itself, it also needs to have security, and the Iraqi people themselves must have a belief in the support of that new unity government.

Now, with regard to the Iraqis themselves, whom we have been training, that is, the Iraqi Army and the Iraqi police force, that is exactly what the plan is. The plan is for the Iraqis to take the lead.

So the gentlelady's remarks confuse me, because as she says, I want the political apparatus to do this, but I define Petraeus' need for additional troops as an escalation. Therefore, she advocates for the status quo, and everybody knows the status quo is for failure. The remarks confuse me.

The commander on the ground of our forces in Baghdad just said on January 26, that this is about Iraqis taking charge of their own security. In order for them to do that, we have to buy them time to continue to train and for the government to become more legitimate in the eyes of the Iraqi people. Earlier what I said, the mission is to govern, sustain and defend. You have the political, economic and security necessities to accomplish that mission. I think everybody in this body is going to agree.

When I met with President Talabani in August, we talked about the establishment of the rule of law, we talked about the implementation of the national plan of reconciliation, the distribution of the oil revenue, the modernization of their electrical grid. Promoting Iraqi unity was really deep on the President's mind.

I wrote a note here after I met with him. The note I wrote was I believe the unity federal government has a real challenge. Their challenge is to convince the Iraqi political, religious and civil society leaders to compromise for a sustainable settlement to support the new federalism. That is the challenge.

So I am challenged when I hear individuals say, well, on the security apparatus, let's just get U.S. forces out of there, we'll let the Iraqis take care of this. The question is, are the Iraqis prepared to do it alone? I haven't heard anybody say they are, that they can do it alone.

The Iraqis in turn said we still need coalition assistance, and so the commanders on the ground say we need these more troops to do this. We are sending General Petraeus, our best commander, to the field.

Mr. Speaker, a father-in-law of a soldier wrote this 10 days ago: ''From where I am sitting, it seems that threatening loss of funding for operations in Iraq, tying the hands of senior officers, to say nothing of the Commander in Chief, and proposing to legislate the conduct of this war, looks worse than cut and run. It feels like betrayal of the families who bear the burdens.''

I can remember being in the desert in the first gulf war while this body debated a resolution on the utilization of force. I know what it was like to lose a friend in war. I shed the tears of my father when he lost buddies for his Army service in Korea.

Challenged by my own Member of Congress who voted against that resolution, I felt betrayed. While I was in the desert, I felt betrayed, so much so that I vowed while I stood at that cemetery in Lafayette, Indiana, the funeral of my friend, that I felt I still had a mission left, and it was to come help the country again.

So I ran against that incumbent Member of Congress who I felt betrayed me while I was in the desert in the gulf war. I had never run for any political office in my life. I was elected in this body at the age of 32 with so much to learn.

But I have never forgotten about the soldier, the sailor, the airman, the marine and the coast guardsman. I am so proud of them and what they do.

The world of an American soldier is more complex today than ever before, with technology, intricate rules of engagement designed to eliminate the loss of noncombatant life and a tough, innovative and savvy enemy. Our soldiers who are in the fight are watching and listening.

One wrote from Iraq 2 weeks ago: ''Until victory or until the perseverance and the spirit of the American will arose, victory in Iraq is achievable by our amazingly capable and determined Armed Forces. Their effort will only be undercut by self-serving politicking and pointless impatience. If we decide we want victory, we will have it. If we quit on our effort, we will have defeat.''

Contending with the complexity of today's battlefield and the ripple effects of politics 6,000 miles away, our soldiers live and measure value by simple enduring imperatives. They place a lot of value in loyalty. They count on each other, loyal to each other, to their commanders and to their oath to defend the Constitution, and their love of country helps them do their duty. A warrior bears true faith and allegiance.

□ 2350

Members of our Armed Forces live and die by the readiness of their buddies to express their loyalty in the conduct of faithful duty. They expect no less of their leaders up the chain, whether they wear the stripes and diamond of a first sergeant, the eagles of a colonel, or the stars of an admiral or general, or their leaders in government, both executive and legislative branches.

Yet, in response, what do we offer? The fortitude of contradiction I say. The Senate unanimously confirms a new multinational force commander, General David Petraeus, whose most compelling value is perhaps his reputation for unrivaled understanding for his clear grasp of counterinsurgencies.

Yet the authors of the resolution before us seek to deny our best commander the manpower assets he has asked for to prevail. What a disturbing contradiction. The Senate unanimously says, this is our best commander. Before they vote and say we are going to send you, he says, I need these five brigades. Then this body drafts a resolution that says, we do not think he should have the five brigades.

I suppose we have the Senate and the House now in complete contradiction. General Petraeus is a decisive man who has a decisive strategy, and he intends to reinforce our troops and root out the enemy. Aside from the gratuitous gloom that is smothering the debate on Iraq, moving in reinforced strength to destroy an enemy is a time-honored and frequently successful course of military action.

It is so especially when conducted by a capable commander. We have already agreed that General Petraeus is such a commander. Many of us know that this is what our troops yearn to do. It is what Americans yearn for us to do, prevail.

Now, lest one of my colleagues is tempted to try some contextual mischief, we all know that military victory with the right strategy is only part of the equation of success in Iraq. Real success is not a quick, easy affair. I might offer success as defined by the establishment of a stable, popularly elected government, the rise of the rule of law, and the stability necessary to foster the growth of a strong middle class.

That will take a combined and continued effort using diplomatic, informational and economic levers. But those levers cannot fully operate without security. And that is the challenge I have in listening to this debate. We in Congress have confirmed General Petraeus and sent him now into battle.

And what now do some want to do with him? They seek to turn the House floor into a cockpit of battlefield wisdom to disavow his strategy. Some may say, go to Iraq, Commander. Disregard the strategy that you talked about in the Senate. Instead use your brilliance to conduct a feckless campaign of status quo.

The resolution before us disavows the human assets our commander needs to accomplish his mission. But then it says, we support the troops. How can you say we support the troops but you don't give the commander that which he says he needs? I do not understand.

I am a colonel in the Army Reserve. I have served for 26 years this Nation. How can you say to me, Steve, I support you. I will give you the beams, the bullets, the ammo, the water. I will

give you anything you need, but do not ask me for any troops and good luck on your mission. Because you do not get to ask for reinforcements. You do not even get to ask for anybody else.

As we know the Pelosi-Murtha real strategy is to slowly bleed our battlefield commander dry. They know he cannot prevail waging a campaign of the status quo. So some will slowly reduce funding for his Army in an effort for it to wither on the vine. And it to me is disgraceful.

Ladies and gentlemen, does this fit the definition of loyalty and support of members of the United States Armed Forces serving bravely in Iraq?

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

Mrs. DAVIS of California. Mr. Speaker, I yield 5 minutes to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Mr. Speaker, as Members of the 110th Congress we are about to cast one of our most important votes yet. Americans in my district of southern Arizona and across the country want their Representatives to bring closure to the United States' involvement in Iraq. This vote is the first step towards doing precisely that.

A few weeks ago President Bush gave a nationally televised speech to the American people to announce his new way forward for Iraq. But it sounded strangely familiar. The President acknowledged that his policies and plans in Iraq had failed to yield the promised results, and yet his only suggestion was to do more of the same.

During my first few weeks in Congress serving on the House Armed Services Committee, the Foreign Affairs Committee, I have been listening, learning, asking tough questions. I have participated in many hours of hearings and briefings with top administration officials.

Those people include Secretary of Defense Robert Gates, Chairman of the Joint Chiefs of Staff, General Peter Pace, Secretary of the Army Francis Harvey, Secretary of State Condoleezza Rice, former Congressman Lee Hamilton, co-chairman of the bipartisan Iraq Study Group commissioned by the President.

Since being sworn into Congress, I have also been reading dozens of letters sent to me by my constituents, flying home to my district almost every single weekend to meet with concerned citizens.

Recently I attended a returning warrior event in Arizona for Reservists coming back from combat. And last week I visited Walter Reed Hospital here in Washington, D.C. to speak with wounded soldiers and their families.

These collective experiences have made me more confident than ever that the global war on terror and the situation in Iraq are more complicated than President Bush seems to realize. Common sense dictates that in order for any plan to succeed it must require the Iraqi people to calm the sectarian violence and unify behind a workable political structure.

The President's plan fails to acknowledge the lack of willingness and capacity by the Iraqi political and religious leaders to achieve these necessary goals. Sectarian factions are divided more than ever. Without the serious involvement and motivation of the Iraqi people, the President's proposals to send more American troops into harm's way amounts to little more than having 21,000 more soldiers stay the course.

This I cannot support. The President should consider the views of many active and retired military generals who advised him to change his strategy in Iraq. Instead of adding more soldiers, he should instead focus on some of the best recommendations set forward by the bipartisan Iraq Study Group that he commissioned.

These recommendations include keeping Iraq rapid reaction and special operation forces in Iraq to strike al Qaeda militias, setting performance benchmarks for the Iraqi Government and holding them accountable, providing economic assistance to Iraq that will help create jobs, strengthen infrastructure, and improve the Iraqi capacity to be independent and stable.

Last but not least, beginning a new dialogue with Iraq's neighbors because they need to be part of the solution. The basic message of the Iraq Study Group and other credible experts and strategists is that the situation in Iraq is a political not just a military crisis.

The President's military escalation plan without a political component is bound to fail. Along with all other patriotic Americans, I strongly support our men and women in uniform who are risking their lives to protect and defend our Nation.

Our Armed Forces must have the tools, the training and the support that they need to be successful in any mission. I have serious concerns, Mr. Speaker, that our Army, Marine Corps, along with Guard and Reserve forces are being stretched too thin.

□ 0000

Instead of sending 21,000 more young American soldiers to Iraq as part of that same failed strategy, the President should focus on the Global War on Terror. Failure is not an option. America must prevail against many serious threats around the world, whether in the Middle East or elsewhere.

Mr. Speaker, I will vote to support the resolution before this body because our brave men and women in uniform deserve a strategy that honors their sacrifices. The President's plan does not do that.

Mrs. DAVIS of California. Mr. Speaker, I am now happy to yield 5 minutes to the gentlelady from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM of Minnesota. Mr. Speaker, there is no more important issue facing our Nation today than the prolonged, painful, deadly war in Iraq. Next month America's courageous and determined troops start year 5 of combat operations inside Iraq.

As Iraq continues to deteriorate into a failed state of endless killing, President Bush has decided not only to stay the course but to escalate America's combat presence.

The resolution we debate tonight puts Congress in step with the American people in rejecting the President's escalation of the war. This resolution supports our troops and sends a clear message to President Bush that he is increasingly isolated in believing that Iraq's future can only be salvaged by sending more Americans into their civil war.

Let us remember that year 5 in Iraq will start with over 150,000 U.S. troops in the midst of an Iraq civil war. Year 5 in Iraq will start with 2,600 Minnesota National Guardsmen and -women who have already served and sacrificed for a year, being ordered to serve an additional 4 months of duty. Year 5 in Iraq starts with over 3,100 American troops having sacrificed their lives and nearly 24,000 troops having sacrificed their bodies.

To all of our veterans and their families, I offer my prayers, and I pledge my support in the difficult months and years ahead. With a true sense of humility and respect and admiration for their service and sacrifices, I thank you, I thank your families for what you have endured.

Our troops have always done their jobs with skill, with determination and courage. And now it is time for the elected leaders of this Nation to respond with courage and skill and forethought to the challenges presented in Iraq. It is time for the people of Iraq, the diverse ethnic groups, the religious sects, their tribal leaders, to decide for themselves whether their future is to be one of ongoing murder, revenge, civil war, or reconciliation, peaceful cooperation and security. It is time to end Iraq's dependence on U.S. troops and to fully transfer the responsibility for security and governance to the Iraqis. It is time to start the process of bringing American troops home safe, soon. It is time to bring this war in Iraq to an end. Achieving peace in Iraq will require an Iraqi political solution.

Peace requires a robust, active, tireless diplomacy from the United States, in partnership with Iraq's neighbors and the entire world community. This Congress has the opportunity and the obligation to advance a foreign policy vision rooted in the belief that Iraq's future requires shared global commitment.

Tomorrow Congress will pass this bipartisan resolution. This resolution is important because it is the second step in putting the White House on notice. The first notice was delivered to President Bush by the American people last November when they elected a new majority to Congress. The American people elected this majority because they wanted this very debate to take place, because they reject the ''stay the course'' status quo in Iraq.

Instead of hearing the American people, instead of acting on the recommendations of the Iraq Study Group, instead of learning from his past mistakes in Iraq, President Bush decided to escalate the war.

Rather than take the counsel and the advice of experienced statesmen and trusted military leaders, President Bush acted alone and decided to escalate the war.

Now our President calls himself ''The Decider.'' In America, the people, not the President, are the ultimate deciders in our democracy, and the people and this Congress have decided that the escalation of combat troops into Iraq is misguided. This Congress has the authority and the obligation to hold the President accountable, and this House is ready to exercise its constitutional powers.

The American people are demanding action to end this war in Iraq. Let us listen to the American people. Tomorrow let us pass this important resolution and begin the process of working together as Americans to end the war in Iraq.

Mrs. DAVIS of California. Mr. Speaker, I am now happy to yield 5 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, as we approach the final day of the debate on this resolution, I have enjoyed the debate thoroughly. I have found it humorous at times. Our friends on the other side have tried every argument they could possibly muster. They have talked about President Clinton, they have talked about Vietnam, they are trying to bring up Israel, and my friend from Indiana also mentioned the issue of consistency. And I find it funny that the pro-life, self-proclaimed pro-life party is the party that wants to keep extending the war. I find it ironic that all of the great budget hawks in the Republican Party want to throw $8 billion a month to keep going and going and going as we borrow the money from China.

But I have also found the debate, at times, disappointing, where Members of the other side have questioned our side and they have said, whose side are we on? And how can we say that we support the troops, and that we are, somehow, unpatriotic.

And I would just like to say that when the Republican Party and this President didn't send enough troops, we didn't call you unpatriotic. And when you sent our young soldiers over there without the body armor, we never called you unpatriotic.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HODES). The Chair must remind the Members to address the Chair when speaking in debate.

Mr. RYAN of Ohio. Mr. Speaker, we never called the other side unpatriotic when they sent our soldiers over without enough body armor. And when they didn't send enough up-armored Humvees, we never called anybody unpatriotic. And now, when the next batch goes over without the proper jammers or up-armored kits, we don't call you unpatriotic.

Now we have called you incompetent. We said you are incapable, and we said you are derelict of your oversight responsibility. But never, Mr. Speaker, have we called anyone in this House unpatriotic.

Now let me speak to the resolution. This is very simple. It says two things: We support our troops and we do not support the escalation. It is very simple and here is why. We have already done this, Mr. Speaker. We have already done this. We have already tried the escalation and it has not worked. From November to January of 2005, we escalated by 18,000 troops, boots on the ground, and the number of daily attacks increased by 17 percent. From June to October of 2005, we increased by 21,000 boots on the ground, and the number of daily attacks increased by 29 percent. And from May to November of 2006, 17,000 more boots on the ground, and the number of daily attacks increased by 80 percent.

This escalation has not worked and it will not work. The number of insurgents have increased from 5,000 in 2003 to between 20,000 and 30,000 to October of 2006. So this is very simple.

And I want to make just a few more points, Mr. Speaker. One is this. With the last vote for the war, regardless of what party you were in or how you voted, we assumed that the President and the Secretary of Defense would send our troops over there with the proper equipment. But with this escalation, Mr. Speaker, we know that the 21,500 troops that are going to go over there will not have the proper Humvee kits, the up-armor for their HUMVEES. They won't have the proper jamming devices or enough of them, and they won't have the number of trucks that they need.

□ 0010

You now know it. So if you vote against this resolution, you are voting to send our troops over there without the proper equipment before it could be excused because we trusted the President, assumed, but now we know.

And, finally, Mr. Speaker, we have heard a lot over the last couple of days about the American Revolution and the Civil War and World War II. Well, Mr. Speaker, our President today is not Washington, he is not Lincoln, and he is not Roosevelt. So I think our Republican colleagues should take the advice of the Secretary of Defense, and that is you go to war with the President you have. You don't go to war with the President you wish you had.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind the Members to address their remarks in debate to the Chair and not to others in the second person.

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

Sometimes in the middle of debate when one gentleman refuses to yield to another gentleman, it can be for a variety of reasons perhaps, but sometimes it is because the argument is pretty weak.

So I have listened to this debate. I have not heard anybody on this side of the aisle call any of my Democratic colleagues unpatriotic. So the gentleman who just spoke protests too much. Maybe he has some deep feeling inside, has some guilt inside perhaps. I don't know. I can't speak to that. Only he can. I would be more than pleased to yield to him. I would extend the courtesy to him. But I just don't recall that at all.

As a matter of fact, I had to turn here to some staff that is with me because they are just as sensitive about this as I am and the seriousness of this debate.

The gentleman to my left is an Air Force Academy grad and he is the Air Force Reserves, and he flies C–5As right into Baghdad. He knows what that is like.

The two gentlemen right behind me, this gentleman right here, Jeff Phillips, served in the first gulf war, in the second gulf war, and has two Bronze Stars. This other gentleman over here, Jim Lariviere, served in Afghanistan and wears the Bronze Star.

So I turned to all three of these guys and I asked them, Have you heard anybody say or make someone feel as though they were unpatriotic? And the answer was ''no'' from these three men.

So please don't come and pollute the debate because it only makes you look silly.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members to address remarks to the Chair.

Mr. BUYER. Mr. Speaker, it only makes Members look silly if they pollute the debate.

One thing about war is that you have to improvise, adapt, and overcome. Right? You hear that a lot. We do it and our enemies do it, and it is extremely important.

Mr. Speaker, I yield 10½ minutes to the former veteran of the Arizona National Guard, Mr. SHADEGG.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding.

And just to follow up, I was going to actually begin my remarks tonight by noting the tremendous speech I thought that was given by my colleague Mr. MCHUGH, I believe it was the night before last, in the midst of this important debate. And I think this is an extremely important debate. Indeed, I think this is the most important debate in my 12 years in the United States Congress and I would assert the most important debate this Congress may, indeed, ever have.

But with regard to being unpatriotic, I want to make my position clear and I want to reference what Mr. MCHUGH said.

First, I respect every Member on the other side of the aisle, and I respect

their right to express their views. And, quite frankly, the other evening when I spoke in this debate, I said I respect and share their frustration, both at where we are in this war and how we got there.

But the gentleman pointed out that he hadn't heard anybody labeled unpatriotic. I think Mr. MCHUGH's comments were quite in tone with what I have heard in the portion of this debate that I have watched, and I have watched a lot. And he said, ''I have listened today with great interest, and I have enormous respect for Members on both sides of the aisle.'' I have that respect. I have the respect for the sincerity of my colleagues on both sides of this aisle. We have, however, an important disagreement which deserves to be aired.

I think there is an important question that needs to be asked. That question is, if we do not defeat radical jihadists in Iraq, the radical Islamists with whom we are at war there now, if we do not defeat them in Iraq, then where? And if we do not defeat them now, then when?

Let me first start by making a few points about the record and setting the record straight. My colleague from Texas pointed out a few moments ago that we are each entitled to our own opinion, but not to our own facts. I would suggest that there is a fact across this Nation, an accepted fact, which is flat untrue. And it was referred to in the debate here just a few moments ago. And that is the notion that Shia and Sunni have been at war with each other for hundreds of years and killing each other for hundreds of years.

Today, the bipartisan Antiterrorism Caucus met, and we heard from an expert from Brookings, and he said that is simply not true. The notion that we are in the midst of a civil war that has gone on for hundreds of years simply is not true. It is not a fact.

What is a fact is that we face an extraordinary enemy, an enemy that hates us, an enemy that has been taught a set of beliefs that requires them to kill us; that requires them to kill all Americans, all Westerners, all unbelievers; indeed, a radical jihadist sect that calls for them to kill many Muslims and to do so without excuse. To break all law in doing so. To ignore international law in doing so.

I would call my colleagues to read this book, ''Knowing the Enemy'' by Mary Habeck. I read it after she spoke to the bipartisan Antiterrorism Caucus. I want to read a few paragraphs out of this book because I believe it is important to understand: ''Jihadist ideologues use this generally accepted belief to argue that their interpretation of Islam is also intended for the entire world, which must be brought to recognize this fact peacefully if possible and through violence if not.''

We have been told over and over and over and over again that these jihadists, the radical jihadists, hate us. In the debate earlier on this floor I asked my colleagues, I asked anyone on either side of the aisle, if you can name for me a single radical jihadi leader who has said that if America leaves Iraq, if America will pull back from Iraq, the war will end? I have asked that question on this floor at least twice, maybe three times, and nobody has taken it up. And the answer is because that is not what they want.

I listened to the debate here tonight and I respect it. As I said, I share the frustration over where we are in this war. But if you listen carefully to this debate, what you hear is: well, if we will stop, the war will end. I am afraid it is not that true. I am afraid it is not that easy. I am afraid it is not that simple. If we were to stop, the war would not end.

Listen to the words of al Qaeda, the words of Osama bin Laden, the words of Ayman al Zawahiri. Over and over and over again, they have told us that that would not be the end of the war. Indeed, it would not end their war against us.

Let me talk first about Ayman al Zawahiri. Here is his quote: ''It is jihad for the sake of God and will last until our religion prevails . . . The entire world is an open battlefield for us. We will attack everywhere until Islam reigns.''

Osama bin Laden: ''The whole world is watching this war and the two adversaries; the Islamic Nation on the one hand and the United States and its allies on the other. It is either victory and glory or misery and humiliation.''

□ 0020

Ayman al-Zawahiri again: ''The jihad in Iraq requires several incremental goals; expel the Americans from Iraq, establish an Islamic authority or amarat, extend the jihad to secular countries neighboring Iraq, and then the clash with Israel.''

And last, Osama bin Laden: ''Hostility toward America is a religious duty. We hope to be rewarded by God for it. I am confident that Muslims will be able to end the legend of the so-called superpower that is America.''

There is no end to this war simply because we choose to stop fighting. It will not go away.

Let me refer again to Mary Habeck and ''Knowing the Enemy,'' which, Mr. Speaker, I hope you have read and all others who participate in this debate will read.

''The three main jihadist ideologues make clear a central point of the ongoing war with falsehood: That it will continue until Islam has liberated the entire world from darkness, tyranny and servitude. Jihadists thus neither recognize national boundaries within the Islamic lands, nor do they believe that the coming Islamic state when it is created should have permanent borders with unbelievers. The recognition of such boundaries would end the expansion of Islam and stop offensive jihad, both of which are transgressions against the laws of God that command jihad to last until judgment day or until the entire Earth is under the rule of Islamic law.''

It would be nice if we could ask this war to go away, but it won't. So I ask again, if you do not want to confront radical jihadists in Iraq, then where? And if not now, then when?

This war did not begin in 2003. It began not in 2001 with the attack on the World Trade Center. No. We have been at war with these radical jihadists for decades. In 1979, radical jihadists seized the American embassy in Tehran and held American hostages for 444 days. In 1983, radical jihadists attacked the Marine barracks in Beirut; 241 were murdered. In 1988, they brought down Pan Am Flight 103, known as the Lockerbie bombing; 270 were murdered. In 1993, Islamic terrorists attacked the World Trade Center for the first time; six were murdered. In 1996, they attacked the Khobar Towers. I have been to Khobar Towers before it was brought down. I saw where they killed 19 U.S. servicemen. 1998, al Qaeda attacked the U.S. embassies in Tanzania and Kenya. They killed 212 in Tanzania and 11 were murdered in Kenya. In 2000, the Islamic terrorists attacked the USS Cole and 17 are murdered there. 2001, they attacked New York, Washington and Pennsylvania and they killed 3,000.

This war is the heart of the war on terror, and if we do not confront them now, then when? If we do not confront them in Iraq, then where?

There have been parallels to prior wars. I would suggest that this debate is similar, very similar, to the debate that led up to our involvement both in the World War I and World War II. Men of goodwill do like not to engage in war. It would be nice to have been able to believe that Hitler would go away, and well-meaning Americans argued that we should stay out of that war. But ultimately we couldn't, because ultimately the Japanese empire attacked us at Pearl Harbor and we recognized that we had to be involved in that war.

I would suggest to you that that is where we are now, and I would suggest to you that there is no such thing when you are at war as a nonbinding resolution, and there is no such thing as a resolution that does not do damage to the morale our troops.

Let me conclude, if I might, just by pointing out that this resolution may send a message to the White House, and I understand and sympathize with the desire to do that. But the more important message it will send is to our allies around the world that America cannot be trusted, that America cannot be relied upon, that America is an ally that will leave.

Osama bin Laden has said it over and over and over again: Attack them, fight them. Ultimately they will grow weak and they will back down.

Mrs. DAVIS of California. Mr. Speaker, I yield 6 minutes to the gentleman from Florida (Mr. MEEK).

(Mr. MEEK of Florida asked and was given permission to revise and extend his remarks.)

Mr. MEEK of Florida. Mr. Speaker, I am excited about being here. I want to thank the gentlelady for yielding. But I am going to put my prepared notes to the side here, because I don't think that is needed at this point, because we are well into debate now, Mr. Speaker, on this very issue of Iraq.

I would like to disclose to the House that I am not a member of the armed services. I have never served in a forward area. I wasn't even a member of the ROTC. But I am a Member of the U.S. Congress, and I have been federalized to come here to represent my constituents and the people of this great country.

I know sometimes we say some things on the floor that we don't really mean, and then there are some things we do really mean.

I had the opportunity to go to the White House today to speak to the President on this very issue, and I shared with him, delivered the message from the majority of the Members of this House of Representatives on a bipartisan basis, Republicans and Democrats that have come to this floor and said they are going to vote in the affirmative on this resolution because they don't believe in the escalation of troops.

A supermajority of the Members of the House have not served in the military. Now, do we respect and honor those that allow us still to salute one flag? You are 110 percent right as it relates to my feelings towards that. And I respect those Members who have been in the ROTC and came up through college and what have you and joined the Reserves and active duty. I trust their judgment. They have the right to say what they want to say when they want to say it.

But I shared with the President that this will pass. And he shook his head and said, ''I believe it will pass too, Kendrick.''

I said, ''Mr. President, here is something else that we have to be together on, and there has to be some level of compromise.''

Yes, this is a nonbinding resolution, but this is the first time that the President has ever had any, any, any pressure from the Congress on his original thoughts and what he says military commanders call for.

Now, since folks have been talking about who they are here on this floor and what they have done and chest beating and all, I have been a member of the Armed Services Committee. I am a member of the Ways and Means Committee now and still on Armed Services on a waiver.

I said I wanted to go back to Armed Services because we are at war and we have to make sense here in this House. We just can't say we are there and we got to stay there as long as we got to stay there, until the last insurgent says that they give up. Well, guess what? They are not going to give up. They are not going to give up, and they are not going to say, well, we are leaving. They are not going to say that.

So if our mission is to stay there as long as the last insurgent is there, so someone would not be looking at troops leaving on the plane saying we won, if that is the issue, then we have to readjust our thinking here.

Let me just share something with you. I said to the President, ''Yes, this is nonbinding, but it means a lot. It sends a message to the country that we heard them last November.''

You know the reason why this House is in the majority for the Democrats this time? You know why? Because the rubber stamp Republican Congress rubber stamped everything that the President sent to this House and to the Senate. And if this was about politics, I would just go home and sit and watch this debate on television and talk to my wife and tell my wife, guess what, sweetheart? The Democrats are about to gain a greater majority, because the American people are going to continue on a bipartisan way, not just Democrats, Republicans, independents, those that never voted before, will start voting because they think that we are not listening.

Now, I am going to share this also with you, what is very, very important. I said, ''Mr. President, it is nonbinding, but you are going to have a supplemental that is going to come through, and there has to be language in there that speaks to the point of readiness, speaks to the point of the fact that if you say we are going to send 20,000 combat troops and 3,000 support personnel, that they have what they need to carry out the mission.''

The President heard what I had to say and came right back and said, ''Kendrick, do you believe for a minute that I would put troops in harm's way if the military commanders did not tell us what we had?''

Respectfully I told the President, ''It has happened before.'' I have sat next to Mr. RYAN in the Armed Services Committee and watched four star generals answer the question, ''Do you have what you need?'' ''Yes, we have it.''

Then we went to Iraq twice. Not once. Not when somebody told me that got off the plane that came back from Iraq and said, ''Kendrick, guess what.'' In Mosul, in Baghdad, folks getting ready to go out on patrol did not have up-armored vehicles. And I am a Member of Congress. You would think someone would bring up-armored vehicles out because they have Members of Congress there. And people are there saying, and the troops are there saying, soldiers, in the field, 18 months on the second deployment, saying, ''Congressman, I know what you think, but let me tell you something: We don't have what we need.''

□ 0030

They still do not have what they need. So I come to this floor, yes, with great passion. I was not a member of the military, but doggone it, I am a Member of Congress. I am not going to let any Member of Congress make me believe or any other Member believe that they are less of a Member because they do not have the credentials that the next person has.

What I do know is that someone woke up early Tuesday morning at 7:00 a.m. to vote for representation in this U.S. House of Representatives, and doggone it, they are going to get, and those troops are going to get it.

So tomorrow it is going to be judgment time. Either you are with going in the old direction or in the new direction.

And the only reason that I have comfort, Mr. Speaker, tonight is the fact that I know that there is going to be a bipartisan vote on that board, just like it was on the minimum wage, just like it was as it relates to prescription drugs, just like it was in cutting back interest rates on student loans. All these bipartisan votes, and this is going to follow the number of those bipartisan votes. I know that we are going to start having the kind of oversight we have to have on this war.

I do not believe that it would be a full pull out of troops, and I am not even looking for that, but I am looking for management of this war in Iraq, and I am glad that we are having this debate.

Mrs. DAVIS of California. Mr. Speaker, I yield 6 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I am going to bring it back down a notch for a minute.

On Tuesday, I had the privilege to spend time with some of our Nation's finest. I traveled to Walter Reed Army Medical Center and talked with some of our soldiers who dedicated their lives to protect our Nation and gave their hearts, souls and bodies to the cause of freedom.

As I was driving out to the hospital, I reflected upon the changes in Iraq in the year-and-a-half since my first visit to Walter Reed. During that visit, IED was not a regular part of the American vocabulary, Mr. Speaker. Fatalities were shocking. The mounting death toll was disturbing.

Today, there are insurgent attacks almost every day. Iraq has descended into a deadly civil war, and almost every American has become familiar with the term IED and the deadly impact they have on the young men and women that we send to fight for us in this war.

The terms of war that my good friend from Indiana so well knows, the casualties, death, kidnappings, injuries, helicopter crashes, bombs, amputations, good-byes, sorrow and pain have all become commonplace.

We hear that another helicopter was shot down or that three more soldiers died today in Iraq, and soon enough we become numb to the true impact that

this war is having on our troops and their families.

These young men and women represent true honor, courage and selflessness. They also represent the incalculable cost of the war, the price tag that is not mentioned, the lives, limbs, hopes and dreams.

They are soldiers like a young man I met Tuesday who was travelling on foot with his convey when an IED exploded, and as he put it, blew him up. He had served in Iraq twice before, and on his third tour of duty, Mr. Speaker, he became a double amputee, lost his arm and leg. Clearly, his total experience will change him completely.

Another young soldier was spending time with his family when I visited. He has a 6-year-old little boy who talked to me excitedly about how his daddy was finally going to come home forever after August. He, too, had two previous tours and fell severely ill this third time. Amazingly, this soldier hopes to go over and finish his tour with his company when he is better.

As a mom of 7-year-old twins, my first thought when meeting this delightful little boy was that his dad had missed half his life so far, half his life. I could not help but worry that if we do not get it right soon in Iraq it will not be long before this little boy and my twins will be part of this conflict.

And finally, there are soldiers like the young man who shared so much with me and who sincerely explained to me that he was actually glad that he was badly injured, as opposed to his gunner, because his gunner had a wife and kids and he did not want his buddy's family to have to look into his eyes like that. He told me he wants to run for office one day, and our Nation will be better for it.

America's future depends upon this generation of Americans, but while they fight to protect our country, they are depending on us to protect them. They are counting on us, the United States Congress and this President, to have a plan, a strategy that gets us somewhere and to help get them home and not endlessly commit their lives and their families' lives to this war.

So, Mr. Speaker, today I join an overwhelming majority of the American people, a bipartisan majority of Congress and some of the President's own military leaders to raise my voice and to be the voice of the constituents, the thousands of people who I represent in the 20th district of Florida, against escalating this war in Iraq.

But more importantly, I raise my voice for my generation and for all the little boys and girls in America whose mommies and daddies are in Iraq and Afghanistan fighting for this country and for freedom.

This President owes the American people, but more importantly, these brave troops, a strategy that makes sense, that will do the job and that will help get them home. The President's policy fails that 6-year-old little boy with a heart of gold and a smile that lights up the room who only wants his daddy to come home forever.

I support this resolution because the explanation the President has given the American people is not good enough. I cannot help but think about the way this war is affecting not only my generation, Mr. Speaker, but the generations following mine. They, too, recognize the sacrifices that our men and women in uniform are facing.

Students from two schools in my district, Nob Hill Elementary and Silver Ridge Elementary, made Valentine's Day cards for the soldiers, and I got a chance to deliver them Tuesday during my visit to Walter Reed. One of these cards reads, the one right here: ''Thank you for protecting our country and me. You're the best. I would never have had the guts to fight with guns anyways. You are my hero. Forever and ever. Get well very, very soon.''

These young children recognize the service and sacrifice that these warriors are making. As Members of Congress, we owe them no less.

It is our responsibility to provide for the common defense, and that includes vigorous debate, informed discussion and responsible public policy.

I support this resolution because it does just that, and Mr. Speaker, I support this resolution because the gentleman from Indiana knows better.

It does not require words to question patriotism. We have had plenty of implication throughout this debate on this floor on the other side of the aisle, and death by a thousand cuts is the same as direct words. It is irresponsible and unconscionable that the other side of the aisle has questioned the patriotism of the Members who disagree.

It is Congress' job to disagree. It is our role in the system of checks and balances, as our Founding Fathers envisioned them, unfortunately a role that was absent for the last 12 years.

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

I would like to, on my time, yield to the gentlewoman. I would like to yield to the gentlewoman on my time, since she would not yield on her time. Would the gentlewoman please identify by name a Republican who has called a Democrat in this debate unpatriotic?

Ms. WASSERMAN SCHULTZ. Mr. Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. I thank you for yielding.

I was just taking my opportunity. You have had more than 45 minutes to an hour of your own time to discuss your own view, and each us would like that same opportunity. It is 12:40 in the morning. So I appreciate you yielding.

I can tell you, as I just mentioned in my remarks, that it does not require express words. By implication, there are many Members on your side of the aisle who have questioned the patriotism of any of us who disagree with the President's policy. The President's policy is inappropriate, and it is Congress' role to question to engage in vigorous oversight. That is a role that was absent for the last 12 years, and that is why the American people elected Democrats to lead this chamber on November 7 and move this country in a new direction, which unfortunately you have neglected to do.

Mr. BUYER. Mr. Speaker, reclaiming my time, I have neglected to do?

Ms. WASSERMAN SCHULTZ. You collectively.

Mr. BUYER. Mr. Speaker, are you questioning my motives

PARLIAMENTARY INQUIRY

Mr. BUYER. Mr. Speaker, parliamentary inquiry. Is it proper for one Member to try to question the motive of another Member?

□ 0040

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Even in heated debate, the Members should be more orderly in the process of yielding and reclaiming time.

Mr. BUYER. I thank the Speaker. I am thankful that the gentlewoman gave the answer to her question, and the answer was that it was implicit.

It is very easy in debate to come down and to create a straw person and then attack the straw person. If the gentlewoman has felt that way, that is completely unfortunate. But please don't say you have been called unpatriotic. That is the exchange I had with an earlier speaker. Don't accuse Republicans of such things. I am disturbed by that and very bothered.

Ms. WASSERMAN SCHULTZ. Would the gentlewoman yield?

Mr. BUYER. I am more than pleased to yield to the gentlewoman.

Ms. WASSERMAN SCHULTZ. Does the gentleman not understand that when words are used, that they don't actually have to be exact words to suggest a particular opinion on the part of the Member? And do you really think that it is beyond question that any of the Members on your side of the aisle as they engaged in this discussion and debate did not question the patriotism of our Members? I mean, me thinks thou dost protest too much, as the gentleman stated earlier. I yield to the gentleman.

Mr. BUYER. I thank the gentlewoman for her remarks.

Mr. RYAN of Ohio. Would the gentleman yield?

Mr. BUYER. I am more than pleased to yield to the gentleman from Ohio.

Mr. RYAN of Ohio. As I was watching the debate prior to my speech, I wrote down a quote that was stated by the gentleman from Indiana looking at the Democrats saying, How can we say we support the troops? Question mark.

Now, if that is not questioning the patriotism of our side, I don't know what is.

Mr. BUYER. Now I seek to reclaim my time, because that is a legitimate question.

As the commander in the field, if you say to the commander, ''I support

you.'' All right? What is the commander going to say? The commander says, ''All right, I have a mission, and you say I support you.'' That means, I suppose, that I support you by making sure that you have been properly trained, that you have your uniform, that you have your ammunition, you have your helmet, you have your body Kevlar. You have what is necessary to accomplish your mission. But do you? If the commander says, ''I need more troops to accomplish that mission,'' you say, ''But you can't have those.'' Is that then supporting the commander?

That is why I pointed out the contradiction in that the Senate says to General Petraeus, ''We agree, you are our best commander to go over there.'' And before they took that vote, he said, ''I need those five brigades.'' So they passed the vote and they sent General Petraeus over.

Now we are faced with a vote that says I support the troops, I support the members of the Armed Forces.

How can we say, ''I support you, but, Mr. Commander, we are not going to give you the troops''? That is the point of the question.

So please don't try to spin it into something that says, oh, you are calling me unpatriotic. That is what I think is rather peculiar.

Mr. Speaker, does the gentlewoman have any other speakers?

Mrs. DAVIS of California. Yes. Mr. Speaker, we have one additional speaker.

Mr. BUYER. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, when people on the other side of the aisle wonder how we can ask, Do you really support the troops? How about this quote that was contributed to Mr. MURTHA? ''They won't be able to continue. They won't be able to do the deployment. They won't have the equipment. They don't have the training. They won't be able to do the work.'' There is no question in my mind.

On his Web site that has now been taken down, it says, ''Chairman MURTHA will describe his strategy for not only limiting the deployment of troops to Iraq, but undermining other aspects of the President's foreign and national security policy.''

He is the Commander in Chief. That is undermining the President.

Mrs. DAVIS of California. Mr. Speaker, I just want to inquire of our remaining time.

The SPEAKER pro tempore. The gentlewoman from California has 18 minutes. The gentleman from Indiana has 16 minutes.

Mrs. DAVIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, it is entirely possible and welcomed under the Constitution of the United States to have disagreements about how we need to handle troops deployments, how we need to handle our situation in different wars. And it is not to be said that because one party or one group of people have a different philosophy and a different strategy, that somehow they are not supporting the troops.

Now, your party and your President, the Republican Party, Mr. Speaker, and the Republican President are the ones who sent our kids to battle without armor, without body armor. And it took JACK MURTHA months to uncover it, and then to finally get it paid for and distributed. It was the Republican Party, Mr. Speaker, who sent kids into battle without up-armored Humvees.

Now, nobody questioned the Republican Party's patriotism, and nobody asked them if they supported the troops. Again, we called you incompetent, we said you were incapable, we said you were derelict in your duty, we said you should have provided oversight and you didn't. But we never called you unpatriotic.

Mrs. DAVIS of California. Mr. Speaker, I now recognize Mr. CHRIS MURPHY of Connecticut for 5 minutes. He will be our last speaker, and, as we all know, he is a veteran of the Iraq war.

Mr. MURPHY of Connecticut. Mr. Speaker, I thank the gentlewoman for yielding. I often get confused with my good friend from Pennsylvania.

Let's just touch for one minute, before I address the resolution on the question that our friends from the other aisle brought to us today and that Mr. RYAN was so good enough to talk about as well, that is this notion that in order to support the troops, you have to support the commander of the troops.

Well, having spent the last 2 years walking around talking to every sector of the constituents of the Fifth District of Connecticut, having a sense of where the American people came down in November on this question, the American people seem to agree with folks on this side of the aisle, which says this: There is a difference between supporting the troops and supporting the commander.

It is not an issue of patriotism necessarily, it is an issue of differentiating between the brave men and women who are over there fighting and dying for this country, and the man who sends them into battle. You can disagree with him and you can support the troops. You can do that out in the public as a matter of your private advocacy, and you can do that here on this floor.

That is where the American public came down on election day. They said loud and clear that day, ''We support the troops.'' They go every day to celebrations of those troops when they leave and when they come home. They go to much more somber ceremonies when they don't return home. And then on election day they come out and they say this: ''I support those troops. I don't support the man who put them into harm's way in the manner that he did that.''

Mr. Speaker, I would like to thank Speaker PELOSI and Leader HOYER for allowing us to be here this morning. It is late at night, and I will be brief in my remarks on the resolution before us.

Amidst the embarrassing overabundance of thorny foreign policy questions before this House currently, the question before this Chamber tonight is a fairly simple one: Do we agree with the Nation's military establishment, with the country's foreign policy community, with popular opinion, and reject this President's very wrongheaded plan to send 21,000 more troops into Iraq? Or do we remain silent in homage to Congress' past and allow this potentially disastrous escalation to move forward?

I think the question answers itself. And I am proud today to stand here in support of this resolution, and register my strong support of our troops and my strong opposition to escalating this war.

As we finish the debate tonight, I have been joined in these final remarks by some of the younger colleagues in the House of Representatives. And I think our unity is significant. I should remind other Members of this House that we are discussing the fates of many young men and women, my classmates, my friends, that are this hour fighting and dying in a country halfway around the world.

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As younger Members we also serve as reminders that our duty here is not just to set policies to secure the safety of our country in terms of months or years but also in terms of decades.

Mr. Speaker, I have never fought in a war. I haven't shot another man on the battlefield nor have I been wounded myself. But I have been allowed the privilege to represent my constituents in this body because of the selfless bravery of those men and women around this country that made a different choice than I did, those that volunteered to go overseas and fight and defend this country. It is my duty to stand here today and thank them for their service, thank their families for their service, but also to be their advocate here tonight. Because the President is asking a cadre of our bravest young men and women to go house to house in Baghdad to root out an insurgency while he does virtually nothing to address the systematic causes of that insurgency. One hundred thousand troops may not be able to do the job that the President is asking 21,000 to do. Escalating the number of troops in Baghdad hasn't worked in the past and it most likely won't work here. Through his actions, the President is putting our soldiers' lives at unnecessary and unconscionable risk. There is a resolution in Iraq but it's a political solution. It's not a military resolution. And we owe it to our soldiers who have done everything that we have asked them to do to stand up to a President who would ask them to do a job that

they cannot and should not do. And beyond our duty to our current generation of troops on the ground, our responsibility, quite frankly, also lies with the generations to come. I decided to seek a seat in this House at a relatively young age because I was fearful that the decisions that were being made here today would have dramatic consequences for the world that my future children and grandchildren will grow up in. And I came here to begin a conversation that acknowledges that what will make this Nation safe for generations is not a Nation built on bullying, not a strategy based on scattershot military intervention but a comprehensive foreign policy that combines American might with American diplomacy. In order to secure this Nation for the next generation, we need to acknowledge that the most important question we must ask is not who do we attack next, but instead how do we reset our place in this world in a way that would prevent the forces who would do America harm from becoming stronger?

Mr. Speaker, we need to come to grips with the fact that we live in a world in which our own supposed allies create societies that foster extremism and violence amongst their most marginalized members. At the same time our Nation often strangely views cultural and political global detachment as a virtue rather than a weakness. This combination causes those that speak different tongues and those that worship different gods to look upon our great Nation with undeserved derision. This must change.

For my mind, we do that in three parts. First, we must pass this resolution in order to pivot to a much broader conversation. And in that conversation in the coming days and months, we must redeploy our troops both to home and to fights that are central to the war on terror, such as in Afghanistan. The gentlemen from the other side of the aisle are right. This battle with terrorists who may do harm to this country does not end no matter what happens on the ground in Iraq. But we must focus on our energies there. Lastly, we need to begin, going forward from today, to renew that multilateral spirit that once made this country great by proving ourselves in the future to be both a strong America and a humble America.

Mr. Speaker, I stand here today in support of this resolution.

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

There was a peculiar comment a bit ago from the gentleman from Ohio when he said, well, I didn't call you unpatriotic when you sent troops into battle and they didn't have their up-armored Humvees. What a weird statement to say.

You see, we prepare our force. So, for example, when myself and Colonel Phillips in the first Gulf War, those Hummers that we took in, they didn't even have doors on them. We didn't have doors on the side of those. We didn't go in with all the side plates and front plates, groin plates, neck plates, shoulder plates. We didn't do all that. Most of that, the body armor, was reserved for special ops. When you move in to counterinsurgency and then the enemy begins to use roadside bombs to attack our Hummers, what do we have to do? We respond. That is why I made the comment of what does our military do? They improvise, they adapt and they overcome, and that is exactly the same thing which our enemies do. So it was a very peculiar comment to say, well, we didn't attack you because. I don't know. It's so peculiar, I don't even want to comment anymore on it.

What I would like to comment on is the nature of the enemy and the significance of Iraq and the global war against militant Islamists.

Mr. Speaker, at this time I would like to turn our attention to the nature of the enemy we face and the significance of Iraq in the global war against militant Islam. We often use the term ''global war on terrorism'' to describe our efforts since the September 11 attacks. I believe this is a misnomer. In reality, we are engaged in a campaign to counter a global, radical Islamist insurgency, a global jihad. This global insurgency is, in fact, a diverse confederation of Islamic movements that uses terrorism as only one of its many tactics in their war against the West.

On February 23, 1998, Osama bin Laden, leader of al Qaeda, declared war on the United States, Israel and the West in his statement ''World Islamic Front Declaration of War against Jews and Crusaders.'' Subsequently, bin Laden's deputy, Ayman al-Zawahiri, issued a statement after September 11 announcing a two-phase strategy for al Qaeda's war. First, reestablish the Islamic Caliphate, the historical and temporal authority of all Muslims that existed from 632 A.D. until 1924 A.D, and, second, use the Caliphate as a launch pad for a jihad against the West.

No one believes that Osama bin Laden directly controls this worldwide insurgency. Rather than a single monolithic movement, al Qaeda is but one movement that symbolizes a broad and diverse confederation of militant Islamic movements that operate around the world. This insurgency includes such wide-ranging organizations as the Egyptian Islamic Jihad, the Libyan Islamic Fighting Group, the Islamic Army of Aden, al Qaeda in Iraq, the Islamic Movement of Uzbekistan, the Abu Sayyaf Group in Malaysia and the Philippines. In addition, Iran, a majority Shia country, backs numerous radical Islamic groups, including Hezbollah and Palestine rejectionist groups such as Hamas and the Palestinian Islamic Jihad. These wide-ranging and disparate groups are loosely linked ideologically, linguistically and culturally. They use family ties, personal relationships and financial links to coordinate their efforts. Thus, the global jihad plays out in a variety of theaters around the world. These include:

The Americas, where in North America we saw the September 11 attacks and as a House Permanent Select Committee on Intelligence report stated, Federal authorities have shut down at least 25 charities contributing to terrorist activities since September 11. That is here in our own country.

In South America there is a strong al Qaeda presence in the tri-border area of Argentina, Paragiau and Brazil.

In Western Europe, where there have been recently uncovered plans for attacks against Great Britain and the United States and where insurgent financial networks and planning cells flourish throughout Europe supporting insurgent activities.

In the Southern Pacific, where the Bali bombings in October 2002 were attributed to an al Qaeda-linked cell.

In the Ibernian Peninsula and North Africa where North Africans were blamed for the May 2004 Madrid bombings and where there have been bombings in Casablanca, Morocco and Tunisia.

In the greater Middle East, where there are ongoing Islamic insurgencies in Iraq, Jordan, Egypt, Saudi Arabia, Yemen, Turkey, Lebanon and Israel/Palestine.

In East Africa, where simultaneous bombings in October 1998 in Kenya and Tanzania were coordinated from the Sudan.

The Caucuses and European Russia, where nationalist insurgencies in Chechnya, Georgia, and Azerbaijan have been co-opted by Islamic militants.

South and Central Asia, where the Taliban and al Qaeda continue to operate in Afghanistan and in Pakistan's federally administered tribal areas.

And in Southeast Asia, where Islamic insurgencies continue in Indonesa, the Philippines and southern Thailand.

These Islamic insurgencies share a common goal. They are oriented toward the overthrow of the current world order and its replacement with a pan-Islamic Caliphate. They wish to change the status quo using violence and subversion in order to initiate a clash between Islam and the West. They use terrorism, subversion and propaganda to further their goals and initiate open warfare.

It will come as no surprise that most of the active Islamic insurgencies take place either within the historical bounds of the Caliphate, meaning North Africa, Spain, Turkey and the Middle East, or in areas claimed by the new broader pan-Islamic Caliphate, South Asia, Southeast Asia and Indonesia. These insurgencies contribute to what is called an arc of instability that reaches from Indonesia across South Asia and the Middle East to North Africa.

Where does Iraq fit into this global jihad? Iraq has become the front line in the open warfare of the global insurgency. In many ways, Iraq is a microcosm of the complex worldwide Islamic

insurgency. The centrality of Iraq to the insurgency became clear in a July 2005 letter to the late Abu Musab al-Zarqawi from al Qaeda's deputy Ayman al-Zawahiri. In discussing Iraq, Zawahiri stated:

''I want to be the first to congratulate you for what God has blessed you with in terms of fighting battle in the heart of the Islamic world, which was formerly the field for major battles in Islam's history, and what is now the place for the greatest battle of Islam in this era.''

Zawahiri went on to outline the larger strategy for Iraq. First, expel the Americans from Iraq. Second, establish an Islamic authority and reestablish the Caliphate. Third, extend the jihad neighboring secular Islamic countries. Fourth, eliminate Israel. Thus we see a clear statement from the number two man in al Qaeda that Iraq is centrally important to the global jihad.

Al Qaeda is not alone in operating in Iraq. There have been extensive Iranian involvement that has been alleged recently. On March 14, 2006, General John Abizaid told the Senate Armed Services Committee that ''Iran is pursuing a multitrack policy in Iraq, consisting of covertly supporting the formation of a stable, Shia Islamist-led central government while covertly working to diminish popular and military support for U.S. and Coalition operations there.''

While the full extent of Iranian support is unknown, it appears that at a minimum Iran is supporting the 20,000-man Badr Brigade as well as the 2,000-man Wolf Brigade which is an offshoot. Just this week, administration officials announced that Iran was the source of deadly explosive form projectiles being used in Iraq.

Iraqis also grasp that Iraq is central in this global struggle. Iraqi Prime Minister Maliki told us here in a joint session of Congress, ''I know that some of you here question whether Iraq is part of that war on terror, but let me be very clear. This is a battle between true Islam, for which a person's liberty and rights constitute essential cornerstones, and that of terrorism, which wraps itself in a fake Islamic cloak.''

The centrality of Iraq in the larger global Islamic insurgency cannot be disputed. Our enemies and our friends in the region grasp its significance. To fail in Iraq is to fail in the larger struggle. And our enemies are watching. They remember what America did not grasp the scope of the threat posed by radical Islam. Yet the signals were there:

In 1979, 66 American diplomats taken hostage, held in Iran for 444 days.

In 1983, a truck bomb kills 241 Marines at their barracks in Beirut.

In 1988, Pan Am flight 103 bombing kills 270, including 189 Americans, over Lockerbie, Scotland.

In 1993, six killed at the first World Trade Center bombing by militant Islamic terrorists.

In 1996, 19 U.S. servicemembers were killed at Khobar Towers.

In 1998, 225 people killed in bombings at our U.S. embassies in Tanzania and Kenya.

In 2000, al Qaeda's attack on the destroyer USS Cole kills 17 American sailors.

In 2001, September 11, killed 2,973.

Until 2001, we failed to properly react to this threat. The enemy perceived us as weak and believed that we lacked the will to fight.

This resolution before us, if approved, will signal our lack of resolve and I am troubled. It will be interpreted, I believe, by the forces of the global jihad that the United States lacks the will to persevere against the forces of radical Islam. It will give comfort to their thoughts, for they will know that we in Congress are uncertain and irresolute. In a war where information and willpower are more important than firepower, we must continue to send the signal that we cannot and will not cease to fight the enemy's vision of the world. You see, even if you have your way and you say we are going to withdraw the troops, whether they come back to the United States or whether they go to an over-the-horizon position and this new infancy government fails, we cannot cower to the security of America. This front continues.

The Bible states, ''If the trumpet gives an uncertain sound, who shall prepare himself to the battle?'' If the trumpet is uncertain, who will follow? This resolution, I think, sends the wrong signal to our friends and to our enemies and I urge my colleagues to support those troops, sound the certain trumpet, and defeat the resolution.

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

Mrs. DAVIS of California. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I want to thank my colleague on the other side of the aisle, because in many ways he has really made the case for us. The argument on his side has been that we can't just use our military, the tools that they bring us, the great treasure that we have in them. We cannot solely look to them. And I think our great consternation over this war has been that we have not used our political, our economic and our diplomatic tools to represent the great Nation that we are.

I have to tell my colleague that I was really saddened when the veterans of my community asked me, and I have asked our generals and I have asked the President, are we in fact a military at war and not a Nation at war? The generals told me that we are a military at war. I think the President disagreed with that. But the reality is that we have not brought our Nation to this effort in the way that I think is appropriate to have done. And so when we talk about the strategic risks that are there, when we talk about the fact that we need to understand those risks, we are doing it in a context that we know that when we went to this war, we didn't properly assess those risks.

□ 0110

We failed to do that, and we can't fail to do that any longer.

So what we bring to the table and what we bring to this discussion and this debate, and I think it has been a good debate, Mr. Speaker, is I think it is important, as a lot of my colleagues have said on both sides of the aisle, that we represent the people of our community.

I often go into schools and talk to students about what representation means and tell them that it would be really impossible to take their entire class to Washington and have everybody there to speak on the floor of the House. Well, we are honored, and I know that my colleague is too, to be in the House, to be able to make those presentations, and we do it for people who actually sometimes disagree with us as well as agree with us. But it is important that we do that.

I think what we bring to this debate is to try and understand what these strategic risks are today. You made my case, and I appreciate that, because there are many conflicts, and we need to understand them. That is why only focusing on a troop escalation, which isn't 20,000 troops, Mr. Speaker, we know there are probably another 15,000 in support troops, and those 15,000 troops, which are there for support of combat troops, sometimes get in the way. We know that, and we know we have had many deaths from our support troops as well. So we need to think about this as a much larger troop escalation.

But the reality is we need to utilize all of our other tools, and we want to put the pressure on our country, on this administration, on the Iraqi people and its government and all of our friends around the world to help us and step up to the plate; not to just rely on our military, not to just rely on our treasure. We believe that is essential to make the statement.

So I want to close, Mr. Speaker, by saying that this has been a good debate. It will continue. It will continue into tomorrow. Then Members will have an opportunity to vote and to let their constituents know how and why they chose to do that.

Mr. BUYER. Mr. Speaker, if the gentlewoman will yield, I just want to compliment her for her civility and the way she led the debate. It was a good discussion, and it is exactly what the American people are looking for from this body. I congratulate the gentlewoman.

Mr. WALSH of New York. Mr. Speaker, I rise today in support of this resolution formalizing this body's resolve to support and protect the men and women in the United States Armed Forces in Iraq and disapproving of President Bush's decision to deploy 20,000+ additional combat troops to Iraq.

Like the overwhelming majority of my colleagues in the House and Senate, in 2002 I voted to authorize the use of force in Iraq should the President deem such force necessary.

Since then, the men and women of our Armed Services have carried out their mission with great courage and bravery, and they successfully achieved every military objective we set forth.

They removed a tyrannical, oppressive dictator who brutally slaughtered his own people, including innocent women and children.

They rebuilt schools and replaced a crumbling infrastructure.

And they provided security for the Iraqi people to successfully conduct interim elections, to write a new constitution, and to democratically elect and install new national leadership.

The remaining objectives articulated at the outset—conflict resolution between Sunnis and Shiites and national peace and stabilization—can only be achieved for the Iraqis, by the Iraqis. Their success will take personal will and political compromise from all domestic parties involved.

Mr. Speaker, success in Iraq today requires a political solution, not a military one. Twenty thousand more armed American men and women on the ground in Iraq will not change the determination or alter the strategy of the warring factions and militants our troops now face.

The addition of more American forces will certainly not encourage the Iraqi Forces to take responsibility for their nation's security. This premise never became clearer than when GEN. John Abizaid told the Senate Armed Services Committee, ''I believe that more American forces prevent the Iraqis from doing more and from taking more responsibility for their own future.''

He continued, ''I've met with every divisional commander—General Casey, the corps commander, General Dempsey—we all talked together. And I said, 'in your professional opinion, if we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq?' And they all said no.''

Today's U.S. military role in Iraq should be to assist in support and training initiatives, not to lead the charge. We must remember that this democracy does not belong to us, but to the Iraqi people who are responsible for protecting and enhancing it.

If an increase of troops is needed to stabilize specific regions, those troops ought to be Iraqi troops. At last count there were 325,000 trained, equipped and fielded Iraqi Security Forces. At some point in time, these Iraqi Forces have to lead security efforts.

What better time than now? What better opportunity could there be for the Iraqis to manifest their national pride and commitment to democracy by concrete actions? The Iraqis are ready and the U.S. needs to stop enabling their dependence.

Recently, the 174th Fighter Wing of the New York Air National Guard based in my hometown of Syracuse returned from a support tour in Iraq, and I'm proud that a young member of my staff deployed with them. Dozens of other young men and women from New York's 25th Congressional District have fought in Iraq and Afghanistan. I am deeply proud of them and their remarkable service to our country.

Mr. Speaker, I stand before you as a member of the greatest deliberative body in the greatest representative democracy in the world. We are the people's House. We are all elected—chosen—every two years by citizens across this land to converge here in Washington to represent them, to vote on their behalf, and to ensure that their voices are heard in every national debate. And as Members of Congress we do so with a unique balance of personal belief and public will.

The President is the Commander in Chief. That is a fact. But he is not the sole decider. We—the other elected leaders of our government—have a responsibility to express the will of the American people as we perceive it.

The people of my New York district overwhelmingly supported this mission at its start, as did I. We still support its goals. We will always support our troops. But we do not support the continued build up of U.S. troops in Iraq.

This resolution states the House's disagreement with the President on this strategy, and I support this 97-word resolution before us. But I also say today clearly and without equivocation that I will not support any proposal to cut funding to our troops while they are in harm's way.

America has kept her promises to the people of Iraq. Over 3,000 American soldiers have given their lives to ensure those promises were kept, and their families now go forward with a constant reminder of the price of their sacrifice.

This resolution confronts the reality that there are defined military objectives, defined diplomatic objectives, and defined political objectives that can only be achieved by a sovereign and selfsustaining people.

This resolution, ultimately, is about the role and the responsibility of the Iraqi people. This resolution does not call for us to step out—American troops there need to remain and take on a different role. Rather, this resolution calls for Iraq to step up.

For that reason, it has my support.

Mr. STARK. Mr. Speaker, I voted against the original resolution authorizing President Bush to take military action against Iraq. As a Member of the Out of Iraq and Progressive caucuses, I have and will continue to call for the immediate withdrawal of American troops.

I rise today in strong opposition to the President's proposal to send more than 20,000 additional United States combat troops to Iraq. Today's non-binding resolution is an important first step. After its passage, I will encourage my colleagues in Congress to take further steps to end the War in Iraq.

When a scientist uncovers facts that contradict a theory, he or she throws out that theory. But when President Bush learns of facts that contradict his theories, he throws out the facts. As a member of the reality-based community, I continue to be amazed by this President's disregard for objective truths.

The President, however, isn't just a scientist experimenting with chemicals in a laboratory. He is an executive whose decision to take us to war under false pretenses has adversely affected the lives of millions of Americans and Iraqis. The costs of the nearly four-year old conflict are grave.

More than 3,100 brave American servicemen and women, including at least 325 from my home state of California, have already died in the war. An additional 23,000 plus have been wounded. Estimates of the number of Iraqi civilians killed since the invasion run even higher, from 47,000 to 70,000. All at a cost of $379 billion to the American people. That's more than $1250 for every man, woman, and child currently living in the U.S.

But these are facts. President Bush is more interested in cockamamy theories.

In the run-up to the war, Bush speculated that Iraq possessed nuclear weapons. When intelligence officers suggested that might not be the case, he ignored them. To date, no weapons of mass destruction have been found.

Bush also hypothesized that the attack would turn Iraq into a liberal democracy. When academic scholars wrote that Iraq's history and culture didn't suggest such an outcome was likely, he dismissed them. Today, despite the election of an Iraqi Assembly and formation of an Iraqi government, the country is in a full-fledged civil war.

During the past four years, the President has repeatedly theorized that America was making progress in Iraq, and that ''success'' was just around the corner. I remember, in particular, Bush's summer 2003 statement that ''major combat operations in Iraq have ended,'' his summer 2004 claim that we were ''turning the corner'' abroad, and CHENEY's summer 2005 reference to an insurgency in its ''last throes.'' Despite these promises, the situation in Iraq has gotten worse every year, not better.

My favorite declaration came this past summer, when the President said that the formation of a new Iraqi government represented a ''turning point.''

Unfortunately, the body count in Iraq continues to grow. This past July, an average of 110 Iraqi adults died each day, the deadliest month of the war for Iraq. In October, militia attacks spiked 22 percent. In December, more than 100 American troops were killed, the third deadliest month of the war for the United States.

But the November elections did represent a turning point—in the United States. The Bush administration no longer has a Republican Congress to lick its boots. What's more, voting on this resolution will soon suggest President Bush doesn't even have the support of his own party.

When the President in January suggested sending additional troops to Iraq, Members of Congress from both sides of the aisle criticized his foolhardy proposal. Senator CHUCK HAGEL, Republican from Nebraska, termed it ''Alice in Wonderland'' thinking that would ''represent the most dangerous foreign policy blunder since Vietnam.''

Retired military personnel weren't much more enthusiastic. Former General Barry McCaffrey called the surge ''a fool's errand.'' Retired Colonel Paul Hughes said ''sending more troops to Baghdad is like pouring more water in the sands of Al-Anbar. It's just going to disappear without accomplishing anything.''

I couldn't agree more. The President's proposal to escalate the war in Iraq in the naive hope of winning a lasting peace is another cockamamy theory that contradicts all available facts.

I strongly urge my colleagues to vote ''yes'' and take this important first step to end the War in Iraq and bring all of our troops home.

Mr. BAIRD. Mr. Speaker, every member of this Congress, every member, regardless of political party, and regardless of their position on this war, or the resolution before us now, is equally committed to the security of this nation, our communities, and our families. And I believe every member of this Congress supports our troops and their families while they

are deployed. We must all support our veterans and their families when they return home.

Since this war began, I have attended, as many of my colleagues have, deployment ceremonies as we send the troops off to fight. I have been on the tarmac in the cold and dark mornings when they've come home to their families. I have been many times to Walter Reed to visit the wounded. I have been to funerals for the fallen and held the hands of loved ones left behind.

Over the past weeks, months, and in the years since this conflict began, I have heard from constituents on all sides of this issue, including members of our armed forces who have served or are now serving in Iraq. Some of our troops support the war in Iraq, others oppose it, some support an increase, others don't. To suggest that opposing the President's planned escalation means not supporting the troops would imply that many of the troops themselves and many of their loved ones back home don't support the troops. That suggestion simply makes no sense and we should put it to rest for good.

The real question today is not whether or not we are committed to security, or whether or not we support the troops. The real question is how we believe protecting security is best achieved. On that, there is legitimate disagreement, which is, or should be, what this debate is about. To have that debate is not only a right, but a responsibility of the elected representatives in a republic such as ours. Indeed, it is to defend that very right that our troops are being asked to serve and sacrifice not just in Iraq, but around the world.

I saw the Pentagon explode from my office window on September 11th. We all knew that thousands of our fellow citizens were dying before our eyes and I was worried about the safety of my own family. None of us need to be reminded through floor speeches or Presidential homilies about the threat of terrorism. But let us also not forget that the terrorists of that day did not come from Iraq. And let no one forget that, with only one exception, the entire House of Representatives, Democrats and Republicans alike, all voted to authorize the use of force to destroy the Al Qaeda bases and the Taliban who harbored them in Afghanistan. That is where the terrorists of September 11th were based, that is where the central focus of the fight against terrorists was focused, and we were united, along with virtually the entire world, in that fight.

Iraq is different, and the focus on Iraq has distracted and detracted from the mission in Afghanistan and the real battle against terrorists. Administration suggestions aside, none of the terrorists of September 11th came from, or were trained in Iraq, and there were no weapons of mass destruction.

President Bush and the rest of the administration took this Nation into an unnecessary and ill conceived war based on false threats and with a deeply flawed plan. Our soldiers, their families, our economy, our overall military readiness, the Iraqi people, friends in the region, and our coalition partners, have all suffered as a result of the administration's misinformation and miscalculations.

Before this war, I, and many others, asked the administration to answer fundamental questions. How many troops will this take? How many lives will be sacrificed? How long will we be there? What will it cost financially? How will we pay for it? How will you manage internal conflicts among the Iraqi's themselves? What will be the impact on our overall security elsewhere in the world?

The fact is this administration has never answered any of those fundamental questions honestly or fully. Never. Either they knew the answers and refused to give them, or they did not know and went ahead anyway. If the first is true, they were being dishonest. If the second is true, they were incompetent. Sadly, it appears likely that both incompetence and duplicity were at work.

Unfortunately, very little has changed since this war began. As we consider the proposed escalation of the occupation in Iraq, none of the most important questions has been answered.

I voted against this war from the outset and believe to this day that was the right vote. But once we were committed and engaged, I believed, as most of my colleagues and most Americans, that we had a responsibility to support the troops and try our best to help the Iraqis rebuild their nation, establish a democratic republic, and try to restore stability. I, along with most members of this Congress, voted repeatedly to provide our troops the needed resources to succeed, and I fervently hoped the mission would be successful. To a degree, there have been successes. We determined there were no weapons of mass destruction. Saddam Hussein has been removed from power, and is now dead as a result of a public and open judicial process. There have been free and open elections, and Iraq has a constitution and elected government.

Those are good things. But the costs have been horrific and the key questions still have never been, perhaps cannot be, answered by this Administration. As we consider the President's latest proposal we must ask again: How many more lives? How much more will this cost? How will we pay for this? What will it do to the rest of our security internationally and at home?

Because these questions are at the core of whether or not this policy will enhance or jeopardize our troops and our security, and because the administration to this day is unwilling or incapable of answering these basic questions honestly, I must vote in favor of this resolution, and oppose further troop increases.

It is irresponsible to allow a commander in chief, who has not been honest or accurate from the outset, to continue sacrificing the lives, bodies and families of our troops to a mission that lacks a clear objective or any foreseeable endpoint.

It is recklessly dangerous to permit a commander in chief to jeopardize our nation's security by letting our military equipment, readiness and troop morale continue to decline. It is shortsighted and unwise to leave our National Guard and Reserve unprepared and under-equipped to respond to other challenges or crises abroad or within our own borders. It is wasteful and foolhardy to build the largest embassy in the world in this very small nation. It is dangerous and strategically unsound to concentrate more of our intelligence assets in this one city, leaving the rest of the world and other dangerous threats less covered. It is unsustainable for our economy to keep pouring out money, forgoing needed investments at home, and piling debt onto our children with no real plan to pay for it, and no real end in sight. It is a breach of trust to not provide the needed services for our veterans and their families when they return home. It is irrational and inaccurate to believe that securing Iraq is the real key to keeping our nation safe from terror, or that if we withdraw from Iraq the only possible outcome is for our nation to be more vulnerable. It is immoral to leave our soldiers dying and bleeding in the middle of a centuries old religious conflict that is not of our creation and is not within our power or responsibility to resolve.

For far too long we have given this President far too much credibility, far too much power, far too many lives and far too much money. It is time to stop.

Having said how I will vote, the sad but simple truth is this, neither moving forward with the President's proposed troop increase, nor voting for this resolution of disapproval, will really do what is needed to secure our own nation, solve the problems in Iraq or bring real stability to the region. There are, in fact, better alternatives to the administration proposal and those of us who oppose the President's plan should spell out what we think is the better course.

This is where I believe that better course should take us:

1. We must renew our focus on securing and rebuilding Afghanistan and increase both troop strength and financial investment in that nation along with our allied partners. The fight in Afghanistan was the real and most important fight against the terrorists of September 11th. It was justified from the beginning and remains just today, and it has the support of the world. We cannot let the Taliban regroup and reinstate their reign of terror and extremism there and we still have a chance, though it is slipping fast, to help the Afghanis establish a successful, tolerant and secure nation.

2. In Iraq, the administration should meet confidentially with the Iraqi leaders and give them a timeline with key benchmarks by which our forces will withdraw. The timeline and benchmarks should be sufficient to ensure the safety or our forces and give the elected Iraqi government a reasonable time to train their forces and strengthen their political processes, but there must be a timeline so there is real pressure for real progress. The process of conveying this information and the timeline itself should be confidential. The elected Iraqi government should then announce that it is they who are asking us to begin withdrawal, thereby strengthening their credibility and leadership while giving our nation a graceful way to exit at their request. Frankly, this should have been done by the administration before the Iraq Study Group report and before this debate in Congress, but it is still not too late.

3. While beginning a measured and strategic redeployment of our forces from Iraq, we should increase our support for infrastructure repair and shift increasing responsibility for that effort to Iraqi companies and workers and away from foreign contractors.

We should, however, maintain close oversight of the spending to ensure the resources are being used as intended and we should link continued financial support to real political and security progress on the part of the Iraqis. Further, we should prevail upon wealthy neighbors in the region, notably the Saudi Arabians and others, to expend some of their own vast funds to enhance the infrastructure effort. We should also dramatically reduce the size of the

embassy complex that is now under construction in Baghdad and we should pledge to no permanent U.S. bases in Iraq.

4. To help fund the infrastructure and security activities within Iraq, and to give every Iraqi a stake in the success of their political process. An equitable means of distributing oil revenues should be created that ensures all Iraqis will benefit from the oil resources and, simultaneously, that all Iraqis will lose economically if insurgents damage those resources.

5. We should encourage the Iraqis to work more closely with moderate Arab neighbors, notably Jordan, Egypt and others in the region to help with the training of the security forces and with the reconstruction effort. This assistance has been offered since the beginning of the conflict but the Iraqis have not taken advantage of that offer to any real degree as of yet.

6. Because the Iraq conflict has had a devastating and destabilizing economic, political and social impact on friendly and moderate nations such as Jordan, Egypt and others, we should provide additional financial aid to those nations, particularly to help them deal with the influx of refugees, the high costs of energy, reductions in trade and tourism, and other adverse impacts. We cannot leave our friends to suffer from this conflict, and we dare not let the instability spread to nations that have been models of change and moderation.

7. We must also reach out once again to our traditional allies in Europe, Asia and elsewhere in the world, openly acknowledge past mistakes, spell out this new direction, and ask for their financial, diplomatic, and, if necessary, military help in making it succeed.

8. While supporting and working with friendly and moderate nations in the region and elsewhere, we should engage in direct discussions and negotiations with other nations in the region, notably Iran and Syria. We disagree profoundly with these nations on many issues, and we must not be naive or overly optimistic, but it is in our best interests to at least engage in a dialogue and search for areas where we may find common ground. The administration's refusal to do this, even through back channels, is misguided and counterproductive.

9. It is dishonest to not include the full costs of this war and the associated increases in defense spending as part of the annual budget and deficit projections. We must at last fully account for the costs of this war and fully fund our commitment to veterans when they return.

10. Our focus on the Iraq situation should not cause us to lose sight, as it has for too long, of the real goal, which is promoting broad security, stability and moderation in the region for the sake of that region itself and in the interest of our own security. Even if we could fully secure Iraq with this surge of troops, which is highly doubtful, if we do not improve our overall image and relationships in the region and the world, and if we do not do more to support moderate and friendly nations, we will see continued and worsening threats from extremist groups and rogue nations.

A key part of this effort will be playing a constructive role in working to resolve the conflict between the Israelis and Palestinians. We also have important and necessary work to do to improve our image and relationships within our own hemisphere and we must not ignore or neglect that work.

11. Finally, but importantly, for far too long our energy policy and dependence on petroleum has distorted our foreign policy and thereby endangered our national security, our economy, and our environment. We must recognize that energy policy is coupled with national security and we must change both policies or we will never have real and lasting security.

I urge my colleagues to consider this course, but before I conclude, I must respond to those who suggest that if we do not give unquestioning support to this administration regardless of what they ask for, regardless of history, and regardless of the evidence on the ground, we are somehow empowering the terrorists or undermining our troops. The President himself has implied that any questioning of his policies is ''politically motivated'' and anything short of further escalation is sending a message that our Nation will ''cut and run'' when things get tough.

I believe the evidence suggests the opposite. The evidence from this war is clear, while there may be differences of opinion about policy, this Congress, and the American people have, and will continue to support our troops to the fullest. The evidence is also clear that our troops will serve valiantly and effectively whenever and wherever they are called.

For the elected representatives of the people of this great nation to exercise their constitutional responsibility and demand change is not a sign of weakness, it is a sign of the strength of our own republic. Perhaps more importantly, it is a sign of the strength of our very form of government itself, which is, after all, what we are hoping to promote in Iraq and elsewhere in the world. The rest of the world, our allies and adversaries alike, understand this and understand that the strength, character, courage and commitment of this Nation, its people, and the Congress are separate from, and stronger than the flaws, and mistakes of any one President or administration.

We are not turning away from the fight against terrorists or terrorism by changing course in Iraq. We are changing the course of a strategy that has been wrong from the beginning and has not gotten better. Our Nation, our Armed Forces, and our Congress are fully willing to sustain a tough fight when the fight is right and the strategy is sound. But our republic, our people, and this Congress are also strong enough, wise enough and courageous enough, to recognize the truth and change direction when the time comes. That time is now.

Mr. MCKEON. Mr. Speaker, I rise today to speak against the motion under consideration. As the House debates this so called non-binding resolution concerning the recently implemented troop surge in Iraq, I think it is important to remind my colleagues exactly what is being sought by this resolution and what is to be accomplished with its passage.

This ill-conceived resolution seeks to do two incompatible and indeed conflicting things; it attempts to speak for this chamber in disapproving the proposed troop increase. And it simultaneously claims to support those troops, whose devotion to duty is essential, in prosecuting a mission which is, in part, renounced by this very same resolution.

Mr. Speaker, I do not question that the members who serve in this chamber do so with integrity and with a high regard for the men and women who serve in uniform. I do, however, question the wisdom of considering a resolution which will have no practical effect, but will have serious and inevitable consequences for the men and women who have been asked to serve.

While we consider this resolution, our enemies, in prosecuting their side of this war—will little note its allegedly non-binding character. In that sense, Mr. Speaker, this is very much a binding resolution. It binds this House irreversibly to a statement of disapproval. But it will do nothing to change the situation to which it is nominally addressed, because it does not bind our words to any actions.

General Peter Pace, in his testimony before the Armed Services Committee displayed confidence in our armed forces. He said that he believes our men and women in uniform understand the intricacies of our democracy and the nature of our vibrant debate in this Congress. Mr. Speaker, I would add that while they may understand our prerogatives, they will seek to decipher our intent and the resolve of this Chamber to support them in this fight. I also believe that they will rightfully see this resolution for what it is—mere contradiction.

Without our continued commitment to the young democracy in Iraq, the political and security situation in that country will suffer tremendous setbacks. Without support from American troops and our allies, there is a greater chance of failure in Iraq. General Petraeus, Commanding Officer of Multi-National Force-Iraq, last month described what failure in Iraq would look like when he said that ''Sectarian groups would obviously begin to stake out their turf, try to expand their turf. They would do that by greatly increased ethnic cleansing.''

Defense Secretary Robert Gates in a press conference last month said that if we fail, ''One would see an emboldened and strengthened Iran, a safe haven and base of operations for jihadist networks in the heart of the Middle East, a humiliating defeat in the overall campaign against violent extremism worldwide, and an undermining of the credibility of the United States.'' Mr. Speaker, these results are not acceptable to Americans because they are not in America's interest and because more turmoil in Iraq or the Middle East will unacceptably threaten our national security.

Mr. Speaker, we know that among the strengths that our men and women in uniform possess is the courage to carry on. They are armed with the notion that no matter what inspires our enemies, we fight in defense of human dignity and natural rights. This chamber, which would say that it supports our troops, should not do anything that would lead those troops to question the meaning or sincerity of our support.

I therefore encourage my colleagues to join me in opposing this dangerous resolution, which in two short paragraphs declares principles while avoiding the actions those principles seemingly require.

Mr. BILBRAY. Mr. Speaker, in the 230-year history of our country, the United States has fought in conflicts both at home and abroad that have tested the resolve and unity of the American people. During that time, the purview of the Commander in Chief has justly been scrutinized and questioned. These debates are a part of our past and will be a part of our future as long as we send our men and women into battlefields to fight for our country.

Today's debate is no exception. The question we must answer for ourselves is a fundamental one that speaks not to our approval of the War in Iraq but rather to our commitment to the men and women fighting this war. It is a commitment we must reaffirm without question or doubt. With commitment and unity.

Now it seems to me that we have two courses of action we can take regarding the War in Iraq. We can pull our troops out immediately and leave the stability of the region up to an increasingly violent insurgency, thereby admitting defeat, or we can send in further reinforcements to work with Iraqi Security Forces to seize control of their country.

We can all agree that a change in the status quo must be made. With an increased level of violence between Sunni and Shia insurgent groups, an escalating cost, and the loss of American lives, it is imperative that we have a legitimate and substantive debate on the direction of this war.

However, if we are to succeed in Iraq and complete the mission, then the United States House of Representatives should not waste its time debating a nonbinding resolution criticizing the Commander in Chief. This resolution offers no real policy alternatives for Iraq and does not bring our men and women home any sooner. It is a political shot aimed at the President, but it is really our troops who suffer most from these grandstanding tactics.

I recently visited Walter Reed Hospital to hear from the wounded who have been to Iraq and sacrificed so much for their country. I talked to a wounded soldier who had a bone infection that prohibited him from returning to Iraq. He was not concerned about his physical well-being but instead he was upset that he could not go to finish the job that he had started. His feelings reflected the thoughts of many of the soldiers that I had the privilege to sit and talk with that day.

The fact is we face a moment of unparalleled opportunity to, in voice, in one vote, fulfill our promise to our troops—the promise that we will give them the resources, the armor, the manpower and reinforcements they need so that they may safely and effectively win the War on Terror and come back home.

Ms. CLARKE. Mr. Speaker, I rise today because I am very supportive of our troops around the globe and in particular those who are in harms way in Iraq. I wholeheartedly support H. Con. Res. 63.

Mr. Speaker, in the President's January 29, 2002, State of the Union address, in regards to protecting America, responding to the terrorist threat and capturing Osama bin Laden, he said (meaning Iraq): . . . This is a regime that agreed to international inspections—then kicked out the inspectors. This is a regime that has something to hide from the civilized world.

States like these, and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They provide these arms to terrorists, giving them the means to match their hatred. They could attack our allies or attempt to blackmail the United States. In any of these cases, the price of indifference would be Catastrophic.

Secretary Rice, after being named Secretary of State to succeed Colin Powell, Secretary Rice warned six months before the invasion of Iraq that Saddam Hussein could deploy a nuclear weapon, saying that the administration did not ''want the smoking gun to be a mushroom cloud.'' according to the Washington Post. We now know that these assertions were a fiction created by this administration to justify the unjustifiable.

U.S. Central Command Gen. Tommy Franks, the war's operational commander misjudged the interests of our Afghan allies. He ran the war from Tampa with no commander on the scene above the rank of lieutenant colonel. According to another Washington Post April 17, 2002, article; The first Americans did not arrive until 3 days into the fighting.

As a representative from NY whose constituents resent the lies and deception thrust upon us to justify this war and creating a distraction away from the homeland security we all desire the question is: When will Osama bin Laden be brought to justice.

The article continues by identifying that Osama bin Laden slipped through the cordon ostensibly placed around Tora Bora as U.S. aircraft began bombing on Nov. 30. More precisely, bin Laden was in Tora Bora on Nov. 26, spoke to his fighters about ''holy war'' then, as quickly as he had come, bin Laden vanished into the pine forests with four of his loyalists walking in the direction of Pakistan. bin Laden escaped according to the Christian Science Monitor, somewhere between Nov. 28 to Nov. 30 as confirmed by Arabs and Afghans in eastern Afghanistan.

Mr. Speaker, I support our troops and that is why we must commence the redeployment of our troops today. Thus far:

There are 135,544 troops in Iraq today. 3127 or 2.3 percent of U.S. soldiers have been killed in service to our country.

Seventeen percent or 23,279 U.S. soldiers have been seriously wounded in service to our country.

Twenty percent of the troops wounded have received serious brain or spinal injuries; 30 percent of U.S. troops develop serious mental health problems within 3 to 4 months of returning home.

During the President's tenure, he has requested a cumulative total of more than $700 billion to pay for the war effort in Iraq; $9 billion of U.S. taxpayers money is unaccounted for.

The State of New York has lost 143 soldiers, 16 from Brooklyn. U.S. troops continue to die from improvised explosive devices (IEDs) have been sent to Iraq with poorly constructed and poorly armored equipment. Pentagon war planners have created a high level task force that has spent $6.7 billion on how to combat IEDs.

Thousands of Americans are dead, thousand more will die if we don't get our troops home and get them redeployed today. I oppose the President's call for 21,000 more troops to go to Iraq. I support our troops and that's why I want them home where they belong.

Mrs. DAVIS of California. Mr. Speaker, I thank my colleague for that, I thank the entire body, and I thank you.

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

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 157, further proceedings on the concurrent resolution will be postponed.

APPOINTMENT OF MEMBERS TO THE COMMITTEE TO ATTEND FUNERAL OF THE LATE HONORABLE CHARLIE NORWOOD

The SPEAKER pro tempore. Pursuant to House Resolution 159, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the committee to attend the funeral of the late Honorable Charlie Norwood:

The gentleman from Georgia, Mr. LEWIS

The gentleman from Ohio, Mr. BOEHNER

The gentleman from Missouri, Mr. BLUNT

The gentleman from Georgia, Mr. BISHOP

The gentleman from Georgia, Mr. DEAL

The gentleman from Georgia, Mr. KINGSTON

The gentleman from Georgia, Mr. LINDER

The gentleman from Georgia, Mr. GINGREY

The gentleman from Georgia, Mr. MARSHALL

The gentleman from Georgia, Mr. SCOTT

The gentleman from Georgia, Mr. BARROW

The gentleman from Georgia, Mr. PRICE

The gentleman from Georgia, Mr. WESTMORELAND

The gentleman from Georgia, Mr. JOHNSON

The gentleman from Wisconsin, Mr. SENSENBRENNER

The gentleman from Texas, Mr. BARTON

The gentleman from North Carolina, Mr. COBLE

The gentleman from Texas, Mr. GENE GREEN

The gentleman from Michigan, Mr. HOEKSTRA

The gentleman from Illinois, Mr. MANZULLO

The gentleman from California, Mr. MCKEON

The gentleman from Florida, Mr. MICA

The gentleman from New Jersey, Mr. FRELINGHUYSEN

The gentleman from Washington, Mr. HASTINGS

The gentleman from Illinois, Mr. LAHOOD

The gentleman from Iowa, Mr. LATHAM

The gentlewoman from North Carolina, Mrs. MYRICK

The gentleman from Arizona, Mr. SHADEGG

The gentleman from Kansas, Mr. TIAHRT

The gentleman from Mississippi, Mr. WICKER

The gentleman from Alabama, Mr. ADERHOLT

The gentleman from Pennsylvania, Mr. PITTS

The gentleman from Texas, Mr. SESSIONS

The gentlewoman from California, Mrs. CAPPS

The gentleman from North Carolina, Mr. HAYES

The gentleman from Colorado, Mr. TANCREDO

The gentleman from Nebraska, Mr. TERRY

The gentleman from South Carolina, Mr. BROWN

The gentleman from Indiana, Mr. PENCE

The gentleman from Florida, Mr. PUTNAM

The gentleman from Pennsylvania, Mr. SHUSTER

The gentleman from Florida, Mr. MILLER

The gentleman from South Carolina, Mr. WILSON

The gentleman from Oklahoma, Mr. SULLIVAN

The gentleman from South Carolina, Mr. BARRETT

The gentleman from Texas, Mr. BURGESS

The gentleman from Iowa, Mr. KING

The gentleman from Texas, Mr. NEUGEBAUER

The gentleman from Texas, Mr. CONAWAY

The gentleman from Texas, Mr. GOHMERT

The gentlewoman from Ohio, Mrs. SCHMIDT

The gentleman from California, Mr. BILBRAY

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 654

Mr. RYAN of Wisconsin (during consideration of H. Con. Res. 63). Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 654.

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

There was no objection.

PUBLICATION OF THE RULES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, 110TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes.

Mr. OBERSTAR. Madam Speaker: Pursuant to clause 2(a)(2) of Rule XI of the Rules of the House of Representatives and clause I(b) of the Rules of the Committee on Transportation and Infrastructure, I submit the Rules of the Committee on Transportation and Infrastructure for the 110th Congress for publication in the CONGRESSIONAL RECORD. On January 17, 2007, the Committee on Transportation and Infrastructure met in open session and adopted these Committee Rules by voice vote.

RULES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, UNITED STATES HOUSE OF REPRESENTATIVES, 110TH CONGRESS (ADOPTED JANUARY 17, 2007)

RULE I. GENERAL PROVISIONS.

(a) APPLICABILITY OF HOUSE RULES.—

(1) IN GENERAL.—The Rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the Committee and its subcommittees.

(2) SUBCOMMITTEES.—Each subcommittee is part of the Committee, and is subject to the authority and direction of the Committee and its rules so far as applicable.

(3) INCORPORATION OF HOUSE RULE ON COMMITTEE PROCEDURE.—Rule XI of the Rules of the House, which pertains entirely to Committee procedure, is incorporated and made a part of the rules of the Committee to the extent applicable. Pursuant to clause 2(a)(3) of Rule XI of the Rules of the House, the Chairman is authorized to offer a motion under clause 1 of Rule XXII of the Rules of the House whenever the Chairman considers it appropriate.

(b) PUBLICATION OF RULES.—The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

(c) VICE CHAIRMAN.—The Chairman shall appoint a vice chairman of the Committee and of each subcommittee. If the Chairman of the Committee or subcommittee is not present at any meeting of the Committee or subcommittee, as the case may be, the vice chairman shall preside. If the vice chairman is not present, the ranking member of the majority party on the Committee or subcommittee who is present shall preside at that meeting.

RULE II. REGULAR, ADDITIONAL, AND SPECIAL MEETINGS.

(a) REGULAR MEETINGS.—

(1) IN GENERAL.—Regular meetings of the Committee shall be held on the first Wednesday of every month to transact its business unless such day is a holiday, or the House is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the Committee for that month.

(2) NOTICE.—The Chairman shall give each member of the Committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice of such meeting and the matters to be considered at such meeting. To the maximum extent practicable, the Chairman shall provide such notice at least 3 days prior to such meeting.

(3) CANCELLATION OR DEFERRAL.—If the Chairman believes that the Committee will not be considering any bill or resolution before the full Committee and that there is no other business to be transacted at a regular meeting, the meeting may be canceled or it may be deferred until such time as, in the judgment of the Chairman, there may be matters which require the Committee's consideration.

(4) APPLICABILITY.—This paragraph shall not apply to meetings of any subcommittee.

(b) ADDITIONAL MEETINGS.—The Chairman may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other committee business. The Committee shall meet for such purpose pursuant to the call of the Chairman.

(c) SPECIAL MEETINGS.—If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the Committee shall notify the Chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) PROHIBITION ON SITTING DURING JOINT SESSION.—The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

RULE III. MEETINGS AND HEARINGS GENERALLY.

(a) OPEN MEETINGS.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a subcommittee shall be open to the public, except as provided by clause 2(g) of Rule XI of the Rules of the House.

(b) MEETINGS TO BEGIN PROMPTLY.—Each meeting or hearing of the Committee shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(c) ADDRESSING THE COMMITTEE.—A Committee member may address the Committee or a subcommittee on any bill, motion, or other matter under consideration—

(1) only when recognized by the Chairman for that purpose; and

(2) only for 5 minutes until such time as each member of the Committee or subcommittee who so desires has had an opportunity to address the Committee or subcommittee.

A member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce this subparagraph.

(d) PARTICIPATION OF MEMBERS IN SUBCOMMITTEE MEETINGS AND HEARINGS.—All members of the Committee who are not members of a particular subcommittee may, by unanimous consent of the members of such subcommittee, participate in any subcommittee meeting or hearing. However, a member who is not a member of the subcommittee may not vote on any matter before the subcommittee, be counted for purposes of establishing a quorum, or raise points of order.

(e) BROADCASTING.—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of Rule XI of the Rules of the House. Operation and use of any Committee Internet broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of Rule XI of the Rules of the House and all other applicable rules of the Committee and the House.

(f) ACCESS TO THE DAIS AND LOUNGES.—Access to the hearing rooms' daises and to the lounges adjacent to the Committee hearing rooms shall be limited to Members of Congress and employees of Congress during a meeting or hearing of the Committee unless specifically permitted by the Chairman or ranking minority member.

(g) USE OF CELLULAR TELEPHONES.—The use of cellular telephones in the Committee

hearing room is prohibited during a meeting or hearing of the Committee.

RULE IV. POWER TO SIT AND ACT; POWER TO CONDUCT INVESTIGATIONS; OATHS; SUBPOENA POWER.

(a) AUTHORITY TO SIT AND ACT.—For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House, the Committee and each of its subcommittees, is authorized (subject to paragraph (d)(1))—

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings; and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary.

(b) AUTHORITY TO CONDUCT INVESTIGATIONS.—

(1) IN GENERAL.—The Committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of the Rules of the House and (subject to the adoption of expense resolutions as required by Rule X, clause 6 of the Rules of the House) to incur expenses (including travel expenses) in connection therewith.

(2) MAJOR INVESTIGATIONS BY SUBCOMMITTEES.—A subcommittee may not begin a major investigation without approval of a majority of such subcommittee.

(c) OATHS.—The Chairman of the Committee, or any member designated by the Chairman, may administer oaths to any witness.

(d) ISSUANCE OF SUBPOENAS.—

(1) IN GENERAL.—A subpoena may be issued by the Committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Such authorized subpoenas shall be signed by the Chairman of the Committee or by any member designated by the Committee. If a specific request for a subpoena has not been previously rejected by either the Committee or subcommittee, the Chairman of the Committee, after consultation with the ranking minority member of the Committee, may authorize and issue a subpoena under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, and such subpoena shall for all purposes be deemed a subpoena issued by the Committee. As soon as practicable after a subpoena is issued under this rule, the Chairman shall notify all members of the Committee of such action.

(2) ENFORCEMENT.—Compliance with any subpoena issued by the Committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(e) EXPENSES OF SUBPOENAED WITNESSES.—Each witness who has been subpoenaed, upon the completion of his or her testimony before the Committee or any subcommittee, may report to the offices of the Committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, D.C., the witness may contact the counsel of the Committee, or his or her representative, before leaving the hearing room.

RULE V. QUORUMS AND RECORD VOTES; POSTPONEMENT OF VOTES

(a) WORKING QUORUM.—One-third of the members of the Committee or a subcommittee shall constitute a quorum for taking any action other than the closing of a meeting pursuant to clauses 2(g) and 2(k)(5) of Rule XI of the Rules of the House, the authorizing of a subpoena pursuant to paragraph (d) of Committee Rule IV, the reporting of a measure or recommendation pursuant to paragraph (b)(1) of Committee Rule VII, and the actions described in paragraphs (b), (c) and (d) of this rule.

(b) QUORUM FOR REPORTING.—A majority of the members of the Committee or a subcommittee shall constitute a quorum for the reporting of a measure or recommendation.

(c) APPROVAL OF CERTAIN MATTERS.—A majority of the members of the Committee or a subcommittee shall constitute a quorum for approval of a resolution concerning any of the following actions:

(1) A prospectus for construction, alteration, purchase or acquisition of a public building or the lease of space as required by section 3307 of title 40, United States Code.

(2) Survey investigation of a proposed project for navigation, flood control, and other purposes by the Corps of Engineers (section 4 of the Rivers and Harbors Act of March 4, 1913, 33 U.S.C. 542).

(3) Construction of a water resources development project by the Corps of Engineers with an estimated Federal cost not exceeding $15,000,000 (section 201 of the Flood Control Act of 1965).

(4) Deletion of water quality storage in a Federal reservoir project where the benefits attributable to water quality are 15 percent or more but not greater than 25 percent of the total project benefits (section 65 of the Water Resources Development Act of 1974).

(5) Authorization of a Natural Resources Conservation Service watershed project involving any single structure of more than 4,000 acre feet of total capacity (section 2 of P.L. 566, 83rd Congress).

(d) QUORUM FOR TAKING TESTIMONY.—Two members of the Committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(e) RECORD VOTES.—A record vote may be demanded by one-fifth of the members present.

(f) POSTPONEMENT OF VOTES.—

(1) IN GENERAL.—In accordance with clause 2(h)(4) of Rule XI of the Rules of the House, the Chairman of the Committee or a subcommittee, after consultation with the ranking minority member of the Committee or subcommittee, may—

(A) postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment; and

(B) resume proceedings on a postponed question at any time after reasonable notice.

(2) RESUMPTION OF PROCEEDINGS.—When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

RULE VI. HEARING PROCEDURES.

(a) ANNOUNCEMENT OF HEARING.—The Chairman, in the case of a hearing to be conducted by the Committee, and the appropriate subcommittee chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of such hearing at least one week before the hearing. If the Chairman or the appropriate subcommittee chairman, as the case may be, with the concurrence of the ranking minority member of the Committee or subcommittee as appropriate, determines there is good cause to begin the hearing sooner, or if the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) WRITTEN STATEMENT; ORAL TESTIMONY.—So far as practicable, each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee or subcommittee, at least 2 working days before the day of his or her appearance, a written statement of proposed testimony and shall limit his or her oral presentation to a summary of the written statement.

(c) MINORITY WITNESSES.—When any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee or subcommittee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) SUMMARY OF SUBJECT MATTER.—Upon announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman shall make available to the members of the Committee any official reports from departments and agencies on such matter.

(e) QUESTIONING OF WITNESSES.—The questioning of witnesses in Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority member and all other members alternating between the majority and minority parties. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority nor the members of the minority. The Chairman may accomplish this by recognizing two majority members for each minority member recognized.

(f) PROCEDURES FOR QUESTIONS.—

(1) IN GENERAL.—A Committee member may question a witness at a hearing—

(A) only when recognized by the Chairman for that purpose; and

(B) subject to subparagraphs (2) and (3), only for 5 minutes until such time as each member of the Committee or subcommittee who so desires has had an opportunity to question the witness.

A member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce this paragraph.

(2) EXTENDED QUESTIONING OF WITNESSES BY MEMBERS.—The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit a specified number of its members to question a witness for longer than 5 minutes. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(3) EXTENDED QUESTIONING OF WITNESSES BY STAFF.—The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit committee staff for its majority and minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this

subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(4) RIGHT TO QUESTION WITNESSES FOLLOWING EXTENDED QUESTIONING.—Nothing in subparagraph (2) or (3) affects the right of a Member (other than a Member designated under subparagraph (2)) to question a witness for 5 minutes in accordance with subparagraph (1)(B) after the questioning permitted under subparagraph (2) or (3).

(g) ADDITIONAL HEARING PROCEDURES.—Clause 2(k) of Rule XI of the Rules of the House (relating to additional rules for hearings) applies to hearings of the Committee and its subcommittees.

RULE VII. PROCEDURES FOR REPORTING BILLS, RESOLUTIONS, AND REPORTS.

(a) FILING OF REPORTS.—

(1) IN GENERAL.—The Chairman of the Committee shall report promptly to the House any measure or matter approved by the Committee and take necessary steps to bring the measure or matter to a vote.

(2) REQUESTS FOR REPORTING.—The report of the Committee on a measure or matter which has been approved by the Committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure or matter. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chairman of the Committee notice of the filing of that request.

(b) QUORUM; RECORD VOTES.—

(1) QUORUM.—No measure, matter, or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(2) RECORD VOTES.—With respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the Committee report on the measure or matter.

(c) REQUIRED MATTERS.—The report of the Committee on a measure or matter which has been approved by the Committee shall include the items required to be included by clauses 2(c) and 3 of Rule XIII of the Rules of the House.

(d) ADDITIONAL VIEWS.—If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views in accordance with clause 2(1) of Rule XI of the Rules of the House.

(e) ACTIVITIES REPORT.—

(1) IN GENERAL.—The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the Committee under Rules X and XI of the Rules of the House during the Congress ending on January 3 of such year.

(2) CONTENTS.—Such report shall include separate sections summarizing the legislative and oversight activities of the Committee during that Congress.

(3) OVERSIGHT SECTION.—The oversight section of such report shall include a summary of the oversight plans submitted by the Committee pursuant to clause 2(d) of Rule X of the Rules of the House, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee, and any recommendations made or actions taken thereon.

(f) OTHER COMMITTEE MATERIALS.—

(1) IN GENERAL.—All Committee and subcommittee prints, reports, documents, or other materials, not otherwise provided for under this rule, that purport to express publicly the views of the Committee or any of its subcommittees or members of the Committee or its subcommittees shall be approved by the Committee or the subcommittee prior to printing and distribution and any member shall be given an opportunity to have views included as part of such material prior to printing, release, and distribution in accordance with paragraph (d) of this rule.

(2) DOCUMENTS CONTAINING VIEWS OTHER THAN MEMBER VIEWS.—A Committee or subcommittee document containing views other than those of members of the Committee or subcommittee shall not be published without approval of the Committee or subcommittee.

(3) DISCLAIMER.—All Committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: ''This report has not been officially adopted by the Committee on (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members.''.

(4) COMPILATIONS OF LAWS.—To the maximum extent practicable, the Committee shall publish a compilation of laws under the jurisdiction of each subcommittee.

(g) AVAILABILITY OF PUBLICATIONS.—Pursuant to clause 2(e)(4) of Rule XI of the Rules of the House, the Committee shall make its publications available in electronic form to the maximum extent feasible.

RULE VIII. ESTABLISHMENT OF SUBCOMMITTEES; SIZE AND PARTY RATIOS.

(a) ESTABLISHMENT.—There shall be 6 standing subcommittees. These subcommittees, with the following sizes (including delegates) and majority/minority ratios, are:

(1) Subcommittee on Aviation (48 Members: 26 Majority and 22 Minority).

(2) Subcommittee on Coast Guard and Maritime Transportation (16 Members: 9 Majority and 7 Minority).

(3) Subcommittee on Economic Development, Public Buildings, and Emergency Management (14 Members: 8 Majority and 6 Minority).

(4) Subcommittee on Highways and Transit (53 Members: 29 Majority and 24 Minority).

(5) Subcommittee on Railroads, Pipelines, and Hazardous Materials (31 Members: 17 Majority and 14 Minority).

(6) Subcommittee on Water Resources and Environment (40 Members: 22 Majority and 18 Minority).

(b) EX OFFICIO MEMBERS.—The Chairman and ranking minority member of the Committee shall serve as ex officio voting members on each subcommittee.

(c) RATIOS.—On each subcommittee there shall be a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the full Committee. In calculating the ratio of majority party members to minority party members, there shall be included the ex officio members of the subcommittees.

RULE IX. POWERS AND DUTIES OF SUBCOMMITTEES.

(a) AUTHORITY TO SIT.—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

(b) CONSIDERATION BY COMMITTEE.—Each bill, resolution, or other matter favorably reported by a subcommittee shall automatically be placed upon the agenda of the Committee. Any such matter reported by a subcommittee shall not be considered by the Committee unless it has been delivered to the offices of all members of the Committee at least 48 hours before the meeting, unless the Chairman determines that the matter is of such urgency that it should be given early consideration. Where practicable, such matters shall be accompanied by a comparison with present law and a section-by-section analysis.

RULE X. REFERRAL OF LEGISLATION TO SUBCOMMITTEES.

(a) GENERAL REQUIREMENT.—Except where the Chairman of the Committee determines, in consultation with the majority members of the Committee, that consideration is to be by the full Committee, each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee established in Committee Rule VIII referred to or initiated by the full Committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within two weeks. All bills shall be referred to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee.

(b) RECALL FROM SUBCOMMITTEE.—A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of a majority of the members of the Committee voting, a quorum being present, for the Committee's direct consideration or for reference to another subcommittee.

(c) MULTIPLE REFERRALS.—In carrying out this rule with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or make such other provisions as he or she considers appropriate.

RULE XI. RECOMMENDATION OF CONFEREES.

The Chairman of the Committee shall recommend to the Speaker as conferees the names of those members (1) of the majority party selected by the Chairman, and (2) of the minority party selected by the ranking minority member of the Committee. Recommendations of conferees to the Speaker shall provide a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the Committee.

RULE XII. OVERSIGHT.

(a) PURPOSE.—The Committee shall carry out oversight responsibilities as provided in this rule in order to assist the House in—

(1) its analysis, appraisal, and evaluation of—

(A) the application, administration, execution, and effectiveness of the laws enacted by the Congress; or

(B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation; and

(2) its formulation, consideration, and enactment of such modifications or changes in

those laws, and of such additional legislation, as may be necessary or appropriate.

(b) OVERSIGHT PLAN.—Not later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plans for that Congress in accordance with clause 2(d)(1) of Rule X of the Rules of the House.

(c) REVIEW OF LAWS AND PROGRAMS.—The Committee and the appropriate subcommittees shall cooperatively review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Committee and the appropriate subcommittees shall cooperatively review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee.

(d) REVIEW OF TAX POLICIES.—The Committee and the appropriate subcommittees shall cooperatively review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the Committee.

RULE XIII. REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS.

(a) ENSURING ANNUAL APPROPRIATIONS.—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved.

(b) REVIEW OF MULTI-YEAR APPROPRIATIONS.—The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) VIEWS AND ESTIMATES.—In accordance with clause 4(f)(1) of Rule X of the Rules of the House, the Committee shall submit to the Committee on the Budget—

(1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions; and

(2) an estimate of the total amount of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) BUDGET ALLOCATIONS.—As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) RECONCILIATION.—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE XIV. RECORDS.

(a) KEEPING OF RECORDS.—The Committee shall keep a complete record of all Committee action which shall include—

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved; and

(2) a record of the votes on any question on which a record vote is demanded.

(b) PUBLIC INSPECTION.—The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(c) PROPERTY OF THE HOUSE.—All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman of the Committee; and such records shall be the property of the House and all members of the House shall have access thereto.

(d) AVAILABILITY OF ARCHIVED RECORDS.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chairman shall notify the ranking minority member of the Committee of any decision, pursuant to clause 3(b)(3) or clause 4(b) of such rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

(e) AUTHORITY TO PRINT.—The Committee is authorized to have printed and bound testimony and other data presented at hearings held by the Committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee shall be paid as provided in clause 1(c) of Rule XI of the House.

RULE XV. COMMITTEE BUDGETS.

(a) BIENNIAL BUDGET.—The Chairman, in consultation with the chairman of each subcommittee, the majority members of the Committee, and the minority members of the Committee, shall, for each Congress, prepare a consolidated Committee budget. Such budget shall include necessary amounts for staff personnel, necessary travel, investigation, and other expenses of the Committee.

(b) ADDITIONAL EXPENSES.—Authorization for the payment of additional or unforeseen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(c) TRAVEL REQUESTS.—The Chairman or any chairman of a subcommittee may initiate necessary travel requests as provided in Committee Rule XVII within the limits of the consolidated budget as approved by the House and the Chairman may execute necessary vouchers thereof.

(d) MONTHLY REPORTS.—Once monthly, the Chairman shall submit to the Committee on House Administration, in writing, a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the Committee. Such report shall show the amount and purpose of such expenditure and the budget to which such expenditure is attributed. A copy of such monthly report shall be available in the Committee office for review by members of the Committee.

RULE XVI. COMMITTEE STAFF.

(a) APPOINTMENT BY CHAIRMAN.—The Chairman shall appoint and determine the remuneration of, and may remove, the employees of the Committee not assigned to the minority. The staff of the Committee not assigned to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate.

(b) APPOINTMENT BY RANKING MINORITY MEMBER.—The ranking minority member of the Committee shall appoint and determine the remuneration of, and may remove, the staff assigned to the minority within the budget approved for such purposes. The staff assigned to the minority shall be under the general supervision and direction of the ranking minority member of the Committee who may delegate such authority as he or she determines appropriate.

(c) INTENTION REGARDING STAFF.—It is intended that the skills and experience of all members of the Committee staff shall be available to all members of the Committee.

RULE XVII. TRAVEL OF MEMBERS AND STAFF.

(a) APPROVAL.—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel shall be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(1) The purpose of the travel.

(2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made.

(3) The location of the event for which the travel is to be made.

(4) The names of members and staff seeking authorization.

(b) SUBCOMMITTEE TRAVEL.—In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the chairman of such subcommittee in writing setting forth those items enumerated in subparagraphs (1), (2), (3), and (4) of paragraph (a) and that there has been a compliance where applicable with Committee Rule VI.

(c) TRAVEL OUTSIDE THE UNITED STATES.—

(1) IN GENERAL.—In the case of travel outside the United States of members and staff of the Committee or of a subcommittee for

the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the Committee or pertinent subcommittee, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee from the subcommittee chairman and the Chairman. Before such authorization is given there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) The purpose of the travel.

(B) The dates during which the travel will occur.

(C) The names of the countries to be visited and the length of time to be spent in each.

(D) An agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of Committee jurisdiction involved.

(E) The names of members and staff for whom authorization is sought.

(2) INITIATION OF REQUESTS.—Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the Committee.

(3) REPORTS BY STAFF MEMBERS.—At the conclusion of any hearing, investigation, study, meeting, or conference for which travel has been authorized pursuant to this rule, each staff member involved in such travel shall submit a written report to the Chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(d) APPLICABILITY OF LAWS, RULES, POLICIES.—Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel, and by the travel policy of the Committee.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOUSTANY (at the request of Mr. BOEHNER) from noon today and for the balance of the week on account of attending a family member's funeral.

Mr. LOBIONDO (at the request of Mr. BOEHNER) for today and the balance of the week on account of attending the funeral of his father-in-law.

ADJOURNMENT

Mrs. DAVIS of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 13 minutes a.m.), under its previous order, the House adjourned until today, Friday, February 16, 2007, at 8 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

607. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling: Nutrition Labeling of Dietary Supplements on a ''Per Day''Basis [Docket No. 1998P-0043] received December 29, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

608. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and in methods of accounting (Rev. Proc. 2007-14) received December 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

609. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Notice on Temporary Section 482 Regulations [Notice 2007-5] received January 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

610. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — TD 9281 Effective Date [Notice 2007-1] received January 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

611. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Taxation of Fringe Benefits (Rev. Proc. 2007-11) received January 3, 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. RANGEL: Committee on Ways and Means. H.R. 976. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; with an amendment (Rept. 110–14). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BOEHNER (for himself, Mr. BLUNT, Mr. PUTNAM, Mr. CANTOR, Mr. MCCOTTER, Mr. COLE of Oklahoma, Ms. GRANGER, Mr. CARTER, Mr. DREIER, Ms. ROS-LEHTINEN, Mr. HUNTER, Mr. HOEKSTRA, Mr. KING of New York, Mr. LEWIS of California, Mr. ALEXANDER, Mr. BACHUS, Mrs. BIGGERT, Mr. BONNER, Mr. BOUSTANY, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CHABOT, Mr. CULBERSON, Mr. DAVID DAVIS of Tennessee, Mr. DOOLITTLE, Mrs. DRAKE, Ms. FALLIN, Mr. FORTENBERRY, Mr. FORTUÑO, Ms. FOXX, Mr. GALLEGLY, Mr. GILCHREST, Mr. GOHMERT, Mr. HASTINGS of Washington, Mr. INGLIS of South Carolina, Mr. KELLER, Mr. KLINE of Minnesota, Mr. KNOLLENBERG, Mr. KUHL of New York, Mr. LAMBORN, Mr. LAHOOD, Mr. LATOURETTE, Mr. MCCARTHY of California, Mr. MCCAUL of Texas, Mr. MCHUGH, Mr. MCKEON, Mr. MANZULLO, Mr. MARCHANT, Mrs. MILLER of Michigan, Mr. TIM MURPHY of Pennsylvania, Mr. NEUGEBAUER, Mr. NUNES, Mr. PLATTS, Mr. PETRI, Mr. POE, Mr. PORTER, Mr. PRICE of Georgia, Ms. PRYCE of Ohio, Mr. REHBERG, Mr. REICHERT, Mr. ROGERS of Kentucky, Mr. ROSKAM, Mr. SALI, Mr. SAXTON, Mrs. SCHMIDT, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHAYS, Mr. SHUSTER, Mr. SMITH of Nebraska, Mr. SMITH of Texas, Mr. STEARNS, Mr. TANCREDO, Mr. TIAHRT, Mr. TERRY, Mr. TIBERI, Mr. THORNBERRY, Mr. WALBERG, Mr. WAMP, and Mr. WILSON of South Carolina):

H.R. 1062. A bill to require the President to report to Congress on the extent to which the Government of Iraq is fully cooperating with United States stability efforts in Iraq and is making demonstrable progress toward achieving stability and security for the people of Iraq and denying terrorists a sanctuary in Iraq, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, 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 Ms. ROS-LEHTINEN (for herself, Mr. SMITH of New Jersey, Mr. PUTNAM, Mr. SMITH of Nebraska, Mr. MOLLOHAN, Mr. CRENSHAW, Mrs. CUBIN, Mr. STUPAK, Mr. SALI, Mr. SHUSTER, Mr. GOODLATTE, Mrs MCMORRIS RODGERS, Mr. BOUSTANY, Mr. BURTON of Indiana, Mr. DANIEL E. LUNGREN of California, Mr. LIPINSKI, Mr. WELDON of Florida, Mr. DAVID DAVIS of Tennessee, Mr. MANZULLO, Mr. LAMBORN, Mr. HUNTER, Mr. CANTOR, Mr. WOLF, Mr. DAVIS of Kentucky, Mr. RADANOVICH, Mr. BARRETT of South Carolina, Mr. ROGERS of Kentucky, Mr. FORBES, Mr. KINGSTON, Mr. OBERSTAR, Mrs. SCHMIDT, Mr. HENSARLING, Mr. MILLER of Florida, Mr. FORTENBERRY, Mr. JORDAN, Mr. DONNELLY, Mr. PITTS, Mr. WILSON of South Carolina, Mr. BOOZMAN, Mr. CARTER, Mr. DOOLITTLE, Mr. KLINE of Minnesota, Mr. KUHL of New York, Mr. LINDER, Mr. MICA, Mr. SHADEGG, Mr. SHIMKUS, Mr. SULLIVAN, Mrs. DRAKE, Mr. TERRY, Mr. LINCOLN DAVIS of Tennessee, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FORTUÑO, Mr. WESTMORELAND, Mrs. MUSGRAVE, Mr. MARIO DIAZ-BALART of Florida, Mr. SOUDER, Mrs. BLACKBURN, Mr. MCCAUL of Texas, Mrs. BACHMANN, Mr. CONAWAY, Mr. FERGUSON, Mr. MCINTYRE, Mr. PENCE, Mr. ROGERS of Michigan, Mr. MCHENRY, Mr. TIBERI, Mr. RYAN of Wisconsin, Mr. HOEKSTRA, Mr. KING of New York, Mr. SESSIONS, Mr. ROSKAM, Mr. GINGREY, Mr. HALL of Texas, Mr. NEUGEBAUER, Mr. LAHOOD, Mr. BAKER, Mr. RENZI, Mr. BISHOP of Utah, Mr. HAYES, Mr. WICKER, Mr. LEWIS of Kentucky, Mr. BARTLETT of Maryland, Mr. BLUNT, Mr. SAM JOHNSON of Texas, Mr. GARRETT of New Jersey, Mr. BUYER, Mr. CHABOT, Mr. KING of Iowa, Mr. PEARCE, Mr. LATOURETTE, Mrs. MYRICK, Mr. POE, Mr. TIM MURPHY of Pennsylvania, Mr. WALBERG, Mr. AKIN, Mr. PLATTS, Mr. TIAHRT, Mr. FEENEY, Mr. TANCREDO, Mr. FRANKS of Arizona, Mr. BUCHANAN, Mr. EHLERS, Mr. GOODE, Ms. FOXX, and Mr. HERGER):

H.R. 1063. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Mr. BACA (for himself, Mr. MOORE of Kansas, Ms. MCCOLLUM of Minnesota, Mr. VAN HOLLEN, Mr. FARR, Mrs. MALONEY of New York, Mr. FORTUÑO, Mr. MORAN of Virginia, Mr. MCDERMOTT, Mr. CONYERS, Mr. CLEAVER, Mr. DINGELL, Mr. NEAL of Massachusetts, Mrs. MCCARTHY of New York, Mr. ELLISON, Mr. BURTON of Indiana, Mrs. JONES of Ohio, Mr. AL GREEN of Texas, Mr. NADLER, Mr. STARK, Mr. SCOTT of Georgia, Ms. HOOLEY, Mrs. BOYDA of Kansas, Mr. MICHAUD, Mr. KLEIN of Florida, Mr. MCINTYRE, Mr. KILDEE, Mr. GEORGE MILLER of California, Mr. SHAYS, Mr. GRIJALVA, Ms. ROYBAL-ALLARD, Mr. TERRY, Mr. BOSWELL, Mr. GENE GREEN of Texas, Mr. DENT, Mr. HINCHEY, Mr. HINOJOSA, Mr. CHANDLER, Mr. WEINER, Mr. SHIMKUS, Ms. WASSERMAN SCHULTZ, Mr. COOPER, Mr. HONDA, Mr. HOLT, Mr. ORTIZ, Mr. YOUNG of Alaska, Mr. HALL of Texas, Mrs. SCHMIDT, Mr. BERMAN, Mr. PRICE of North Carolina, Mr. DELAHUNT, Ms. KAPTUR, Ms. KILPATRICK, Mr. PATRICK MURPHY of Pennsylvania, Ms. HIRONO, Mr. ENGEL, Mr. ABERCROMBIE, Ms. BERKLEY, Mr. SHERMAN, Mr. KING of New York, and Mr. DOGGETT):

H.R. 1064. A bill to amend title 39, United States Code, to extend for 2 years the provisions under which the special postage stamp for breast cancer research is issued; to the Committee on Oversight and Government Reform, and in addition to the Committees on Energy and Commerce, and Armed 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. MOORE of Kansas (for himself, Ms. GINNY BROWN-WAITE of Florida, Mr. KANJORSKI, Mrs. MALONEY of New York, Mr. SCOTT of Georgia, Mr. KLEIN of Florida, Ms. BEAN, Mrs. MCCARTHY of New York, Ms. MOORE of Wisconsin, Mr. CLEAVER, Ms. WASSERMAN SCHULTZ, Mr. CROWLEY, Mr. ISRAEL, Mr. CLAY, Mr. MURPHY of Connecticut, Mr. DELAHUNT, Mr. WEXLER, Mr. MILLER of North Carolina, Mr. DONNELLY, Mr. SHERMAN, Mr. BACHUS, Mr. BAKER, Mr. KING of New York, Mr. MARIO DIAZ-BALART of Florida, Mrs. BIGGERT, Mr. GARRETT of New Jersey, Mr. FEENEY, Mr. BILIRAKIS, Mr. PUTNAM, Mr. BUCHANAN, Mr. CAMPBELL of California, Mr. MANZULLO, Mr. SHAYS, Mr. GILLMOR, Mr. MCHENRY, Mrs. CAPITO, Mr. GARY G. MILLER of California, Mr. PEARCE, Mr. FOSSELLA, Mr. LUCAS, Mr. NEUGEBAUER, Ms. CASTOR, Mr. CASTLE, Mr. RENZI, and Mr. HOLDEN):

H.R. 1065. A bill to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, 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. FRANK of Massachusetts (for himself and Mr. BACHUS):

H.R. 1066. A bill to increase community development investments by depository institutions, and for other purposes; to the Committee on Financial Services.

By Mr. BAIRD:

H.R. 1067. A bill to establish a Federal coordination and planning process for advanced research instrumentation and facilities; to the Committee on Science and Technology, 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. BAIRD (for himself and Mrs. BIGGERT):

H.R. 1068. A bill to amend the High-Performance Computing Act of 1991; to the Committee on Science and Technology.

By Mr. BACA:

H.R. 1069. A bill to provide Federal coordination and assistance in preventing gang violence; to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, Energy and Commerce, and 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. BACA:

H.R. 1070. A bill to allow postal patrons to contribute to funding for gang prevention programs through the voluntary purchase of certain specially issued postage stamps; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, 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 Mrs. MALONEY of New York (for herself, Mr. KING of New York, Mr. NADLER, Mr. SERRANO, Mr. ISRAEL, Mr. ENGEL, Mr. BERMAN, Ms. SCHAKOWSKY, Mr. HARE, and Mr. RANGEL):

H.R. 1071. A bill to provide the nonimmigrant spouses and children of nonimmigrant aliens who perished in the September 11 terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence, and for other purposes; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Ms. PRYCE of Ohio, Mr. VAN HOLLEN, Mrs. CAPPS, Ms. DELAURO, Ms. NORTON, Mr. CROWLEY, Mrs. LOWEY, Mr. MARSHALL, Ms. SLAUGHTER, Ms. SUTTON, and Mr. FATTAH):

H.R. 1072. A bill to improve the health of women through the establishment of Offices of Women's Health within the Department of Health and Human Services; to the Committee on Energy and Commerce.

By Mr. FILNER (for himself and Mr. MCHUGH):

H.R. 1073. A bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions; to the Committee on Oversight and Government Reform.

By Mr. RYAN of Ohio (for himself, Ms. DELAURO, Mr. LANGEVIN, Ms. HERSETH, Mr. EMANUEL, Ms. ESHOO, Ms. KAPTUR, Mr. KILDEE, Ms. MCCOLLUM of Minnesota, Mr. PRICE of North Carolina, Mr. DOYLE, Mrs. MALONEY of New York, Mr. KENNEDY, Mr. GEORGE MILLER of California, Mr. KUCINICH, Mr. MORAN of Virginia, Mr. CROWLEY, Mr. SMITH of Washington, Mr. COURTNEY, Mr. MCGOVERN, Ms. WASSERMAN SCHULTZ, Mr. LARSON of Connecticut, Mr. PATRICK MURPHY of Pennsylvania, Mr. OBEY, Mr. DEFAZIO, and Mr. BLUMENAUER):

H.R. 1074. A bill to provide for programs that reduce the number of unplanned pregnancies, reduce the need for abortion, help women bear healthy children, and support new parents; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, 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 Ms. BORDALLO (for herself and Mrs. CHRISTENSEN):

H.R. 1075. A bill to establish the United States Territories Infrastructure Bond Bank, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Ways and Means, 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. BURGESS (for himself, Mr. STUPAK, Mr. MCCOTTER, and Mr. KAGEN):

H.R. 1076. A bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, 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. CAMPBELL of California (for himself, Mr. DANIEL E. LUNGREN of California, Mr. CANTOR, Mr. FEENEY, Mr. GOODE, Mr. GOHMERT, Mr. PRICE of Georgia, Mr. DOOLITTLE, Mr. LAMBORN, Mr. SALI, Mr. GOODLATTE, Ms. ZOE LOFGREN of California, Mr. MILLER of Florida, Mr. MACK, Mr. GARRETT of New Jersey, Mr. GARY G. MILLER of California, Mr. SESSIONS, Mr. MCCARTHY of California, Mr. ROHRABACHER, Mrs. BLACKBURN, Mr. FOSSELLA, Mr. DREIER, Mr. PENCE, Mr. KLINE of Minnesota, Mr. WILSON of South Carolina, and Mr. BARRETT of South Carolina):

H.R. 1077. A bill to amend the Internet Tax Freedom Act to make permanent the moratorium on certain taxes relating to the Internet and to electronic commerce; to the Committee on the Judiciary.

By Mrs. CAPPS (for herself and Mr. TOM DAVIS of Virginia):

H.R. 1078. A bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare Program and to improve the care furnished to individuals diagnosed with cancer by establishing a Medicare hospice care demonstration program and grants programs for cancer palliative care and symptom management programs, provider education, and related research; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. CARNAHAN (for himself, Mr. SKELTON, Mr. HOEKSTRA, Mr. LATOURETTE, Mr. MCCOTTER, and Mr. GRAVES):

H.R. 1079. A bill to amend title 49, United States Code, to limit fees imposed in connection with background checks for the issuance of licenses to operate a motor vehicle transporting a hazardous material, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, 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 Mrs. CUBIN (for herself and Mr. UDALL of Colorado):

H.R. 1080. A bill to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes; to the Committee on Natural Resources.

By Mr. DEFAZIO (for himself, Mr. TAYLOR, Mr. JINDAL, Mr. MELANCON, Mr. ALEXANDER, and Mr. JONES of North Carolina):

H.R. 1081. A bill to further competition in the insurance industry; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, and 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 Ms. DELAURO (for herself, Ms. ROS-LEHTINEN, Mr. KENNEDY, Mr. JOHNSON of Georgia, Ms. LEE, Ms. JACKSON-LEE of Texas, and Mr. MOORE of Kansas):

H.R. 1082. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes; to the Committee on Education and Labor.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. ALTMIRE, Mr. DOYLE, Mr. PITTS, Mr. TIM MURPHY of Pennsylvania, Ms. SCHWARTZ, Mr. HOLDEN, Mr. FATTAH, Mr. PETERSON of Pennsylvania, Mr. CARNEY, Mr. KANJORSKI, Mr. GERLACH, Mr. PLATTS, Mr. SHUSTER, Mr. SESTAK, Mr. BRADY of Pennsylvania, Mr. DENT, Mr. MURTHA, and Mr. PATRICK MURPHY of Pennsylvania):

H.R. 1083. A bill to amend the Act establishing the Rivers of Steel National Heritage Area in order to include Butler County, Pennsylvania, within the boundaries of that heritage area; to the Committee on Natural Resources.

By Mr. FARR (for himself and Mr. SAXTON):

H.R. 1084. A bill to amend the Foreign Assistance Act of 1961, the State Department Basic Authorities Act of 1956, and the Foreign Service Act of 1980 to build operational readiness in civilian agencies, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GARRETT of New Jersey:

H.R. 1085. A bill to amend the Internal Revenue Code of 1986 to exclude combat zone compensation of members of the Armed Forces from employment taxes; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 1086. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the earned income of a spouse of a member of the Armed Forces of the United States serving in a combat zone; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 1087. A bill to amend the Clean Air Act to require that mercury emissions from electric utility steam generating units be subject to the MACT standard for hazardous air pollutants, and for other purposes; to the Committee on Energy and Commerce.

By Ms. KAPTUR (for herself and Mrs. MYRICK):

H.R. 1088. A bill to establish a pilot program to provide grants to encourage eligible institutions of higher education to establish and operate pregnant and parenting student services offices for pregnant students, parenting students, prospective parenting students who are anticipating a birth or adoption, and students who are placing or have placed a child for adoption; to the Committee on Education and Labor.

By Mr. LANGEVIN (for himself, Mr. MCCAUL of Texas, Mr. THOMPSON of Mississippi, Mr. KING of New York, Mr. DICKS, Mr. SHAYS, Ms. ZOE LOFGREN of California, Mr. TOM DAVIS of Virginia, Ms. JACKSON-LEE of Texas, Mr. DENT, Mrs. CHRISTENSEN, Mr. DAVID DAVIS of Tennessee, and Mr. LINDER):

H.R. 1089. A bill to amend the Public Health Service Act to require the Secretary of Homeland Security to improve and expedite the assessment and determination of current and emerging chemical, biological, radiological and nuclear material threats, to group such agents to facilitate the assessment and acquisition of countermeasures that would address more than one of such agents or adverse health consequences common to exposure to different agents, and for other purposes; to the Committee on Homeland Security, 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. LEWIS of Kentucky:

H.R. 1090. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to preserve and strengthen the Social Security Program through the creation of personal Social Security guarantee accounts ensuring full benefits for all workers and their families, restoring long-term Social Security solvency, to make certain benefit improvements, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Budget, and Rules, 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. MACK (for himself, Mr. BUCHANAN, and Ms. CASTOR):

H.R. 1091. A bill to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Natural Resources, 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 Mrs. MALONEY of New York (for herself, Mr. WEINER, Mr. LYNCH, Mr. SHAYS, Mr. ACKERMAN, Mr. HIGGINS, Mr. BERMAN, Mr. SCOTT of Georgia, Ms. SCHAKOWSKY, and Mr. CLAY):

H.R. 1092. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Education and Labor.

By Mr. MEEK of Florida (for himself, Mr. PORTER, and Ms. CASTOR):

H.R. 1093. A bill to amend title XVIII of the Social Security Act to increase the Medicare caps on graduate medical education positions for States with a shortage of residents; to the Committee on Ways and Means, 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. PAUL (for himself, Mr. GARRETT of New Jersey, and Mr. BARTLETT of Maryland):

H.R. 1094. A bill to provide that human life shall be deemed to exist from conception; to the Committee on the Judiciary.

By Mr. PAUL (for himself, Mr. BARTLETT of Maryland, Mr. FEENEY, and Mr. GARRETT of New Jersey):

H.R. 1095. A bill to prohibit any Federal official from expending any Federal funds for any population control or population planning program or any family planning activity; to the Committee on Foreign Affairs, 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. PAUL:

H.R. 1096. A bill to restore the second amendment rights of all Americans; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, 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. ROTHMAN (for himself, Mr. HIGGINS, Mr. PATRICK MURPHY of Pennsylvania, and Mr. BACA):

H.R. 1097. A bill to improve the grant program for secure schools under the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mr. SALAZAR (for himself and Mr. KUHL of New York):

H.R. 1098. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams; to the Committee on Transportation and Infrastructure.

By Ms. SCHWARTZ (for herself, Mr. MURTHA, and Ms. BORDALLO):

H.R. 1099. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to protect disaster assistance employee reservists when activated by the Federal Emergency Management Agency for work at a specific disaster site from termination or demotion in their places of employment; to the Committee on Transportation and Infrastructure.

By Mr. SHULER (for himself, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Mr. PRICE of North Carolina, Mr. TANNER, Mr. MCINTYRE, Mr. ETHERIDGE, Mr. THOMPSON of California, Mr. BUTTERFIELD, Mr. EMANUEL, Mr. HARE, Mr. MILLER of North Carolina, Mr. UDALL of Colorado, Mr. KIRK, Ms. BEAN, and Mr. ELLSWORTH):

H.R. 1100. A bill to revise the boundary of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes; to the Committee on Natural Resources.

By Mr. SNYDER:

H.R. 1101. A bill to provide for the payment of certain annuities under section 376 of title 28, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. SNYDER (for himself, Mr. BOOZMAN, Ms. HERSETH, Ms. LORETTA SANCHEZ of California, Mr. REYNOLDS, and Mr. LATHAM):

H.R. 1102. A bill to amend title 38, United States Code, to recodify as part of that title certain educational assistance programs for members of the reserve components of the Armed Forces, to improve such programs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed 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 Ms. SOLIS (for herself, Mr. WYNN, Mr. HASTINGS of Florida, Mr. UDALL of Colorado, Mr. CONYERS, and Mr. ELLISON):

H.R. 1103. A bill to codify Executive Order 12898, relating to environmental justice, to

require the Administrator of the Environmental Protection Agency to fully implement the recommendations of the Inspector General of the Agency and the Comptroller General of the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Natural Resources, 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. STARK (for himself, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Ms. BORDALLO, Mr. GRIJALVA, Mrs. CAPPS, Ms. WOOLSEY, and Ms. DELAURO):

H.R. 1104. A bill to ensure that foster children are able to use their social security and supplemental security income benefits to address their needs and improve their lives; to the Committee on Ways and Means.

By Mr. TANNER (for himself and Mr. HULSHOF):

H.R. 1105. 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; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. TIAHRT (for himself, Mr. MORAN of Kansas, Mr. MOORE of Kansas, and Mrs. BOYDA of Kansas):

H.R. 1106. A bill to amend title 49, United States Code, to restore the mission of the Federal Aviation Administration to promote civil aeronautics; to the Committee on Transportation and Infrastructure.

By Mr. TOWNS (for himself, Mr. CANNON, Mr. JEFFERSON, Mr. THOMPSON of Mississippi, Mr. SESSIONS, Mr. PAUL, Mr. FRANKS of Arizona, Mr. SHAYS, Mr. WEXLER, Mr. WALSH of New York, Mr. BOREN, and Mr. DUNCAN):

H.R. 1107. A bill to amend the Internal Revenue Code of 1986 to treat expenses for certain meal replacement and dietary supplement products that qualify for FDA-approved health claims as expenses for medical care; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself, Mr. TOM DAVIS of Virginia, Mr. DINGELL, Mr. PALLONE, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Ms. BALDWIN, Mr. BARTLETT of Maryland, Mr. BLUMENAUER, Ms. BORDALLO, Mrs. CAPPS, Mr. CAPUANO, Mr. CASTLE, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. ELLISON, Mr. EMANUEL, Mrs. EMERSON, Mr. ENGEL, Ms. ESHOO, Mr. FERGUSON, Mr. FILNER, Mr. FRANK of Massachusetts, Ms. GIFFORDS, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HIGGINS, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. KENNEDY, Mr. KILDEE, Mr. KING of New York, Mr. KIRK, Mr. LAHOOD, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. LOBIONDO, Ms. ZOE LOFGREN of California, Mr. LYNCH, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MATHESON, Ms. MATSUI, Mr. MEEHAN, Mr. MICHAUD, Mrs. MILLER of Michigan, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. NADLER, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. PASCRELL, Mr. PAYNE, Mr. PLATTS, Ms. PRYCE of Ohio, Mr. RAMSTAD, Mr. REICHERT, Mr. ROTHMAN, Mr. RUSH, Ms. SCHAKOWSKY, Ms. SCHWARTZ, Mr. SHERMAN, Mr. SMITH of New Jersey, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. TERRY, Mr. TIBERI, Mr. VAN HOLLEN, Mr. WALDEN of Oregon, Mr. WEINER, Mr. WELLER, Mr. WEXLER, and Mr. WYNN):

H.R. 1108. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself, Mr. LANTOS, Mr. CANNON, Mr. CANTOR, and Mr. LATOURETTE):

H. Con. Res. 66. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

By Mr. HOYER:

H. Res. 165. Resolution to inform the Senate of the election of the Clerk; considered and agreed to.

By Mr. HOYER:

H. Res. 166. Resolution authorizing the Clerk to inform the President of the election of the Clerk; considered and agreed to.

By Mr. RAHALL (for himself and Mr. YOUNG of Alaska):

H. Res. 167. A resolution providing amounts for the expenses of the Committee on Natural Resources in the One Hundred Tenth Congress; to the Committee on House Administration.

By Mr. GEORGE MILLER of California (for himself and Mr. MCKEON):

H. Res. 168. A resolution providing amounts for the expenses of the Committee on Education and Labor in the One Hundred Tenth Congress; to the Committee on House Administration.

By Mr. MOORE of Kansas (for himself, Mr. BACHUS, Mrs. BOYDA of Kansas, Mr. CLEAVER, Mr. LINCOLN DAVIS of Tennessee, Mr. DOGGETT, Mrs. GILLIBRAND, Mr. GILLMOR, Ms. HERSETH, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mr. KIND, Mrs. MCCARTHY of New York, Mr. MEEK of Florida, Mr. MILLER of Florida, Mrs. MYRICK, Mr. RAMSTAD, Mr. SALAZAR, Mr. SHAYS, Mr. VAN HOLLEN, and Mr. PATRICK MURPHY of Pennsylvania):

H. Res. 169. A resolution amending the Rules of the House of Representatives to require that the lists of earmarks be made available to the general public on the Internet; to the Committee on Rules.

By Mr. PETERSON of Minnesota:

H. Res. 170. A resolution amending the Rules of the House of Representatives to clarify the treatment of reimbursements to Members for the use of personally owned airplanes in the performance of official or campaign travel; to the Committee on Standards of Official Conduct.

By Mr. SKELTON (for himself, Mr. OBERSTAR, Mr. BOOZMAN, Mr. CARNAHAN, Mr. COHEN, Mr. GILLMOR, Mr. JEFFERSON, Mr. MCCRERY, Mr. MCGOVERN, Mr. PETRI, Mr. SNYDER, and Ms. WATSON):

H. Res. 171. A resolution honoring the Marquis de Lafayette on the occasion of the 250th anniversary of his birth; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. Pastor introduced A bill (H.R. 1109) for the relief of Alejandro E. Gonzales; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. THORNBERRY.

H.R. 73: Mr. DAVIS of Kentucky, Mr. BUCHANAN, and Mr. CALVERT.

H.R. 89: Mr. FOSSELLA.

H.R. 156: Mr. GRIJALVA.

H.R. 180: Mr. WEINER and Mr. KLEIN of Florida.

H.R. 189: Mr. JOHNSON of Georgia.

H.R. 211: Mr. CUMMINGS.

H.R. 243: Mr. MEEKS of New York and Mr. ROGERS of Alabama.

H.R. 279: Mr. KNOLLENBERG.

H.R. 303: Mr. GOODE, Mrs. CAPITO, Mr. FOSSELLA, and Mr. REYES.

H.R. 328: Mr. LEVIN, Mr. PLATTS, Ms. DEGETTE, Mr. CUMMINGS, Mr. MCGOVERN, Mrs. LOWEY, Mr. HONDA, Mr. UDALL of Colorado, and Mr. BOUCHER.

H.R. 339: Mr. MEEKS of New York.

H.R. 343: Mr. RAHALL, Ms. BORDALLO, and Mrs. CAPITO.

H.R. 353: Mr. INSLEE.

H.R. 359: Mr. HARE.

H.R. 402: Mr. GORDON.

H.R. 403: Mr. MEEKS of New York.

H.R. 406: Mr. MCGOVERN.

H.R. 463: Ms. BORDALLO.

H.R. 468: Ms. WATERS, Mr. DAVIS of Illinois, and Mr. COHEN.

H.R. 477: Mr. CUMMINGS, Mr. AL GREEN of Texas, Mr. SHIMKUS, Mr. YOUNG of Alaska, Mr. FARR, Mr. KING of New York, Ms. JACKSON-LEE of Texas, Mr. OBERSTAR, Ms. HIRONO, Mr. ETHERIDGE, and Mr. CRAMER.

H.R. 493: Mr. COHEN, Mr. MELANCON, and Mr. OBEY.

H.R. 539: Mr. WAMP, Ms. GIFFORDS, Mr. PATRICK MURPHY of Pennsylvania, and Mr. FILNER.

H.R. 562: Mr. SAM JOHNSON of Texas and Mr. TIBERI.

H.R. 566: Ms. LEE.

H.R. 579: Ms. GIFFORDS, Mr. CLEAVER, Mr. RAHALL, Mrs. JO ANN DAVIS of Virginia, Ms. CORRINE BROWN of Florida, Ms. MCCOLLUM of Minnesota, Mr. CARNEY, Mr. BUCHANAN, Ms. BERKLEY, Mr. CRAMER, Mr. LAHOOD, Mr. GORDON, Mr. COURTNEY, and Mrs. BOYDA of Kansas.

H.R. 583: Mr. FILNER, Mr. SHIMKUS, and Mr. RAHALL.

H.R. 592: Mr. CLEAVER.

H.R. 610: Mr. MICHAUD.

H.R. 614: Ms. BORDALLO.

H.R. 620: Mr. JOHNSON of Georgia and Mr. CARNAHAN.

H.R. 621: Ms. ROS-LEHTINEN, Mr. JOHNSON of Georgia, and Mr. TIERNEY.

H.R. 625: Ms. ESHOO and Ms. LEE.

H.R. 627: Mr. SCOTT of Georgia.

H.R. 631: Mr. PITTS, Mrs. MUSGRAVE, and Mr. UDALL of Colorado.

H.R. 642: Mr. JOHNSON of Georgia, Mr. LANTOS, Ms. CORRINE BROWN of Florida, Mr. HINOJOSA, Mr. CHANDLER, Ms. KILPATRICK, Mr. CLAY, and Mr. LATOURETTE.

H.R. 643: Mr. LEWIS of Georgia, Mrs. MALONEY of New York, Mr. TOWNS, Mr. ENGLISH of Pennsylvania, and Mr. SAXTON.

H.R. 649: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 653: Mr. MEEKS of New York.

H.R. 688: Mr. ENGLISH of Pennsylvania, Mr. CLAY, Mr. COSTELLO, Mr. POE, and Mr. LIPINSKI.

H.R. 690: Mrs. JO ANN DAVIS of Virginia.

H.R. 692: Mr. WALZ of Minnesota and Ms. BERKLEY.

H.R. 693: Ms. VELÁZQUEZ.

H.R. 695: Mr. LYNCH and Mr. MCDERMOTT.

H.R. 698: Mr. TIERNEY, Mr. WICKER, Mr. YARMUTH, Mr. CARNAHAN, and Ms. SUTTON.

H.R. 699: Mr. EVERETT.

H.R. 718: Mr. MEEHAN, Ms. HOOLEY, Mr. BISHOP of Utah, and Ms. BORDALLO.

H.R. 721: Mr. CALVERT, Mr. WHITFIELD, Mr. BLUMENAUER, Mr. YOUNG of Alaska, Mrs. MYRICK, Mr. COBLE, Mr. GINGREY, Mr. NEUGEBAUER, and Mr. CRAMER.

H.R. 724: Mr. EVERETT.

H.R. 729: Mrs. DAVIS of California, Mr. GUTIERREZ, Ms. BALDWIN, and Mr. UDALL of Colorado.

H.R. 731: Mr. SESSIONS.

H.R. 741: Mr. RUPPERSBERGER, Mr. FERGUSON, and Mr. MCNULTY.

H.R. 743: Mr. RADANOVICH.

H.R. 748: Mr. FRANK of Massachusetts, Mr. LEWIS of Kentucky, Mr. KUCINICH, Mr. NEAL of Massachusetts, and Mr. TANNER.

H.R. 758: Mr. VAN HOLLEN.

H.R. 768: Mr. CALVERT.

H.R. 769: Mr. CALVERT and Mr. WESTMORELAND.

H.R. 784: Mr. PLATTS and Mrs. JO ANN DAVIS of Virginia.

H.R. 787: Ms. ZOE LOFGREN of California, Mr. DOYLE, Mr. JOHNSON of Georgia, and Mr. OBERSTAR.

H.R. 797: Mr. CARNEY, Ms. CARSON, and Ms. BORDALLO.

H.R. 805: Mr. INGLIS of South Carolina.

H.R. 814: Mr. TIERNEY.

H.R. 819: Mr. WELCH of Vermont, Ms. GIFFORDS, Mr. ARCURI, Mr. CAPUANO, and Mr. RYAN of Ohio.

H.R. 821: Mr. SCOTT of Georgia.

H.R. 829: Mr. PLATTS.

H.R. 840: Mr. CLEAVER, Ms. BORDALLO, Mr. STARK, Mr. LYNCH, and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 843: Mr. GOODE.

H.R. 855: Mr. MICA and Mr. WELDON of Florida.

H.R. 876: Ms. KILPATRICK, Ms. JACKSON-LEE of Texas, and Mr. FORTENBERRY.

H.R. 878: Mr. STARK.

H.R. 891: Mr. PASTOR.

H.R. 895: Mr. LINDER, Mr. FOSSELLA, and Mr. VISCLOSKY.

H.R. 909: Mr. KING of New York and Mr. PUTNAM.

H.R. 920: Mrs. CHRISTENSEN and Mr. THOMPSON of Mississippi.

H.R. 925: Mr. CALVERT.

H.R. 938: Mrs. MYRICK, Mr. BARTLETT of Maryland, Mr. DAVID DAVIS of Tennessee, and Mr. TANCREDO.

H.R. 942: Mr. MCDERMOTT.

H.R. 947: Ms. ZOE LOFGREN of California.

H.R. 971: Mr. EVERETT, Mr. GRAVES, and Mrs. EMERSON.

H.R. 972: Ms. HIRONO.

H.R. 976: Mr. HALL of New York.

H.R. 997: Mr. GOODE, Mr. KNOLLENBERG, and Mr. CAMPBELL of California.

H.R. 1012: Mr. SHAYS.

H.R. 1039: Mr. COLE of Oklahoma.

H.R. 1055: Mr. SHAYS.

H. J. Res. 3: Mr. ACKERMAN.

H. J. Res. 18: Mr. INSLEE.

H. J. Res. 22: Mr. EVERETT.

H. Con. Res. 33: Mr. PASTOR and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 53: Mr. GRIJALVA, Mr. CLEAVER, Ms. BORDALLO, Mr. MCCOTTER, Mr. LIPINSKI, and Mr. DOYLE.

H. Con. Res. 60: Ms. BORDALLO and Mr. MCCOTTER.

H. Con. Res. 63: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, and Ms. JACKSON-LEE of Texas.

H. Res. 37: Ms. HIRONO and Mr. CUELLAR.

H. Res. 71: Mr. GRIJALVA and Mr. MCDERMOTT.

H. Res. 76: Ms. SOLIS, Ms. HIRONO, and Mr. ELLISON.

H. Res. 87: Mr. ENGLISH of Pennsylvania.

H. Res. 95: Mr. LEWIS of Georgia and Mr. MCDERMOTT.

H. Res. 100: Mrs. MCCARTHY of New York, Ms. MILLENDER-MCDONALD, Ms. DELAURO, Mr. CONYERS, and Mr. GORDON.

H. Res. 107: Mr. COSTA, Mr. BLUMENAUER, Mr. PUTNAM, Mr. MANZULLO, Ms. WASSERMAN SCHULTZ, Mr. GENE GREEN of Texas, Mrs. DRAKE, and Mr. PATRICK J. MURPHY of Pennsylvania.

H. Res. 113: Mr. MATHESON and Ms. JACKSON-LEE of Texas.

H. Res. 128: Ms. HIRONO.

H. Res. 147: Mr. BARRETT of South Carolina and Mr. Jordan.

H. Res. 163: Ms. KILPATRICK and Mr. GRIJALVA.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 654: Mr. RYAN of Wisconsin.

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PROCEEDINGS AND DEBATES OF THE *110th* CONGRESS, FIRST SESSION

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Senate

The Senate met at 10 a.m. and was called to order by the Honorable BARACK OBAMA, a Senator from the State of Illinois.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by the Reverend Dr. J. Layton Mauze, III, of Gastonia, NC.

The guest Chaplain offered the following prayer:

Let us pray.

Gracious God, Creator of life and the sustainer of all things, including political things, we bow before You this day in humility and with thankful hearts to acknowledge that our lives are a gift of Your grace, renewed every morning and nurtured every day in Your tender care.

We begin this time together by acknowledging our faith in You and our dependence upon You. We begin by saying that our religious faith and commitment do influence our opinions and convictions, our daily and political life.

So help us never to let our politics or our religion become dirty by default, but help us to keep the moral integrally related to the political, and give us the wisdom and courage to stand for the hard right against the easy wrong.

Strengthen and encourage each of these Senators today, we pray, and guide and protect our beloved Nation, particularly in these ethically difficult times. May justice prevail and leadership based on integrity be the dominant note.

Keep us all faithful to the opportunities and challenges this day will bring, and make us a blessing to all those our lives will touch.

To that end, grant us that illumination without which we walk in darkness, that inspiration without which we spend our days in mediocrity, and that intelligence without which we stumble in folly.

This, our prayer, we offer to You in faith, and with thanksgiving in the strong Name of our God. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BARACK OBAMA 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, February 15, 2007.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized

SCHEDULE

Mr. REID. Mr. President, this morning there will be a brief period of morning business until 10:20, and then we will proceed to executive session to consider the nomination of Randy Smith, to be a U.S. Circuit Court Judge, and Marcia Morales Howard, to be a U.S. District Judge. Debate on these nominations is limited to a total of 10 minutes equally divided and controlled between the chairman and ranking member of the Judiciary Committee. At 10:30, the Senate will proceed to vote on confirmation of these two nominations.

I would like to indicate to Members that a third rollcall vote is likely shortly after these votes on the adjournment of the Senate, so Members should plan on three votes instead of two.

Following these votes there will be morning business, with the first hour controlled by Senator LEAHY and then the Republican leader or his designee will control an hour.

Mr. President, in a short time, we will approve the first circuit court judge of this Congress. The distinguished Republican leader and I have had conversations about having as little acrimony—in fact, hopefully none—on circuit court judges. The last Congress will be noted for a number of things and one will be the contentiousness of the circuit court judges that came before the Senate. I have made a commitment to my friend from Kentucky that we will move forward on these. We have had conversations with the President, and he is going to do his best to send us circuit court judges that are not people who cause a lot of heartburn on this side, and we think that is totally possible and in keeping with the standards President Bush wants for these circuit court judges. So this is a time when we are going to try to work together to move forward.

Randy Smith is the first, and I say to everyone, it wasn't easy to get him here. He has been nominated for one position and then another position. There was a little holdup to begin with, but we are beginning to work through this, as we wish to do. We have members of the Judiciary Committee who

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

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understand this and the two managers of this committee, the chairman, Senator LEAHY, and the ranking member, Senator SPECTER, know of our concern, and that is the concern of Senator MCCONNELL and myself, and we are going to do our very best to make sure this is not our last circuit court judge but the first of a significant number who can at least meet the standards of Congresses similarly situated as ours.

RECOGNITION OF THE MINORITY LEADER

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

NOMINATIONS

Mr. MCCONNELL. Mr. President, let me echo the remarks of my good friend, the majority leader, about the circuit court judge situation. We are off to a good start. I wish to thank him, and I wish to thank Chairman LEAHY for moving the Randy Smith nomination to the Ninth Circuit. As the majority leader has indicated, that vote will be at 10:30. We have had very good conversations, the majority leader and myself, about restoring comity to the Senate on the business of dealing fairly with the President's nominations for circuit court judgeships.

The President has met the Senate halfway—some would say more than halfway—demonstrated by his actions at the beginning of the Congress and by the people he has chosen to resubmit for our consideration. The President's efforts have been recognized and lauded by the Washington Post, the Los Angeles Times, and several other publications. These papers have noted the burden is now on the Senate to reciprocate and treat the President's nominees fairly, and we are off to a good start in doing that.

Moving the Smith nomination today is an act of good faith on the part of the majority leader and Senator LEAHY, which I and others on this side of the aisle appreciate. It is a good beginning. Of course, it is only a beginning, but it is a good beginning. As I have said, the President should be treated as fairly as his three immediate predecessors, each of whom finished their terms with the Senate in control of the opposition party. Yet those Presidents received an average of 17 circuit court nominations confirmed. If this President is not treated as fairly as his predecessors, then, of course, the comity and cooperation in the Senate might be harder to come by. But there is no indication that will be the case, and I am not predicting it. In fact, I am optimistic we are going to be able to move through these nominations with a high level of fairness and comity. Again, I wish to thank both Senator REID and Chairman LEAHY for their fair treatment of this first judge as we begin to move down the path toward getting a reasonable number of circuit court nominees confirmed during this 2-year period.

I yield the floor.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that there be 2 minutes equally divided between the votes on the judicial nominations with the time equally divided and controlled between the chairman and ranking member of the Judiciary Committee.

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 10:20 a.m., with Senators permitted to speak for up to 10 minutes and the time equally divided between the two leaders or their designees.

The Senator from Maine is recognized.

IRAQ

Ms. SNOWE. Mr. President, I rise this morning to speak to the Senate regarding the fact that we are contemplating adjournment for a recess of approximately 12 days without having taken any votes on the question of Iraq. The Senator from Nebraska and I sent a letter to both leaders yesterday, expressing our deepest disappointment and disapproval about the failure of this institution to address the most consequential issue of our time. We are at a critical crossroads with this preeminent issue. Yet the Senate, in keeping with its historical traditions and practices, has failed to grapple with this monumental question.

Therefore, the Senator from Nebraska and I have said we should have a vote on the motion to adjourn for this particular recess because we object to recessing without the Senate having any agreement, any understanding, any debate, any votes on this most profound question. It does no honor to the Senate or to this country. As I said earlier in the week when I expressed my disappointment that we have yet to construct an agreement on how to even move forward procedurally to debate a nonbinding resolution, irrespective of where my colleagues may stand on this question, whether you are in the majority or in the minority, various viewpoints ought to be able to be expressed, and we ought to be able to have votes in the Senate. Unfortunately and regrettably, that has not occurred, at a time in which the President has already indicated his plan for the troop surge and which is already underway. There is a majority in the Senate who are in opposition to the troop surge and to that specific mission. Others have different viewpoints on the question. But irrespective, we know there are a majority in the United States who are in opposition to the troop surge.

The Senator from Nebraska and I, in fact, moved across the political aisle and joined the Senator from Delaware and the Senator from Michigan on the Biden-Levin-Hagel-Snowe resolution on January 17, when it was introduced in the Senate. Here we are today, a month later, and there has been no consequential action on the question of Iraq.

The House of Representatives is debating and will be voting. As I said on Monday, when our troops are on the frontlines, the Senate is on the sidelines. While the House of Representatives is debating and voting, the Senate is dithering. That is regrettable because we have some serious questions about the President's troop surge. We ought to be able to express our views on the floor of the Senate and to have those votes. This is a critical moment in our Nation. The Senate has lost its sense of the place it now occupies—or should occupy—in history.

If we look back at major moments of the Senate historically, the Senate has risen to the occasion, but we haven't on this question. So we are going to adjourn for the recess without having a plan on how we are going to proceed on this question, without any votes, on the major issue of our time.

So what has changed in the last 3 days? There have been no negotiations. There has been no consensus. There has been no agreement. There has been no understanding of how we are going to proceed and how we are going to debate this question. And we are going to recess. Well, the troop surge isn't taking a recess. The men and women in uniform on the frontlines in Iraq are not taking a recess, the Iraq war is not taking a recess, but the U.S. Senate is taking a recess.

My primary objection to the troop surge has been rooted in the fact that I examined the track record and concluded we should not commit any more troops to instilling a peace that the Iraqis are not willing to instill for themselves and to seek for their own nation. They are fighting amongst themselves rather than for themselves.

Yesterday, I spoke with the father of a soldier who died last Friday while supporting our Operation Iraqi Freedom.

SSG Eric Ross of Maine, stationed in Texas, and two of his brothers in arms were killed as they entered a booby-trapped building in Baquba. What was even more tragic is the Iraqi squad that was accompanying them, who were supposed to go in with them, refused to go in. What did they know? Why did they refuse to go in? Where were their allegiances? Who were they fighting for? Those are the kinds of circumstances and situations to which

our troops have been subjected. There will be infinitely more of those examples, given the mission the President has proposed in Baghdad.

The father of the soldier told me: My son's first interpreter was a spy. Those are the kinds of precarious and dangerous circumstances under which our soldiers are facing extraordinary challenges. Now they are being requested to go door-to-door in Baghdad, as this soldier was doing in Baquba. His father said they were going door to door, clearing them out, only to find they were coming back in. That is the circumstance our troops will face in this very dangerous mission in Baghdad.

While we are on recess, all of this will be underway. Yet we have no plan to debate and to vote on our respective views and positions on this question.

This is not in keeping and consistent with the traditions and practices of the Senate. I have served in both the House of Representatives and the Senate for 29 years. I have witnessed and been part of debates that range from Lebanon to the Persian Gulf to Somalia to Bosnia to Panama. We were able to exercise our views, whether we were in the House of Representatives or in the Senate. I am deeply disappointed that we are at this juncture, that we are planning to adjourn for a previously scheduled recess without having established a record on behalf of the Senate for the people of this country. We are their voice. We reflect their will. We should have the opportunity to debate and to vote on the various questions.

The fact is, we have allowed the gears of this deliberative process to become jammed with the monkey wrenches of timidity and partisanship. I reject that because at a time in which the American people are deeply concerned about the direction of our mission in Iraq, the Senate is deadlocked and stalemated.

That is why I object to the motion to adjourn. I hope my colleagues will express their objections, likewise, irrespective of where Members stand on the question. I hope Members express disappointment and disapproval that we will recess without having taken a stand on this monumental issue.

I yield the floor.

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

IRAQ DEBATE

Mr. REID. Mr. President, I will use leader time.

Mr. President, I have the deepest respect for the Senator from Maine. I care about her a lot. She is a good legislator and a very strong woman, strong person, someone who stands up for what she thinks is right. I admire her for that.

However, those are interesting comments that I have just heard from my friend regarding an Iraq debate. While I respect the Senator from Maine and, as I have said I appreciate her sense of urgency, I say with all due respect, she is coming late to the party.

Last week, when Senators had the opportunity to hold an important debate about Iraq, she and others chose to prevent that debate. Some of them, including my friend from Maine, voted against their own resolution by not invoking cloture. While it is heartening to know that they would like to have an Iraq debate now, where were they last week? Where were they when the Senate was trying to send a message to President Bush to stop the escalation? Where were they when we were trying to send a message in standing up for our troops in Iraq? The answer: Obstructing. Playing politics.

Don't tell me about politics. They were putting the political needs of the White House ahead of our troops' need for a new direction in Iraq.

If not for the actions that took place last week, we could have been finished with this debate regarding the escalation in Iraq. We could have already sent a strong message to President Bush that he stands alone in supporting escalation. We could have joined the House in expressing our support for the troops and our opposition to the so-called surge. But because there was a political game being played with the war, the American people still do not know where their Senators stand on escalation.

I take it from comments I have heard—not only from the Senator from Maine but from others on the other side of the aisle—that a number of Members had a change of heart; that, in the future, I would hope, many of them will be joining us in an important Iraq debate.

Everyone within the sound of my voice should understand, we are in the Senate. Procedurally it is very difficult, many times, to get from here to there. I started as quickly as I could to process this matter. On Tuesday, I moved to rule XIV so we could have the House resolution before the Senate. I would hope we will have that opportunity soon.

This week, the House of Representatives is debating a bipartisan resolution on escalation. Last night, as I have indicated, I started the process—again, moving one step further to bringing the legislation closer to the floor of the Senate, a resolution saying we support our troops and we oppose the escalation.

When the Senate returns after the break, we will deal with the House resolution in some manner. The American people deserve, as I have said, to know where every Member of the Senate stands on the so-called surge. It is an important issue facing our country.

I repeat what I said about the Senator from Maine. I care about her a lot. But I really am somewhat lost in the logic of her debate.

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

ISSUE OF FAIRNESS

Mr. MCCONNELL. Mr. President, using some of my leader time, let me respond briefly to my good friend, the majority leader.

The Senate Republicans are fully prepared to have a debate on the Iraq war. We were prepared to have a debate on the Iraq war last week. We anticipated it. The issue is whether the Senate will operate like the House. It will not.

In the House, they have one Iraq resolution. The minority gets no voice at all, up or down, on one proposal. As my good friend, the majority leader, and certainly the majority whip said repeatedly over the years, the Senate is not the House. Senate Republicans are anxious to have the Iraq debate. We are not trying to avoid it in any way, whatever. But there will be, at the very least, a proposal that a majority of Senate Republicans support in the queue to be considered so that we will have an alternative.

Now, the majority leader and I have had a number of discussions about this issue over the week. I am still hopeful we can work this out and have a process for going forward that is fair to Senate Republicans. However, I am very confident that Senate Republicans will insist on having at least one alternative favored by a majority of our Members. Again, I am not anticipating that we will end up in the same position we were last week. The majority leader and I are continuing to talk about it.

But fundamental fairness is essential on the most important issue confronting the country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we have two votes scheduled at 10:30. We were supposed to have 15 minutes reserved for Senator LEAHY and myself, and I know Senator HAGEL is in the Senate and wants a little time.

With the majority leader in attendance, I wonder if we might adjust the timing so we can talk about these judges at least for a few minutes?

Mr. REID. I say to my friend, the question is an excellent question. We have, as the Senator knows, a funeral taking place today for Dr. Norwood. We changed the vote around from 11 o'clock until 10:30 today so a large contingent of Senators and House Members can attend the funeral. If we do not start the votes at 10:30, they will not be able to attend.

Mr. SPECTER. I accept that. May I use the last 4 minutes to speak?

I will yield to the Senator from Nebraska for a minute.

Mr. HAGEL. I appreciate that.

EXECUTIVE SESSION

NORMAN RANDY SMITH TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

MARCIA MORALES HOWARD TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA

The ACTING PRESIDENT pro tempore. The Senate will proceed to executive session to consider the following nominations en bloc.

The clerk will report.

The assistant legislative clerk read the nominations of Norman Randy Smith, of Idaho, to be United States Circuit Judge for the Ninth Circuit and Marcia Morales Howard, of Florida, to be United States District Judge for the Middle District of Florida.

Mr. LEAHY. Mr. President, today, we consider nominations for lifetime appointments to the Federal bench, including Judge Norman Randy Smith to the Court of Appeals for the Ninth Circuit. Judge Smith was nominated to a seat on the Ninth Circuit designated a judicial emergency by the Administrative Office of the Courts. Judge Smith's nomination easily could have been confirmed in the last Congress—and the emergency addressed many months ago—had the Bush administration chosen the common-sense approach it has now followed of nominating Judge Smith—who is from Idaho—to Idaho's seat on the Ninth Circuit.

Instead, the President picked a fight by insisting on nominating Judge Smith to a California seat on the Ninth Circuit. Judge Smith had been nominated to fill the seat last occupied by Judge Stephen Trott, an appointee from California who made a personal decision to move to Idaho. I know of no precedent for shifting a circuit seat based on a judge's personal decision to change his or her personal residence. That generated opposition from the California Senators and created an impasse. I supported the California Senators, as I had Senators Sarbanes and MIKULSKI in a similar circumstance when this President sought to fill a Maryland seat on the Fourth Circuit with someone from Virginia.

I have tried for some time to get the President to redesignate the Smith nomination and nominate him to fill the Idaho vacancy. At long last, the President has done the right thing. The White House finally changed course and the President nominated Judge Smith for the Idaho seat on the Ninth Circuit. I thank the President for finally doing the right thing.

With the cooperation of the Senators from California and the other Members of the Judiciary Committee, we were able to avoid having a hearing on Judge Smith's nomination in this Congress and to expedite his consideration, now that he has been designated for the Idaho vacancy. We were able to report Judge Smith's nomination last Thursday. Today, at long last, Senator CRAIG and Senator CRAPO and the people of Idaho will have a judge on this important court from their home State.

We have worked hard since convening this Congress to make significant progress in our consideration of judicial nominations. At our first executive business meeting, the Judiciary Committee reported out five judicial nominations little more than 2 weeks after they were sent to us. Three of these were for vacancies determined by the Administrative Office of the U.S. Courts to be judicial emergencies. All five were among those returned to the President without Senate action at the end of last year when Republican Senators objected to proceeding with certain of the President's judicial nominees in September and December last year. All five were confirmed only 3 weeks after they were nominated.

Last week, we reported another five nominations, including the nominations we consider today. We reported nominees from the home States of Senator SPECTER and Senator GRASSLEY and I want to thank Senator CASEY and Senator BROWN for expediting their consideration of nominees from their home States and approving them so quickly after taking office. I have worked cooperatively with Members from both sides of the aisle on our Committee, and in the Senate, to consider quickly and report 10 judicial nominations so far this year, allowing us to fill vacancies and improve the administration of justice in our Nation's Federal courts.

With the five confirmations last week we have confirmed more of President Bush's nominations in the 18 months I have served as Judiciary Committee Chairman than in the more than two years when Senator HATCH chaired the Committee with a Republican Senate majority or during the entire last Congress with a Republican Senate majority.

With Judge Smith's confirmation today, we will have confirmed a nomination to one of the Nation's important circuit courts little more than a month after the Republicans agreed to resolution allowing the Senate to organize. That is more than the total of President Clinton's nominations to circuit court vacancies confirmed by the Republican-controlled Senate during the entire 1996 session. Today, with this one confirmation we will surpass the Republican total for an entire session of the Congress.

Last week, we also held the first judicial nominations hearing of the new Congress and considered three more nominees, two of whom are nominated to fill judicial emergency vacancies. We held that hearing on February 6. When a Republican chaired the Committee in 1999 and there was a Democratic President, the first hearing on a judicial nominee was not held until June 16. We could have postponed this hearing because it was at the same time as the Senators briefing on the new National Intelligence Estimate about the deteriorating situation in Iraq. As I did after 9/11, and after the Senate buildings were shut down by the anthrax letters, I chose to go forward with the nominations hearing.

I know some on the other side of the aisle have tried to raise a scare since I, again, became Chairman of the Judiciary Committee. They rant as if the sky is falling and as if we would not proceed on any judicial nominations. On the contrary, we have proceeded promptly and efficiently.

I have long urged the President to fill vacancies with consensus nominees. After this week's confirmations, according to the Administrative Office of the U.S. Courts there will be 51 judicial vacancies, 24 of which have been deemed to be judicial emergencies. Of those 24 judicial emergency vacancies, the President has yet to send us nominees for 17 of them. That means two-thirds of the judicial emergency vacancies are without a nominee from the President.

We will continue moving forward efficiently as long as the President sends us qualified, consensus nominees.

IRAQ

Mr. HAGEL. Mr. President, just a brief response to the distinguished majority leader about motives as to debate on Iraq.

I don't know a Senator who has been clearer or more concise on this administration's positions on Iraq than the senior Senator from Nebraska. To suggest that some on this side are impeding or trying to protect the Bush administration's policy on Iraq, specifically escalating our military involvement in Iraq, is a bit off the mark.

The fact is, the minority leader is very clear in his purpose. I have supported that. Minority rights are the essence, the foundation of this body. The minority should have an opportunity to present their resolution or resolutions. It should not be dictated to by the majority.

Make it very clear, those on this side who have pushed for this debate are very clear in our position. I doubt if there is anyone who has been clearer than this Senator.

I yield the floor.

Mr. SPECTER. Mr. President, there is only a minute left before 10:30, not enough time to discuss. I ask unanimous consent I be recognized at the conclusion of the third vote for 10 minutes.

Mr. LEAHY. I did not hear the request.

Mr. SPECTER. My request—we were supposed to speak, but the time has been consumed otherwise. With only less than a minute left until 10:30, I have asked for consent to speak for 10 minutes at the conclusion of the third vote.

Mr. LEAHY. At the conclusion of the third vote?

Mr. SPECTER. Let me amend that to ask for 10 minutes for the chairman of the Judiciary Committee.

Mr. LEAHY. I have an hour reserved after the third vote anyway. Certainly, if the Senator from Pennsylvania wants to take his 10 minutes ahead of that hour, I have no objection.

Mr. SPECTER. I ask consent to that request.

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

VOTE ON NOMINATION OF NORMAN RANDY SMITH

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

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

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Norman Randy Smith, of Idaho, to be United States Circuit Judge for the Ninth Circuit? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Connecticut (Mr. DODD), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Nevada (Mr. ENSIGN), the Senator from New Hampshire (Mr. GREGG), and the Senator from Texas (Mrs. HUTCHISON).

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

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 49 Ex.]

YEAS—94

Akaka	Dorgan	Murkowski
Alexander	Durbin	Murray
Allard	Enzi	Nelson (FL)
Baucus	Feingold	Nelson (NE)
Bayh	Feinstein	Obama
Bennett	Graham	Pryor
Biden	Grassley	Reed
Bingaman	Hagel	Reid
Bond	Harkin	Roberts
Brown	Hatch	Rockefeller
Brownback	Inhofe	Salazar
Bunning	Inouye	Sanders
Burr	Isakson	Schumer
Byrd	Kennedy	Sessions
Cantwell	Kerry	Shelby
Cardin	Klobuchar	Smith
Carper	Kohl	Snowe
Casey	Kyl	Specter
Chambliss	Landrieu	Stabenow
Clinton	Lautenberg	Stevens
Coburn	Leahy	Sununu
Cochran	Levin	Tester
Coleman	Lieberman	Thomas
Collins	Lincoln	Thune
Conrad	Lott	Vitter
Corker	Lugar	Voinovich
Cornyn	Martinez	Warner
Craig	McCain	Webb
Crapo	McCaskill	Whitehouse
DeMint	McConnell	Wyden
Dole	Menendez	
Domenici	Mikulski	

NOT VOTING—6

Boxer	Ensign	Hutchison
Dodd	Gregg	Johnson

The nomination was confirmed.

VOTE ON NOMINATION OF MARCIA MORALES HOWARD

The PRESIDING OFFICER (Mr. BROWN). There are now 2 minutes equally divided before a vote on the Howard nomination.

Who yields time?

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, two Senators from Florida rise to lend our support to Judge Howard, who is currently a magistrate judge and is an excellent choice. It is the privilege of Senator MARTINEZ and myself to support the outstanding choice of Judge Howard to be a Federal district judge.

Judge Howard is a graduate of Vanderbilt University and the University of Florida Law School.

I want to make reference to a note I received from Judge Howard telling a bit about something unusual, because her parents arrived here from Cuba. This is what she writes:

> My parents arrived here with very little other than an education and a willingness to work. Their success and my nomination are truly a testament to the opportunity that exists here simply by virtue of being an American. My parents never let my brother, my sister, or me forget how fortunate we were to be in a country where we could be whatever we wanted to be or that we had a duty to give back to our country.

That is the kind of person who will be a successful Federal district judge.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I am delighted to join my colleague Senator NELSON in advancing the nomination of Marcia Morales Howard as a Federal district court judge for the Middle District of Florida. This outstanding woman lawyer from Florida not only has a distinguished academic background, having graduated from the University of Florida College of Law, being an editor of the Law Review there, but she also has been an accomplished litigator for 13 years with two very fine law firms in the State of Florida, Foley & Lardner and McGuireWoods. In 2003, she became a Federal magistrate. As a magistrate, she has distinguished herself in the Middle District of Florida where she would be serving as a Federal district court judge.

I know her and her family. I know what an outstanding American she is. I am very proud that with the magnitude of importance of a Federal appointment for a lifetime, we have someone of this competence, this dedication, and this quality to serve in this important post. I am delighted not only for the opportunity to advance the nomination but also to tell of the judicial nominating commission Senator NELSON and I have formed in the State of Florida, which I frankly believe is a model for bipartisan cooperation and also seeking the best and most qualified on the merits by positioning the nomination before a group of distinguished lawyers who then see the applicants, study their qualifications, and make recommendations.

I am delighted to urge my colleagues to support the nomination of Marcia Morales Howard for Federal district judge for the Middle District of Florida.

Mr. LEAHY. Mr. President, Judge Marcia Morales Howard, nominated to the Middle District of Florida, has the bipartisan support of both Florida Senators. With valuable experience as a Federal magistrate judge and as a former civil litigator, Judge Howard is well versed in litigation matters in Federal court. Judge Howard graduated from Vanderbilt University with a B.S. in 1987, and received her J.D. with honors in 1990, from the University of Florida, College of Law, where she served as Symposium Editor for the Florida Law Review.

As a litigator in private practice, Judge Howard worked mostly on complex civil litigation matters in Federal court as an Associate with the law firm of Foley and Lardner, and later worked on labor and employment law cases as an Associate, and then Partner, at the law firm of McGuireWoods, LLP. Judge Howard has also shown her dedication to serving others by providing pro bono legal services through the Jacksonville Area Legal Aid and pro bono seminars through the Jacksonville Center for Independent Living to disabled individuals informing them of their rights under the Americans with Disabilities Act.

I understand that Judge Howard is a first generation Cuban-American. She is being called upon to fill a position in one of the fastest growing areas in Florida. Senator NELSON has been a strong supporter of this nomination and has pressed for early action. I thank both Senators from Florida for their interest in this nomination. I also understand that Judge Howard's grandfather celebrated his 100th birthday just 2 weeks ago, on February 1. Her confirmation today is testimony to the great promise that America holds for people from all parts of the world, that the granddaughter of someone who came to America can become a Federal judge.

I congratulate the nominee and her family on her confirmation today.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, may I claim 1 minute as ranking member of the Judiciary Committee?

I think Senator NELSON and Senator MARTINEZ had important things to say about the nominee, but I don't think anybody heard them. So if I could have the attention of my colleagues.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. The nominee has an outstanding record, having served as a United States magistrate. She graduated from Vanderbilt in 1987, and from the University of Florida College of Law, with honors, in 1990. She has an outstanding professional record. I urge my colleagues to support her nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Marcia Morales Howard, of Florida, to be a U.S. District Judge for the Middle District of Florida.

Mrs. MURRAY. I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Connecticut (Mr. DODD), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Nevada (Mr. ENSIGN), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Oklahoma (Mr. INHOFE).

Further, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would have voted ''yea.''

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

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 50 Ex.]

YEAS—93

Akaka	Domenici	Mikulski
Alexander	Dorgan	Murkowski
Allard	Durbin	Murray
Baucus	Enzi	Nelson (FL)
Bayh	Feingold	Nelson (NE)
Bennett	Feinstein	Obama
Biden	Graham	Pryor
Bingaman	Grassley	Reed
Bond	Hagel	Reid
Brown	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bunning	Inouye	Salazar
Burr	Isakson	Sanders
Byrd	Kennedy	Schumer
Cantwell	Kerry	Sessions
Cardin	Klobuchar	Shelby
Carper	Kohl	Smith
Casey	Kyl	Snowe
Chambliss	Landrieu	Specter
Clinton	Lautenberg	Stabenow
Coburn	Leahy	Stevens
Cochran	Levin	Sununu
Coleman	Lieberman	Tester
Collins	Lincoln	Thomas
Conrad	Lott	Thune
Corker	Lugar	Vitter
Cornyn	Martinez	Voinovich
Craig	McCain	Warner
Crapo	McCaskill	Webb
DeMint	McConnell	Whitehouse
Dole	Menendez	Wyden

NOT VOTING—7

Boxer	Gregg	Johnson
Dodd	Hutchison	
Ensign	Inhofe	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider and lay on the table is agreed to, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I announce to all Democratic Senators: We are having a caucus in Room S–219. The subject matter of this caucus is interesting.

I have a unanimous consent request that I am going to propound.

Mr. President, I ask you and the other Members to be patient. I am having a little script prepared for me to read.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUESTS

Mr. REID. Mr. President, I ask unanimous consent that when the Senate convenes on Monday, February 26, the Senate proceed to the consideration of H. Con. Res. 63, the House Iraq resolution; that there be 12 hours of debate; that the debate be divided equally between the two leaders; that no amendments or motions be in order; and that the Senate vote on passage of the concurrent resolution at the conclusion of that time.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, of course, I will object. This is right back where we were a week ago. As the distinguished majority leader and the distinguished majority whip have said on numerous occasions in the last couple of years, the Senate is not the House. Senate Republicans are going to insist on fair treatment on the most important issue on the minds of the American people today; that is, the war in Iraq. The Senate simply cannot—and I have heard Senator BYRD make these points on numerous occasions—cannot operate this way. The Senate Republicans insist on one or more amendments on the most important issue confronting our country—the war in Iraq.

What I had hoped was that the distinguished majority leader and myself would be able to work out a consent agreement that would allow us to have—he would pick his amendment, and it is apparent the amendment the majority would like to have is the House-passed concurrent resolution, and then there would be an alternative, at least one alternative. Many of my Members would like to have more than one alternative in this extremely important debate, but at least one alternative on this side of the choosing of the majority of Republicans. So, therefore, I object.

The PRESIDING OFFICER. Objection is heard. The majority leader is recognized.

Mr. REID. Mr. President, I have told the distinguished Republican leader that when we get to the matter dealing with implementing the 9/11 recommendations, that will be a vehicle which will be open to debate and amendment.

The unanimous consent request I propounded would complete work on the Iraq surge issue within a matter of hours, as I indicated, so that we could move within a day, 1 day, to 9/11 and amendments—Warner, Gregg, McCain, whatever amendments the minority wanted to offer; they would certainly be permitted to do that.

We find ourselves in a very unusual position, Mr. President. We tried to proceed to this matter before. Everyone has heard the arguments used to stop us from going forward on this issue. Cloture was not invoked. We need not go over all the reasons, some of which have been outlined by the distinguished Republican leader just a few minutes ago. But there have been those on the other side of the aisle who think we should be in next week. Mr. President, speaking for this Senator, I am happy to be in next week. If you want to be in next week, we can do that. I have things in Nevada I have wanted to do for a while because I have been here for 5 weeks, but that is OK, I can take care of that, as everyone else can, if necessary. But we find ourselves in the same position, that there is a hesitation on behalf of the minority to go forward on now a very simple matter—a very simple matter.

The Warner-Levin amendment was a little more complicated than the simple House measure which says we support the troops and we are against the surge. That is what we think should be disposed of quickly. We can move to 9/11, all the debates on other things people want to do with Iraq and other issues. Certainly, they can do that. We can spend considerable time on that. As long as progress is being made, there is no reason to file cloture. There are other things we need to do the following week during the work period.

We are anxious to go forward on this issue. We have, again, been stopped from doing that. All the plaintive cries about not being able to debate Iraq—there were opportunities to debate Iraq, and they were turned down. I was disappointed, as I said earlier today, that the people crying the loudest are the people against going forward on Iraq.

It is my understanding, Mr. President, that the order is Senator LEAHY has 1 hour right now.

The PRESIDING OFFICER. The Senator from Pennsylvania is to be recognized first for 10 minutes and then Senator LEAHY.

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, we are not here today, I assume, to debate the substance of the Iraq matter, but it is important to remember that both the majority leader and the majority whip in December were saying a surge might be a good idea, and now they are saying the only resolution we should have before the Senate is one condemning a surge. Let me repeat, that is not the way the Senate works.

So I would like to propose a unanimous consent request, Mr. President.

I ask unanimous consent that on Tuesday, February 27, at a time determined by the majority leader, after

consultation with the Republican leader, the Senate proceed en bloc to the following concurrent resolutions under the following agreement: a concurrent resolution, if received from the House, the text of which is at the desk; S. Con. Res. 7, the Warner resolution which is to be discharged from the Foreign Relations Committee; the McCain-Graham-Lieberman amendment regarding benchmarks; the Gregg amendment related to funding.

I further ask unanimous consent that there be a total of 12 hours of debate equally divided between the two leaders or their designees; provided further, that no amendments be in order to any of the measures; further, that at the use or yielding back of time, the Senate proceed to four consecutive votes on the adoption of the concurrent resolutions in the following order, with no further action or intervening debate: first, McCain-Lieberman-Graham, then Gregg, then Warner.

Finally, I ask unanimous consent that any resolution that does not receive 60 votes in the affirmative, the vote on the adoption be vitiated and the concurrent resolution be returned to its previous status.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, again, this is an attempt to divert attention from the issue before this body; that is, whether there should be a surge in Iraq. That is it—an escalation. And this attempt by my friend, the Republican leader, to divert attention from this very important resolution—we support the troops, we oppose the escalation—is now going to be obfuscated if, in fact, we agree to this request, and therefore we will not.

This body is going to have the opportunity to vote up or down if, in fact, we can proceed to the resolution. This body will have an opportunity to vote up or down: Do you support the troops? Do you support the surge?

I object.

The PRESIDING OFFICER. Objection is heard. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, if this were to be allowed, this would be the second bill in a row where no amendments would have been offered to a 49-member Republican minority. I have been here a couple of decades now, and I am having a hard time recalling a situation such as this. This is the kind of thing Senator BYRD would get on his feet and decry as inappropriate in a body that thrives on debate and resolution. It is astonishing to me that it is being suggested, on the single biggest issue confronting the American people, that we would have 1 choice, dictated by a Democratic majority of 51 in a body of 100. That is simply unacceptable to this side of the aisle.

I think the message here from this discussion this morning is that the majority leader and myself ought to sit down, work out a consent agreement, a reasonable consent agreement to both sides, and structure the debate for our return.

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

Mr. MCCONNELL. I will yield to the Senator from Arizona.

Mr. MCCAIN. Mr. President, is the minority leader aware of the content of the measure that is proposed by myself, Senator LIEBERMAN, Senator GRAHAM, and others? What it is, is a proposal to set up benchmarks but also to support the surge or the change in strategy.

Can the Republican leader explain to me why it is we shouldn't have a proposal that opposes the surge, with a vote on that, and a proposal that supports it and a vote on that?

I have only been around here 20 years, not nearly as long as Senator BYRD has, whom Senator MCCONNELL referred to, but aren't we allowed to have competing resolutions to debate, with time agreements, such as the minority leader proposed? Why in the world would we not agree to a resolution that would be in opposition to the resolution the majority leader insists on voting on by itself? I have never seen the Senate work this way. I have never seen the Senate only allow one proposal to be debated and voted on. We have a proposal that we think deserves debate and votes.

I ask the Senator from Kentucky, who has been here longer than I have been, if he has ever seen anything quite like this on a major, compelling, overwhelming issue before the American people?

Mr. MCCONNELL. Mr. President, I would say to my friend from Arizona that I am as astonished as he is.

This side was willing, after considerable discussion back and forth, to go down to one alternative, and the Senator from Arizona graciously agreed that his would not be the one, that we would offer the Gregg amendment. Even that was an astonishing concession on the part of the minority, an astonishing concession on the part of the minority to a rather narrow majority to get the debate going. The vote we had a week or so ago was to continue the debate.

The message is clear: The majority can gridlock the Senate over this issue with its insistence there be no choices or the majority leader and I can sit down and do what we should do, which is to reach a reasonable consent agreement for the consideration of alternatives on the single biggest issue confronting America today.

Mr. ROBERTS. Mr. President, will the minority leader yield for a question?

Mr. MCCONNELL. I will yield to the Senator from Kansas for a question.

Mr. ROBERTS. Mr. President, I just wanted to make it clear to myself and others what we are facing here; that is, there would be only one vote we would have on the resolution that was passed in the House, which I feel I could not vote for because it is nonbinding—it is, again, to support the troops but not the mission, which I think is certainly unique in regards to how people feel about this—and that, basically, the McCain resolution, which I support, which sets out the benchmarks to give to General Petraeus and to give to Prime Minister Maliki to gain some kind of catalyst or effort that would say: Look, this is where the Senate stands, and hopefully we can get these things done so that we can see some progress, to see if it is possible to achieve some security in Iraq and give that Government a political settlement. And the second amendment I am talking about is the one of Senator GREGG, as I understand it.

Mr. REID. Mr. President, I ask for regular order.

The PRESIDING OFFICER. Senators are allowed to yield for questions.

Mr. ROBERTS. Mr. President, I would just ask what the play is, if I can do that?

Mr. MCCONNELL. Mr. President, I say to my friend from Kansas that the status of the majority here is that we would have no alternatives at all.

Mr. ROBERTS. Mr. President, the one I would ask about, if I can ask a further question, is that of Senator FEINGOLD. It seems to me, if we are going to have a full debate, all choices need to be considered, and the amendment offered by Senator FEINGOLD should be considered and should be made in order. That has taken a lot of courage for him to offer such an amendment in a very forthright manner. I will say that I don't agree with it, but in discussions about the ramifications of all of these resolutions, which are nonbinding and which I call confetti resolutions because they do not do anything except send very difficult messages to everybody, I think that ought to be made in order and that ought to be a choice.

Mr. MCCONNELL. Mr. President, I would certainly agree with my friend from Kansas that it might be in order to have multiple amendments on the other side, but certainly that would be up to the other side to decide.

Let me just conclude before yielding the floor that the message here is clear: Senate Republicans are going to insist on being treated fairly. Secondly, I am hoping the majority leader and myself can structure an appropriate consent agreement so that we can consider this matter in the near future.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I wrote down the plaintive cries from my friends on the other side of the aisle: never seen the Senate work this way.

I say to my friend, the distinguished senior Member of this body, Senator BYRD, who has a fine memory, we have memories. Now, there are 10 Senators

here who may not, but we remember, on a multitude of issues when we were in the minority, when we had no opportunity to debate anything or to offer amendments on anything.

One of the other words issued was ''astonished.'' Mr. President, we are in the U.S. Senate. Anyone with any memory whatsoever understands how we were treated before, but when I became the majority leader, I said that I believed in the Golden Rule. I said I would treat people the way I want to be treated, that this is not any time to retaliate. In fact, I have followed the Golden Rule. We have had bills, such as the matter dealing with ethics or the matter dealing with minimum wage, and, of course, the CR we just finished had input from both sides or it would not have passed.

So I would say this: We can go with the unanimous consent request I have propounded, and within a few hours, when that day ended, the 12 hours ended, we could be on whatever amendments they wanted to offer to the homeland security measure.

I will go one step further than that. My friend from Arizona has suggested that he be allowed to offer his amendment. I would accept that, that we do the House-passed resolution and we do the McCain amendment and we spend 12 hours on those two matters the minute we get back here after this break, or if they want to do it tomorrow or Monday, I would agree to that.

So my proposal, without a lot of fancy words here, Mr. President, is we would take up the House measure that is now before this body—it is going through the process and is at the desk—and also do the McCain amendment. Those two matters, those two resolutions, one opposing the surge and one in favor of the surge. No other amendments would be in order. We could do that. We can have a debate on that, and then still, just a matter of hours later, we can move to homeland security, and the people who believed they had been left out of the debate could offer whatever amendments they wanted to on homeland security. That is my proposal.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, and I will object momentarily, once again the majority leader seeks to choose the Republican amendment. We were there last week when the majority leader indicated that he would agree to an amendment on each side but that he wanted to pick our amendment. So I am constrained to object on the basis that we on this side would choose, if we were to only have one resolution, what it would be. I, therefore, object.

Mr. President, I ask unanimous consent that on Tuesday, February 27, at a time determined by the majority leader, after consultation with the Republican leader, the Senate proceed en bloc to the following concurrent resolutions under the following agreement: a concurrent resolution, if received from the House, the text of which is at the desk; S. Con. Res. 7, the Warner resolution which is to be discharged from the Foreign Relations Committee; McCain-Lieberman-Graham regarding benchmarks; and Gregg related to funding.

I would further ask consent there be a total of 12 hours of debate equally divided between the two leaders or their designees; provided further that no amendments be in order to any of those measures; further, that at the use or yielding back of time, the Senate proceed to four consecutive votes on the adoption of the concurrent resolutions in the following order, with no further action or intervening debate: the Gregg amendment; S. Con. Res. 7, the Warner resolution; the House resolution; and the McCain-Lieberman-Graham benchmarks.

Finally, I ask consent that any resolution that does not receive 60 votes in the affirmative, the vote on the adoption be vitiated and the concurrent resolution be returned to its previous status.

Mr. REID. Mr. President, I ask that the request be modified to say that the amendments that would be in order would be the House measure to which we referred, where we are in favor of supporting the troops and against the surge, and the McCain amendment.

I would say editorially, Mr. President, that is what the Senator from Arizona asked, and we will give it to him. We will have that debate, one in favor of the surge and one against the surge.

I ask my friend to modify his request.

The PRESIDING OFFICER. Will the Republican leader modify his request?

Mr. MCCONNELL. Mr. President, I think the majority has already offered this suggestion just a while back.

Mr. REID. I am asking if the minority leader will modify his request.

Mr. MCCONNELL. I, therefore, object.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, the Senate has heard this song before. We heard it 2 weeks ago, and we have listened as seven or eight Members on the other side have come to the floor repeatedly day after day. They have sent letters and held press conferences saying they earnestly want us to move forward on this issue, though they voted against it. They voted against the motion for cloture that would have brought us to a debate on the issue, and it is on their own legislation.

We offered them two Republican amendments, the Warner amendment and the McCain amendment, one opposing the surge and one supporting the surge. They wouldn't accept it.

Mr. SPECTER. Regular order, Mr. President.

Mr. DURBIN. When they did not accept this, a cloture motion was filed on a motion to proceed, and they voted against it. They have come back since saying they want the opportunity to debate. They can't have it both ways.

The PRESIDING OFFICER. Regular order to proceed is called for. Under the previous order, the Senator from Pennsylvania is to be recognized for 10 minutes.

Mr. SPECTER. Mr. President, I had requested 10 minutes to speak on the judges, but I want to use a few moments here to talk about what is on the table.

We have just seen the Senate, for the better part of an hour, with a majority of the Senators on the floor, demonstrate gridlock and paralysis. I have an observation to make—and perhaps it would be an admonition or a warning—that the Senate is about to become irrelevant. We have, on the other side of the Rotunda, the House of Representatives taking up the issue of Iraq, which all Members here, with the speeches just made, agree is the most pressing issue facing the country, but the Senate can't address it. And the Senate can't address it because the majority leader has exercised his right under rule XV to fill the tree, which precludes any action by the Republicans, unless we Republicans exercise our right to withhold cloture.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. SPECTER. I will be glad to yield but on additional time.

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

Mr. SPECTER. I will yield to the Senator from West Virginia for a question.

Mr. BYRD. Mr. President, I just want to interpose a point here.

I think I heard the Senator make reference to the majority leader having the right to fill the tree. No, he doesn't. He does not. He has the right if no other Senator seeks recognition. But once the majority makes a motion or sends an amendment to the desk, at that second he loses the floor until the Chair states its business, and while he has lost the floor, another Senator can seek recognition. I merely make the point the majority leader does not have ''the right.'' No other Senator has ''the right'' to fill the tree. If other Senators do not intervene, then of course he will fill it.

Mr. SPECTER. Mr. President, if I may regain the floor because I have a very limited time, my observations after being here for 26 years-plus are that when the majority leader then seeks recognition again, he gets it.

Mr. BYRD. Yes.

Mr. SPECTER. And when he makes the amendment in the first-degree and then he seeks recognition again, he gets it, an amendment in the second degree, and he does fill the tree.

Last week I proposed to change the rule. This rule has been exercised by Senator Dole, Senator Mitchell, Senator BYRD, and all the majority leaders in the last two decades. I think it is time we change the rule.

We are not going to change the rule now. But I do believe that the Senate is in real danger of becoming irrelevant. I don't think we ought to be dominant over the House of Representatives, but I think we ought to at least be equal.

Mr. BYRD. Will the Senator yield?

Mr. SPECTER. No; I wish to finish. I think we ought to at least be equal. What we have is that we are close to anarchy. We have been debating the debate all week. The House has rules which we wouldn't want, where the Rules Committee goes off and comes back and limits what the House of Representatives can do. Sometimes that is despotism, and between anarchy and despotism, it is a fairly tough choice. But right now, I am finding it difficult—impossible—to answer my constituents about what the Senate is doing. I tell them the tree is filled. They think I am talking about an orchard. I tell them we are debating whether we are going to have a debate, and they can't understand what we are doing.

I counted the Senators on the floor during the exchange between the majority leader and the Republican leader. We had more than 50 Senators here sitting around on the debate for a debate without reaching a resolution. I think Senator MCCONNELL is correct. I do not say that in the partisan sense, if I can attract the attention of the distinguished Republican leader. I think he is correct. But I repeat I do not say it in a partisan sense. There ought to be an accommodation and there ought to be an agreement reached between the leaders. When you have the proposal to have a variety of resolutions, that is the way of the Senate.

Senator MCCAIN has been here for 20 years. Senator MCCONNELL has been here for 22 years. I have been here for 26 years. Senator BYRD has been here for—I can't count that high—48 years, going onto 49. This is not the way the Senate ought to work. But it is the way the Senate has worked, with all the majority leaders in the last two decades exercising their right of recognition and filling the tree and tying up the Senate.

Now the Senate is finally caught. We are finally caught where America and the world sees what we are doing. It is a little ridiculous to have this kind of gridlock and this kind of paralysis.

How much time do I have left, Mr. President? I have to talk about the judges.

The PRESIDING OFFICER. The Senator has 4 minutes 40 seconds.

Mr. SPECTER. Let me yield to the Senator from West Virginia who wanted recognition—for a question.

Mr. BYRD. Mr. President, I thank the distinguished Senator for yielding. I have this comment. First of all, I wish to congratulate the Senator. He is very observant. He is concerned about the Senate. He understands the rules. But while he understands the rules, we do not need any more rules. We have rules. Senators need to insist on their rights as Senators and they ought to speak up so they can be heard and they ought to pay attention. We don't need new rules. We have rules that have been here for many years, and they have been tried and tried and tried again. We need to read the rules. Senators should read the rules and Senators should understand that they are Senators and they should be proud of that fact. We should demand that the rules be observed. I could do that. Every Senator can. We don't need new rules. We simply need to understand the rules we have. We need to insist on those rules, and the Chair ought as well to insist that the rules be observed.

No Senator needs to seek recognition to have the rules observed.

Mr. SPECTER. Mr. President, regular order. May I reclaim my time?

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. How much time remains, Mr. President?

The PRESIDING OFFICER. Three minutes.

Mr. STEVENS. Will the Senator yield to me for a parliamentary inquiry? What is the time situation? The Senator has 3 more minutes. What follows the Senator?

The PRESIDING OFFICER. The Senator from Vermont has 1 hour in morning business, succeeded by the Republican leader.

Mr. STEVENS. I have been around for a little while. I would like to see if I could have 3 minutes following the Senator from Pennsylvania.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, reserving the right to object, I have yielded already to Senator SPECTER on my hour. So far I have been dramatically changing and changing the schedule of my office to accommodate everybody. The Senator from Alaska is one of the oldest and dearest friends I have here. If he wants 3 minutes, I will not object to him following Senator SPECTER for 3 minutes. But then I will insist and will not yield on my hour after that because we created too many problems already in my schedule.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, on the sequence of speakers, I ask that following Senator LEAHY's 1 hour, there be 5 minutes for Senator CRAPO and 5 minutes for Senator CRAIG to talk about a judicial nomination.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. As a final statement, it is my hope that the majority leader, Senator REID, and Republican leader, Senator MCCONNELL, before the day is up, will come to terms and will announce some accommodation so that there can be a fair resolution of the debate—so this body does not become irrelevant and we do not present a picture to the American people of gridlock and paralysis, but we show we are still the world's greatest deliberative body because we are about to cede that title to the House of Representatives which as we speak is deliberating, which we are not doing—and that we take up the Iraqi issue and we show the American people and the world we can reach an accommodation, we can debate in accordance with the traditions of the Senate.

I ask my colleagues to seriously consider the resolution I introduced to change rule XV.

I agree with Senator BYRD. We do not need more rules, but we need a little modification of rule XV.

I thank my colleague from Vermont and yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I have not been here as long as my good friend from West Virginia, but I am the senior Member of this side. I cannot remember a time when we tied together the concept of filing a first-degree amendment, then a second-degree amendment, with cloture so it entirely shut off any participation by the minority. It has been stated here it has happened. I do not recall that. I do recall back in the days of the Clinton administration, Senator BYRD had a proposal, a similar proposal, but we had a big ruckus. I am sure the Senator remembers. Senator Dole was our minority leader then.

This is a defining moment for the Senate. Because as the Senator from Pennsylvania has indicated, if the majority of one can go to the House and negotiate a bill and bring it back and there are not going to be any amendments, we are going to file a first-degree amendment, a second-degree amendment, and have cloture or else—the Senate is totally irrelevant.

Having been in the minority and in the majority, I think the majority ought to think twice. There is only one vote difference here right now, two votes when our good friend from South Dakota comes back. But as a practical matter, the rights of the minority—really the whole country—depend upon the minority in the Senate having an opportunity to voice some of the concerns about what has happened in the House.

I say, in all sincerity, this is a defining moment. I believe the message we are trying to send on this Iraq resolution is wrong. I think it is harming the people who represent us in Iraq and Afghanistan. Even Afghanistan is coming back. We are going to have to send a new group, the 175th, over there to deal with al-Qaida in Afghanistan, again.

Our people need support, and we need to be able to articulate the reasons why we support them. If we follow the outline of the majority leader, we will not have that chance except by talking and talking. But no amendments.

It is not right. It is not the Senate. I do not intend to stand by and see the

Senate lose its role under the Constitution to be the second House of the Congress. This is not a rubberstamp for the House. That is what we will be if we follow the intention of the majority leader now.

Mr. LOTT. What is the order, Mr. President?

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. TESTER). Under the previous order, the Senate will resume legislative session.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will conduct a period of morning business.

The Senator from Vermont is recognized for 60 minutes.

Mr. LEAHY. Mr. President, I am going to speak on Iraq, but first—I see the distinguished Senator from Mississippi and the distinguished Senator from Pennsylvania on the floor—I will introduce a bill on behalf of myself, Senator SPECTER, Senator LOTT, and Senator REID, regarding the insurance industry.

(The remarks of Mr. LEAHY, Mr. LOTT and Mr. SPECTER pertaining to the introduction of S. 618 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

IRAQ

Mr. LEAHY. Mr. President, earlier today there was a lot of discussion here about whether and how we should have a debate on the Iraq war. I cannot think of any issue more important to the Senate.

I have said many times that the 100 men and women who serve here are privileged to do so. Someday, someone from our State will replace us. That is the genius of the Founders of this country. However, there are only 100 Members. There are 300 million Americans. The 300 million Americans expect the 100 Senators to speak for them. They do not have that opportunity themselves.

I consider it a great privilege to be here. I used to sit up in the gallery when I was a law student and watch the Senate, and I thought then as I do today that the Senate should be and often is the conscience of the Nation.

I heard the debates during the time of the Vietnam war. I became the only Vermonter to actually vote on whether to continue that war. Today, we have a different war but many people in this country are as concerned. Those for the war in Iraq, those against the war in Iraq.

I go to my State of Vermont and everywhere I go, whether I am in buying groceries and people come talk to me or I am at the gas station or if I am shoveling snow—and yesterday we had 2½ feet of snow at my home in Vermont—people stop and want to talk about the war in Iraq. My guess is it is no different in any other State.

These are very patriotic, very honest, very concerned people, and they have legitimate questions. They always ask: Why isn't the Senate debating the war in Iraq?

A week ago, Senator REID, the distinguished majority leader, tried every which way to provide the Senate with an opportunity to debate a bipartisan resolution on Iraq. That effort failed, and it failed again earlier today. It was blocked by some in the Republican Party who insisted on a separate vote that was nothing more than a political ploy. Instead of a debate on the President's policy, they wanted the debate to be about who supports the troops. We all support the troops, but we have some very different views about the President's policy that put brave American men and women in harm's way.

As so often is the case when anyone asked a question, expressed reservations or outright opposed the President's policy in Iraq, the President's defenders accuse his detractors of not being patriotic or of not supporting the troops. What blatant balderdash that is.

For years I have fought for veterans' benefits, for fair treatment for the National Guard, for armor for our troops who were sent by this administration into battle unprepared—and still, 5 years later don't have the armor their vehicles need to withstand the roadside bomb blasts. I have fought to replace the depleted stocks of equipment that our troops need and depend upon so their families do not have to send to them what the Government should be providing. The absurd accusation that it is unpatriotic to disagree with a policy that has resulted in the deaths of thousands of American soldiers and created a terrorists' haven in a country that, before our invasion, posed no threat to the United States, has worn thin.

It reminds me of my days as a prosecutor, when a defendant was caught red-handed. What would they do? They would usually attack the accuser. They could not say ''You caught me breaking and entering.'' Rather, their defense was ''I was set up.'' Or ''He made me do it.'' That is what has been going on since President Bush, Vice President CHENEY, and former Secretary of Defense Rumsfeld ignored all advice to the contrary and led us into this costly fiasco.

These are the people who, when they had a chance to get Osama bin Laden—and we all want to see Osama bin Laden brought to justice for the attacks on September 11—when they had him cornered in Afghanistan, they decided instead to invade Iraq. Iraq did not pose a threat. Iraq did not have weapons of mass destruction. The intelligence was as equivocal as it was distorted and manipulated. But the President was fixated on Iraq, and he has remained so ever since.

Remember how the Vice President confidently said we would be welcomed as liberators? Some welcome. Remember the President, dressed up in a flight suit on an aircraft carrier so he could make a rousing speech under the sign ''Mission Accomplished.'' Thousands of Americans have been killed or injured in Iraq in the years since that phony photo op.

The flawed policies of this administration have thrust our troops into the maw of a bloody civil war. Our troops are not responsible for the mistaken policies they have been asked to implement. Policymakers in Washington are responsible for that and only we can change those policies.

My youngest son was a member of the Marine Corps. He was called up during the first Gulf War. He saluted and was ready to do his duty, as are all the loyal men and women in our armed services. That was a different war. Thank God it was over so quickly. Neither he nor many others called up were in harm's way.

But the policymakers made this policy and only they can change it, not the troops on the ground. The polls show, unmistakably, that a majority of the American people want the Congress to debate and vote on the Iraq war. They know it is the key issue of the day. They see it is a widening civil war. They want their sons and daughters to come home pursuant to as sensible a plan as we can muster.

It is that simple. We ought to be debating that. If there are Senators who feel the troops should be there longer, that more of them should be sent there, then come to the Senate and say so. But also, there are those who feel we have to do all we can to bring our men and women home. We should have the opportunity to debate and vote on it.

The costs of this misadventure have not just been onerous, they have been catastrophic. More than 3,000 Americans killed, more than 20,000 wounded. My wife and I have visited some of the wounded. These are devastating wounds, crippling wounds, blinding wounds, wounds that disable people for the rest of their lives. And tens of thousands of innocent Iraqis have lost their lives.

In material terms, we are fast approaching the $1 trillion mark. We are throwing money out the door at a rate of more than $2 billion per week to fund this war. We are told about the things we cannot afford in America because we have to fund the war in Iraq. We are cutting funds for law enforcement, for police on our streets so we can pay for police in Iraq. We can't upgrade our hospitals. And on and on.

And the international reputation of America, which has brought us great influence, has now been tarnished, especially among our allies, tarnished and diminished.

Where are we in Iraq? We are in the midst of a civil war among religious and ethnic factions, an insurgency that

shows no signs of diminishing and out-of-control organized crime. It is hard to say we have made any real progress toward the larger objective of bringing democracy to Iraq and the Middle East.

It is time we face this grim reality. Our soldiers' lives are in the balance. America's reputation is in the balance. America's ability to set an example for the rest of the world is in the balance.

I made a brief statement on Tuesday about a column in last Sunday's Washington Post by retired LTG William Odom. I know General Odom. I worked with him on some of the most significant intelligence matters in this country. He has one of the most distinguished military intelligence careers. He continues to provide powerful insights on national security. In his piece entitled ''Victory Is Not An Option,'' he outlines how this administration's entire policy in Iraq, including the so-called surge strategy, is based on a self-defeating inability to face reality.

The reality, according to the general, is that we are not going to make Iraq a democracy. The longer we stay, the more likely Iraq will be anti-American at the end of our intervention. Think of that, after $1 trillion.

Our invasion made civil war and increased Iranian influence inevitable. No amount of military force will prevent those outcomes. Meanwhile, our presence is only stoking al-Qaida's involvement in Iraq.

The reality is that supporting our troops does not mean keeping them there to carry out a failed strategy. It means pursuing a course that protects the country's interests and prevents more Americans from dying in pursuit of an ill-defined, open-ended strategy that cannot succeed.

General Odom knows we need to begin an orderly withdrawal from Iraq. He argues we should join with other countries in the region, those whose input this administration has often ignored, and seek to stabilize the region through sustained, high-level diplomacy. These views are in line with those of some of our senior military officers, national security experts and many in Congress, and I might say a majority of the American people. The people we are here to represent.

Look at what the administration and defenders of the Republican Party offer instead: We get filibusters when it is time to debate the President's Iraq policy, we get the same old rhetoric about not supporting the troops, and we get a bill from the President for another $100 billion to send 20,000 more troops and continue the war. If the President cannot face the reality that even some Members of his own party increasingly have come to accept, then it is our responsibility—I would also say our patriotic duty and our moral duty—to act.

A nonbinding resolution that sends a clear message in opposition to an escalation of troops is far better than the years of silence of a rubberstamp Congress. But we know the President will ignore it. He has already said so. We know it is only a first step.

I will support binding legislation by Senators OBAMA and FEINGOLD to begin a phased redeployment of our troops out of Iraq. It is not our role to choose sides in this civil war, and it is a prescription for disaster. It is not our troops' role to die trying to force these warring factions to settle their age-old differences.

We need to continue to fight the Taliban and al-Qaida in Afghanistan. We need to deploy sufficient forces and intelligence assets to track down international terrorists around the world. We need to do a lot better job of policing our borders, without denying entry to innocent people who are fleeing persecution.

General Odom is right, keeping our troops in Iraq is not making us safer. We should be bringing our troops home. We should be bringing them home with the thanks of a nation for doing their duty. Congress has the power to force the President to change course. That is what the American people want. That is what we should be debating.

UNANIMOUS-CONSENT REQUEST—S. 214

Mr. LEAHY. Mr. President, I am about to propound a unanimous consent request. I saw the distinguished Senator from Arizona on the floor a moment ago, and I told him I would notify him because I know he is going to object. I also see the distinguished Senator from Idaho, who will. But, Mr. President, what I am going to do is the following: I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 24, S. 214, a bill to preserve the independence of U.S. attorneys, that the committee-reported amendment be agreed to, the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. And I will not object, but I wish to say a word before we proceed further. I just want to urge my colleagues to accept this unanimous consent request by Senator LEAHY to move forward legislation on restoring the longtime procedure for appointing interim U.S. attorneys.

I ask unanimous consent that after objection is heard, if it is heard, Senator LEAHY be permitted to yield 5 minutes to me and then he immediately regain the floor.

The PRESIDING OFFICER. There is one unanimous consent request pending at this time, and that needs to be resolved before we move forward.

Mr. LEAHY. Mr. President, parliamentary inquiry: How much time is remaining of the hour the Senator from Vermont has?

The PRESIDING OFFICER. Twenty-eight minutes.

Mr. LEAHY. Mr. President, I know people are about to object. I can assure the Senator from New York—so he will not have to repeat his request—that he is going to be getting time after the objection is made. I am going to make a statement, a very short statement, but I will yield at the appropriate time.

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

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont?

The Senator from Idaho.

Mr. CRAPO. Mr. President, it is my understanding the Senator from Arizona does desire to object to this unanimous consent proposal and could not be here on the floor, so on his behalf, I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Vermont.

Mr. LEAHY. Mr. President, last week, the Judiciary Committee reached a bipartisan consensus to reverse recent changes to the law governing appointments of interim U.S. attorneys. These changes were made, with little transparency, during final negotiations of the reauthorization of the USA Patriot Act. Through my staff, I had objected at the time, but to no avail. These changes invited and abetted an apparent abuse of power by this administration that threatens to undermine the effectiveness and professionalism of U.S. attorneys offices around the country.

I continue to support Senator FEINSTEIN's efforts to combat these abuses. I thank Senator SCHUMER for chairing our hearing into this matter last week and Senator SPECTER for his active involvement, which helped lead to a bipartisan solution. I urge the Senate to follow the committee's lead and approve the Specter, Feinstein, Leahy substitute to S. 214, the Preserving United States Attorney Independence Act of 2007.

During the Patriot Act reauthorization last year, checks on the authority of the Attorney General to appoint interim U.S. attorneys to fill a vacancy temporarily were removed. The change to the law removed the 120-day limit for such appointments and removed the district court's role in making any subsequent interim appoints. This change in law, accomplished over my objection, allowed the Attorney General for the first time to make so-called interim appointments that could last indefinitely.

Regrettably, we do not have to imagine the effects of this unfettered authority. We learned recently that the Department of Justice has asked several outstanding U.S. attorneys from around the country to resign their positions. Some are engaged in difficult and complex public corruption cases. Yesterday, one of the U.S. attorneys who has been told to resign, Carol Lam of the Southern District of California,

announced two indictments stemming from her office's investigation of now-convicted former Congressman Randall ''Duke'' Cunningham. A Federal grand jury handed up indictments of San Diego defense contractor Brent R. Wilkes for bribery and of Wilkes and the former No. 3 official at the CIA, Kyle ''Dusty'' Foggo, for conspiring to defraud the United States. Apparently, Ms. Lam's reward for her efforts at rooting out serious public corruption is a pink slip.

We also understand the Attorney General has or is planning to appoint interim replacements for the U.S. attorneys he is removing, raising a potential of avoiding the Senate confirmation process altogether. This is an end-run around our system of checks and balances.

Many Senators have raised concerns about this practice, and several have asked the Attorney General about the reasons for the interim appointments. The situation in Arkansas highlights the troubling nature of this new authority and its abuse. The Attorney General removed respected U.S. attorney Bud Cummins and replaced him with the interim appointment of Tim Griffin, a former political operative for Karl Rove. This appointment was not made pursuant to an agreement with the two home State Senators.

In our hearing last week, Paul McNulty, the second in command at the Department of Justice, testified that Mr. Cummins' dismissal was not related to how well he did his job. In fact, Mr. MCNULTY said he had no ''performance problems,'' but was removed merely to give an opportunity to Mr. Griffin, a person whom he admitted was not the ''best person possible'' for the job and who is reported to have been involved in an effort during the 2004 election to challenge voting by primarily African-American voters serving in the Armed Forces overseas. This was not a vacancy created by necessity or emergency. This was a vacancy created by choice to advance a political crony.

Since this administration has been creating these vacancies by removing U.S. attorneys as it chooses for whatever reason—or no good reason—on a timeline it dictates, how can it now claim not to have had time to fill spots with Senate-confirmed nominees? Why were agreed upon replacements not lined up before creating these vacancies? Why were home State Senators not consulted in advance? I would note that every one of the U.S. attorneys who was asked to resign was someone chosen by this administration, while the Attorney General served as White House counsel, nominated by this President, approved by the home State Senators and confirmed by the Senate. This is a problem of the administration's imagination and choosing, like so many others.

With respect to the law that has governed for the last few decades, the authority given to the Attorney General to make a time-limited interim appointment has not proven to be a problem. For example, last Congress, the time from nomination to confirmation of U.S. attorney nominations took an average of 71 days, with only three taking longer than 120 days and two of those only a few days longer.

The Department opposes the district court's role in the law that existed prior to the changes enacted in a Patriot Act reauthorization conference. This was a conference in which Democratic Members were excluded. The Department claims the district court's role in filling vacancies beyond 120 days to be inconsistent with sound separation of powers principles. That is contrary to the Constitution, our history and our practices. In fact, the practice of judicial officers appointing officers of the court is well established in our history and from the earliest days. Morrison v. Olson should have laid to rest the so-called separation of powers concern now being trumpeted to justify these political maneuvers within the Justice Department. It is not just a red hearing but a bright red herring. Certainly no Republicans now defending this administration voiced concern when a panel of judges appointed Ken Starr to spend millions in taxpayer dollars going after President Clinton as a court-appointed prosecutor.

I have heard not a word from the apologists who seek to use the Constitution as a shield for these activities about what the Constitution says. The Constitution provides congressional power to direct the appointment power. In article II, the part of the Constitution that this administration reads as if it says that all power resides with the President, the President's appointment power is limited by the power of Congress. Indeed, between its provisions calling for appointments with the advice and consent of the Senate and for the President's limited power to make recess appointments, the Constitution provides:

> But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the Heads of Departments.

Thus, the Constitution contemplates exactly what our statutes and practices have always provided. Congress is well within its authority when it vests in the courts a share of the appointment power for those who appear before them.

Regrettably, this latest abuse of power follows this administration's politicization of U.S. attorneys offices. A recent study of Federal investigations of elected officials and candidates shows that the Bush Justice Department has pursued Democrats far more than Republicans. The study by Dr. Donald C. Shields, professor emeritus from the Department of Communication, University of Missouri-St. Louis, and Dr. John F. Cragan, professor emeritus from the Department of Communication, Illinois State University, found that between 2001 and 2006, 79 percent of the elected officials and candidates who have faced a Federal investigation were Democrats and only 18 percent Republicans. The administration's track record is not good and it again appears caught with its hand in the cookie jar.

Before 1986, 28 U.S.C. 546, the law governing the appointment of U.S. attorneys, authorized the district court where a vacancy exists to appoint a person to serve until the President appointed a person to fill that vacancy with the advice and consent of the Senate. When Congress changed the law in 1986 to allow the Attorney General to appoint an interim U.S. attorney, it carefully circumscribed that authority by limiting it to 120 days, after which the district court would make any further interim appointment needed. I was pleased that Senator FEINSTEIN worked so hard with Senator SPECTER to craft a worthwhile consensus measure to reinstate these vital limits on the Attorney General's authority and bring back incentives for the administration to fill vacancies with Senate-confirmable nominees. This measure has bipartisan support on the committee. We reported it out 13–6 after debating and voting down several amendments.

U.S. attorneys around the country are the chief Federal law enforcement officers in their States, and they have an enormous responsibility for implementing antiterrorism efforts, bringing important and often difficult cases, and taking the lead to fight public corruption. It is vital that those holding these vital positions be free from any inappropriate influence and subject to the check and balance of the confirmation process. The Specter, Feinstein, Leahy substitute to S. 214 is a measure that passed our committee with bipartisan support and I urge the Senate to take it up and pass it today so that we can curb the abuses we have seen.

Mr. President, how much time is remaining?

The PRESIDING OFFICER. Twenty-one minutes.

Mr. LEAHY. Mr. President, I ask unanimous consent that 7 minutes of my time be yielded to the Senator from New York—does the Senator want more than that?

Mr. SCHUMER. I will take 5.

Mr. LEAHY. That 5 minutes of my time be yielded to the Senator from New York and the remainder of my time be yielded to the Senator from California.

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

The Senator from New York.

Mr. SCHUMER. Mr. President, first, I thank our leader on the Judiciary Committee, the Senator from Vermont, for his leadership on this issue, as well as for yielding time. It is unfortunate that the unanimous consent request of the Senator from Vermont was objected to.

Now, I would like to report to my colleagues on both the hearing we had,

which is public record, and, more to the point, the private meeting we had yesterday with the Deputy Attorney General, Mr. McNulty, who was gracious and who is a very fine person. But neither the hearing nor the private meeting we had allayed our fears. In fact, they increased them in a variety of ways.

As we know, at least seven U.S. attorneys were summarily fired in recent weeks. The Attorney General has flatly denied that politics has played a part. But the bottom line is, even at the hearing it was admitted that one U.S. attorney was fired without cause and replaced by somebody who had worked for Karl Rove and the Republican National Committee and did not have much of a record being a prosecutor. Even more troubling was the firing of the U.S. attorney from San Diego, of the Southern District of California, who was in the midst of a very high-level investigation that led to the conviction of Congressman Cunningham and, yesterday, the indictment of two more in that. So it is hardly a concluded investigation.

The bottom line at yesterday's briefing by the Deputy Attorney General did little to alleviate our concerns that politics was involved in several of these firings and, in fact, raised those concerns.

It seems, when you have a preliminary look—we did not get a look—but a preliminary description of the EER reports, the evaluations, that most of the U.S. attorneys, not all but most of the U.S. attorneys who were fired had very fine recommendations.

There were a few policy disputes, but particularly in the area of the U.S. attorney from the Southern District of California, in the midst of an ongoing investigation, there was some policy disagreement about how to deal with those crossing the border. She was told to change it. And there is no knowledge or observation whether she changed it or not, and yet she was fired in the midst of a much more serious, much more high-profile political investigation.

So the idea that people were fired for no cause, the idea that some may have been—and this is not proven, but certainly the hearing and the private meeting increased rather than decreased my concerns—fired for political reasons because they may have either, in some cases, not done what the Justice Department wanted them to do—particularly, remember, this was right before election time—or may have been going forward with a very serious investigation into local political officials remains a real possibility.

We asked to see the EER reports at the hearing. At the private meeting yesterday, Paul McNulty, Deputy U.S. Attorney General, said some of the information was taken under confidence. These are evaluations, and they ask lawyers, judges, fellow U.S. attorneys how the office is doing and how the U.S. attorney is doing. And if they were to reveal their names, it might jeopardize the confidentiality of future EER reports. That is a reasonable assertion. So we asked, could we get the reports and redact the names of those who were saying this is a good or bad U.S. attorney? Mr. McNulty said he would get back to us on the issue. We await.

But make no mistake about it: We will get those EER reports. Either they will be given to us with the necessary redaction—and I have spoken to my colleague from California, Senator FEINSTEIN—or we will ask Senator LEAHY, our leader on this issue, through the Judiciary Committee to subpoena them. We will see them. If they show that the U.S. attorneys were doing a good job, if they show that they were people who should be there, there will be real trouble.

It means two things. First, we will get to the bottom of this. There are still too many troubling questions out there. If we have to have another hearing, we will. Second, it means whatever the investigation finds, there is enough troubling evidence out there now that the legislation Senator FEINSTEIN has authored, and Senator LEAHY and myself have cosponsored, should be passed immediately. Therefore, it is regrettable there was objection that we don't move to rectify the situation and do it right now.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from New York for holding the hearing in his subcommittee, for his leadership, for understanding what is at stake, and for being willing to be out in front on doing something about it.

What I want to do for the American public is lay out the history of this particular issue and place it in context.

Unbeknownst to any of us, in March 2006, in the PATRIOT Act reauthorization, a provision was included that allows the Attorney General to appoint an interim U.S. attorney for an indefinite period of time. You might ask, what is wrong with that? What is wrong is that it avoids Senate confirmation. Prior to this change, the law stated that the Attorney General could appoint interim U.S. attorneys but only for 120 days. After that time, the authority to appoint an interim U.S. attorney would fall to the district court. Why? Because that provided an incentive to the administration to present a U.S. attorney nominee to the Senate for hearing, for questions, for review, and for a vote on confirmation.

This structure created in 2006 was relatively new. It was enacted during the Reagan administration in a broader bill by Strom Thurmond that was described as a technical corrections bill on criminal procedures. Before that, from 1898 until the Thurmond bill was enacted, district courts held the sole authority to appoint interim U.S. attorneys. That existed for almost 100 years. It was critical then, as it is now, that all U.S. attorneys receive Senate confirmation. By having the district courts make that interim appointment, it assured that the confirmation would take place.

No one expected the rash of firings from the Department of Justice. I first learned about the Department's actions early in January. At that time I learned that main Justice in Washington had placed calls to at least seven, possibly more, U.S. attorneys and asked them to resign by a date specific in January. I was also told that the intention was to bring in outside lawyers from main Justice or from elsewhere to take over these posts and to serve without confirmation for the remainder of the Bush presidency.

The Department of Justice has now acknowledged in public and at a hearing that such calls were made to ''less than 10'' U.S. attorneys asking them to step aside. We also know that prior to this action, there were already 13 U.S. attorney vacancies pending, with only two nominations presented by the administration to the Judiciary Committee. This means that if you add the 7 to 10 U.S. attorneys who were asked to resign to the current 11 vacancies without nominees, there could be between 18 and 21 U.S. attorney positions throughout the country that the Attorney General could fill without securing Senate confirmation. That is over 20 percent of U.S. attorneys nationally that could be filled for the remaining 2 years of the Bush presidency without going through Senate confirmation.

This new provision slipped into the PATRIOT Act would also allow the next President to put in place all 93 U.S. attorneys and let them serve the entire 4-year term without the benefit of confirmation. This change was a mistake. I suspect the amendment to the PATRIOT Act came from the Justice Department, was quietly put in the bill, and none of us at the time were the wiser. And then suddenly, at a certain point, the Justice Department said: OK, let's begin to remove some of these people and give some of our own bright young people an opportunity to step up and become a U.S. attorney. This is wrong, and the Justice Department has backed away from it.

Let me talk about a few of the U.S. attorneys involved. According to press reports, at least three were given glowing reviews from their performance audits in the recent past. According to the Las Vegas Review-Journal, Daniel Bogden, the U.S. Attorney for Nevada, said Wednesday that he was stunned to hear the Department of Justice requested that he step down from his post because of performance reasons. He went on to say:

> To this date, no one from the department has previously identified any issues with my performance or the performance of my office.

A similar story has surfaced about Washington U.S. Attorney John McKay. The Seattle Times reported last week:

Seven months before he was forced to resign as U.S. attorney for the western district of Washington, John McKay received a glowing performance review from Justice Department evaluators.

The article went on to quote the report which stated:

''McKay is an effective, well-regarded and capable leader of the [U.S. attorney's office]'' . . . according to the team of 27 Justice Department officials.

Yet on December 7th, Michael Battle, director of the Justice Department's executive office for U.S. attorneys, called McKay and asked him to step down.

''I was told to resign by the end of January,'' McKay confirmed . . . ''I asked what the reason was, and they told me there was none.''

Then, of course, there is former-Arkansas U.S. Attorney Bud Cummins. In a story that ran last month, Mr. Cummins stated that the Director of the Executive Office of U.S. Attorneys, Michael Battle, made it clear that although he was being asked to leave, ''it was not about me but about their desire to give someone else the opportunity to have the appointment.''

Mr. Cummins said he specifically asked if his job performance was a problem when he got the call:

[Mr. Battle] assured me it was exactly to the contrary.

These are three cases that have been documented where U.S. attorneys did not have any performance-related concerns as alleged by the Department. In addition, I have heard similar reports about other U.S. attorneys. I want to speak in specific about one. That is the U.S. Attorney from San Diego, CA. Today is U.S. Attorney Carol Lam's last day in office. I want to commend her. I thank her for the work she has done in that office. She was sworn in as U.S. attorney in September of 2002 and was appointed by the President in November 2002. Prior to serving as U.S. attorney, she was a judge of the Superior Court of San Diego, and she served as an assistant U.S. attorney in the southern district of California for 11 years. So she was no newcomer. She has been successful in bringing many of the country's most important corruption cases. I want to go through a few of them.

In March of 2004, Steven Mark Lash, the former chief financial officer of FPA Medical Management, was sentenced for his role in defrauding shareholders and lenders of FPA. The collapse of the company left more than 1,600 doctors being owed more than $60 million and patients reported being unable to obtain medical care because FPA had ceased paying providers. Thank you, Carol Lam.

In January 2005, Mark Anthony Kolowich, owner of World Express Rx, pled guilty to conspiracy to selling counterfeit pharmaceuticals, conspiracy to commit mail fraud and smuggle pharmaceuticals, and conspiracy to launder money. Mr. Kolowich had run an Internet pharmacy Web site where customers could order prescription drugs without a valid prescription. The judge called him the kingpin and architect of an elicit pharmaceutical ring that recruited many others to smuggle drugs across the United States-Mexico border at San Ysidro. Ms. Lam also announced that charges had been filed against five other individuals in a related case involving MyRxForLess.com. Thank you, Carol Lam.

In July 2005, Ms. Lam brought a case against San Diego councilman Ralph Inzunza, along with Las Vegas lobbyist Lance Malone, were convicted on multiple counts of extortion, wire fraud conspiracy, and wire fraud. They were accused of trading money for efforts to repeal a law.

In November 2005, Ms. Lam secured a guilty plea from former Representative Randy ''Duke'' Cunningham for taking more than $2 million in bribes in a criminal conspiracy case involving at least three defense contractors, after he accepted cash and gifts and then tried to influence the Defense Department on behalf of donors. He also pled guilty to a separate tax evasion violation for failing to disclose income in 2004. Thank you, Carol Lam.

In addition, earlier this week, Carol Lam announced two more indictments of Kyl ''Dusty'' Foggo, former top officer at the CIA, and Brent Wilkes, a defense contractor accused of bribing Duke Cunningham and the prime benefactor of the secret CIA contracts. Thank you, Carol Lam.

This woman was called and told to resign by a date specific, after she has done all of this good work. Ms. Lam and the San Diego U.S. Attorney's office have also pursued and successfully prosecuted other important cases, including:

In September 2005, the president of the San Diego chapter of Hell's Angels pled guilty to conspiracy to commit racketeering. Guy Russell Castiglione admitted that he conspired to kill members of a rival motorcycle gang, the Mongols, and to sell methamphetamine. Thank you, Carol Lam.

Then in December 2005, Daymond Buchanan, member of Hells Angels, was sentenced to 92 months in Federal prison for participating in a pattern of racketeering. He admitted in his guilty plea that he and other Hell's Angels also inflicted serious bodily injury upon one victim and that another Hell's Angel brandished a firearm during the offense.

At that time, Ms. Lam announced:

With the president, sergeant at arms, secretary, treasurer, and six other members of the Hell's Angels convicted of racketeering charges and facing long prison sentences, the San Diego chapter of the Hell's Angels has been effectively shut down for the foreseeable future.

Thank you, Carol Lam. And what does she get? Fired without cause.

In September, 2006, Jose Ernesto Beltran-Quinonez, a Mexican national, pleaded guilty to making false statements about weapons of mass destruction. Mr. Quinonez was sentenced to 3 years in Federal prison for making up a story about Chinese terrorists sneaking into the United States with a nuclear warhead. That hoax prompted a massive investigation, Federal warnings, discussions at one of President Bush's security briefings, and a nationwide hunt for the group of Chinese supposedly plotting the attack.

Thank you, Carol Lam.

In December 2006, Mel Kay, of Golden State Fence Company, and Michael McLaughlin, pleaded guilty to felony charges of hiring illegal immigrants and agreed to pay fines of $200,000 and $100,000, respectively. The company, which built more than a mile of the 15-foot-high fence near the Otay Mesa border crossing in San Diego, agreed separately to pay $5 million on a misdemeanor count, one of the largest fines ever imposed on a company for an immigration violation.

Thank you, Carol Lam.

These are just some of the important cases Carol Lam has pursued during her tenure. She does not deserve this kind of treatment.

In addition, during her previous time in the office, Ms. Lam prosecuted and convicted several high-ranking members of La Cosa Nostra, a Chicago-based organized crime family. She also secured a guilty plea and settlement of $110 million against National Health Laboratories, Inc., in a Medicare fraud case.

Ms. Lam has had a distinguished career and she served the Southern District of San Diego well, and everyone in that district knows that. I regret that main Justice does not. I am quite disappointed that main Justice chose to remove her, especially given the ongoing work in which the office is involved.

Now, like Senator SCHUMER, I was present yesterday when the Justice Department briefed us and several other Senators as to why they asked these U.S. attorneys to leave. With the record I just pointed out, nothing that was said yesterday justifies asking this U.S. attorney to leave without cause—nothing. That is why this is an issue. I believe their intent was to bring in people from the outside to give some of their bright young people an opportunity. This might not be wrong, if they weren't also attempting to avoid confirmation. Without confirmation, the Department of Justice could bring in political operatives or anybody else. That is wrong.

If I had not been given this information, we never would have known about these events because the likelihood is that these U.S. attorneys would have just quietly resigned and retired to another job or retired into society somewhere else. This is not the way we should function. That is why this is a major issue. That is why the Majority Leader of the Senate wishes to bring this bill to the floor—to put it back to where it was prior to that provision being put into the Patriot Act without our knowledge and without debate.

I hope the U.S. attorney bill will come to the floor of the Senate, and I hope we can change it back. I hope we can go out and say to the American people that this will never happen again and every U.S. attorney will have confirmation before the Senate of the United States.

Mrs. LINCOLN. Mr. President, I rise today to state my support for the legislation put forward by Senator FEINSTEIN on the interim appointment of U.S. attorneys. This legislation represents a compromise between Senator SPECTER and Senator FEINSTEIN and I commend them for the bipartisan example they have set in addressing this issue.

Senator PRYOR and I came to this debate because of the interim appointment of a U.S. attorney in Arkansas, but the importance of this issue goes beyond the qualifications of Tim Griffin for that position. The Founding Fathers created this Government around a system of checks and balances, with three coequal branches. As we all know, one of those branches is filled with officials who are not elected, such as Mr. Griffin. The Founding Fathers knew that if the executive branch was allowed to appoint all of the members of the judiciary without any consultation with the legislative branch, it would make the judiciary branch simply an extension of the executive.

What we are talking about today is another in a long line of attempts by this administration to undermine the system of checks and balances by expanding the authority of the executive branch. These abuses of power have almost always related to provisions that are necessary for the smooth operation of government. Of course we need the ability to appoint a U.S. attorney in a time of crisis when Congress is not in session, but do we need that authority extended to a point where a sitting President can make a judicial appointment with no set termination? Absolutely not. The law the administration changed in the PATRIOT Act was well structured to provide the ability to appoint in times of emergency, while respecting the Senate's role in the process. The compromise put forward by Senators FEINSTEIN and SPECTER seeks to restore that.

The Senate's role in the confirmation process is vital as it provides a second review of the qualifications of a nominee and allows constituents a better opportunity to evaluate a nominee and state their support or opposition. I fear that this effort to diminish the Senate's role in the confirmation process is indicative of this administration's general attitude toward a vital provision of our Constitution and to the system of checks and balances in general. If given the choice, it would appear that this administration clearly favors less transparency in government, not more. If allowed to continue, I feel certain that it would result in the average constituent having much greater difficulty getting their voice heard on the appointment of nonelected officials. The power of our democracy rests with the people, and that is something we must never forget. It is for that reason that I support Senator FEINSTEIN and Senator SPECTER and urge my colleagues to join with them in order to pass this legislation

Mr. REID. Mr. President, I regret that we have not been allowed to move forward at this time on S. 214, a bill to preserve the independence of U.S. attorneys.

This legislation is ready for floor action. It was the subject of a lengthy hearing in the Judiciary Committee and was favorably reported by that committee with bipartisan support.

The bill would protect U.S. attorneys from being used as political pawns. It would limit the power of the Justice Department to appoint long-term replacements for departing U.S. Attorneys and instead authorize the chief Federal judge in a district to appoint a temporary replacement while the permanent nominee undergoes Senate confirmation. This is the process that was followed for decades until it was changed in the Patriot Act reauthorization.

Last month, we learned that at least seven U.S. attorneys had been directed by the Department of Justice to resign. One of these was the U.S. attorney in my State of Nevada, Daniel Bogden.

Let me take just a moment to thank Dan Bogden for his service. He has been the chief Federal prosecutor in Nevada since his appointment in 2001. He is a former Washoe County deputy district attorney and had served as an assistant U.S. attorney for 10 years before being appointed as chief Federal prosecutor. He made it a priority to prosecute violent criminals and drug traffickers and his efforts have made Nevada safer. I appreciate all the remarkable work he has done for our State.

The Deputy Attorney General testified that the U.S. attorneys who were forced out had ''performance issues.'' As far as I am concerned that is nonsense. Dan Bogden's last job evaluation described him as being a ''capable'' leader who was highly regarded by the Federal judges and investigators in our State.

What is really going on here? According to news reports, the decision to remove U.S. attorneys was part of a plan to ''build up the back bench of Republicans by giving them high-profile jobs.'' In fact, at least one of the fired U.S. attorneys was replaced by a GOP opposition researcher who is known as a protégé of Karl Rove.

So what has happened might well be called ''Crony-gate.'' It may not be as far reaching a scandal as Watergate, but it is a scandal nonetheless. It represents a breach of the long tradition of independence that allowed these powerful Federal prosecutors to do their jobs without fear of political retribution. Now every U.S. attorney will be looking over his or her shoulder to see if Karl Rove or other White House aides approve of their decisions.

The administration is in a position to ignore the Senate and place its own loyalists in these key jobs because of a little known change included in the Patriot Act last year at the insistence of the Justice Department. This provision lets the Attorney General make interim U.S. attorney appointments with no time limits, no residency requirements, and no need for Senate confirmation.

I applaud Senators FEINSTEIN, PRYOR, LEAHY, and others for addressing this problem swiftly. Their bill will help ensure that the people of Nevada have a say in who will be their next U.S. attorney. The Senate confirmation process for U.S. attorneys ensures transparency and accountability. We need to keep politics out of the justice system.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Idaho is recognized.

NOMINATION OF NORMAN RANDY SMITH

Mr. CRAIG. Madam President, I am proud to rise in support of the confirmation of Norman Randy Smith to the Court of Appeals for the Ninth Circuit.

There is no question about Randy Smith's credentials or competence for this position. He has been a State district judge in Idaho's Sixth Judicial District for a decade. He has served as a felony drug court judge and a pro tem justice on the Idaho Supreme Court and the Idaho Court of Appeals. He has a wealth of experience in both the practice and teaching of law, and he has been an active member of the bar association and other professional associations.

There is also no question about Judge Smith's character and fitness for this office. Randy Smith is deeply involved in his community and State, and he has held positions of leadership and responsibility in a wide variety of organizations. He is respected and well-liked by Republicans and Democrats alike throughout the State of Idaho.

He is a fine man—the kind of person you would want to have as a scout leader for your kids. He is a principled and knowledgeable community citizen—the kind of person you would want to have on your team or your board. He is a thoughtful, objective judge—the kind of judge you would trust to render an impartial and well-reasoned decision.

Men and women come to the bench by many different roads, including academia or elected public office. Randy Smith's real-world experience gives him a perspective and skill-set that will be extremely valuable on the appellate court. His character and competence fit him to advance to this important position, and Idahoans are confident that he would be a tremendous asset to our region, and the Nation, as a judge on the Ninth Circuit Court of Appeals.

THE CONFIRMATION OF JUDGE RANDY SMITH

Mr. CRAPO. Madam President, I rise today to speak about a tremendous event that happened in the Senate, and that is that the Senate today confirmed my good friend, Randy Smith, to be a judge on the Ninth Circuit.

Madam President, today really is the conclusion of a sometimes unnecessarily long and difficult process for the confirmation of Judge Smith. Judge Smith was originally nominated by the President back on December 16, 2005, for a seat on the Ninth Circuit Court of Appeals that was vacated when Idaho Judge Stephen Trott took senior status.

Earlier this year, through negotiations with the White House, Judge Smith was renominated to a different Idaho seat on the Ninth Circuit that had been vacated when Judge Thomas Nelson took senior status.

Since 1996, Judge Smith has served as district judge for the Sixth Judicial District of Idaho. Judge Smith earned his undergraduate and law degrees from Brigham Young University. Throughout his career, both in private practice and as a judge, Judge Smith has continued to be a student and teacher of the law. He taught courses in business law and tax law at Brigham Young and later at Boise State University. Since 1993 he has served on the faculty at Idaho State University teaching legal environment and business law.

Prior to becoming a judge, Randy Smith spent more than 15 years in private practice, gaining significant experience before both State and Federal courts. He is a member of the bar of the U.S. Supreme Court, the Ninth Circuit Court of Appeals, U.S. District Court for the State of Idaho, U.S. Tax Court, the Idaho Supreme Court, and all of the other courts of the State of Idaho.

In addition to his current position as district judge in Idaho, Judge Smith also serves from time to time as pro tem justice on the Idaho Supreme Court, as a judge on the Idaho Court of Appeals, also, and as a temporary judge in district courts throughout the State of Idaho. He literally handles approximately 100 Federal and State civil cases each year.

In 2004, Judge Smith received the George C. Granata, Jr., Award presented by the Idaho State judiciary in recognition of demonstrated professionalism as an Idaho trial judge, and for motivating and inspiring his colleagues on the bench by his character and actions. In 2002, he received the Outstanding Service Award from the Idaho State Board of Commissioners. Judge Smith is also a member of the board of directors and is a past president of the Idaho State Civic Symphony.

The American Bar Association has given him its unanimous ''well qualified'' rating for his nomination to the Ninth Circuit.

It is my honor today to personally congratulate Judge Smith. As I said, he is a personal friend. I have known him for years and have watched him give service to the people of the State of Idaho of the highest caliber. He has shown himself to have the principles and values to be the kind of judge that America needs. He understands that we need a conservative understanding and interpretation of the U.S. Constitution, and that the role of a judge is interpretation of the law, not creation of the law. He understands the value that comes from having solid adherence to the principles of our Constitution as issues are adjudicated. He will be a tremendous new asset and addition to the Ninth Circuit Court of Appeals.

As I said at the outset, this has been a long, sometimes very unnecessarily burdensome and difficult process to get his nomination to the floor. I am sure that the strength he will bring to the Ninth Circuit was shown by the vote of confidence given to him today, a unanimous vote by the Senators present, 94 to 0, confirming him to be the next judge on the Ninth Circuit Court of Appeals.

This is a tremendous day for Randy Smith, but it is also a tremendous day for the Ninth Circuit Court of Appeals, the people who live in that circuit, and, frankly, for the people of America.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

HONORING THREE MONTANA HEROES

Mr. BAUCUS. Madam President, Saint Luke explains in his Gospel:

> The spirit of the Lord is upon me, because He hath sent me to heal.

Delivering care to the sick and injured is the Lord's work. To heal the sick at great risk to one's own safety reflects the best that we can be as the Lord's servants.

I am here to honor three healers from my home State of Montana—ambulance pilot Vince Kirol, paramedic and firefighter Paul Erikson, and registered nurse Darcy Doyle. These Montana heroes died tragically during an air rescue mission on February 6.

Their deaths are a tremendous loss to their families, to Benefits Healthcare, and to all of Montana. These dedicated individuals were en route to Bozeman from Great Falls in dangerous weather to pick up a patient who had suffered a severe head injury that required immediate surgery.

Every minute counted. The victim's injury had to be treated as quickly as possible. The longer it took to get him to the hospital, the worse his chances were for survival. The only way to get the patient the care he needed was by air transport. So the dependable air ambulance team at Benefits Healthcare was called. Vince, Paul, and Darcy responded to the call without hesitation and without concern for their own safety.

They knew that somebody's life was hanging in the balance. This is the type of pressure-filled situation in which they have always operated.

Montana is a large State, it is a beautiful State, with rural and isolated areas, where people who are injured may need immediate rescue, may need it right away, including air ambulance transportation to a trauma center.

Unfortunately, there are not enough hospitals in Montana that can give the kind of care someone with severe injuries immediately needs.

So-called level 1 hospitals have operating rooms, surgeons, and radiologists available 24 hours a day, 7 days a week, waiting and ready for any patient with severe injuries who is brought in. There are no level 1 hospitals in Montana.

Level 2 hospitals have the right facilities, but the doctors are not in the hospital around the clock to be available immediately when a patient arrives. There are only three level 2 trauma centers in Montana.

It is very expensive to run hospitals and offer this high-level, specialized care. Only three hospitals in Montana—one in Missoula, one in Billings, and one in Great Falls—offer such services, so every patient who needs a trauma center has to go to one of these hospitals. This makes air ambulance transportation even more important, given Montana's 800-mile span and mountainous terrain.

The Benefits medevac program provides 24-hours-a-day, 7-days-a-week air ambulance transportation in Montana and the Northwest. Aircraft respond to isolated areas, accident scenes, and hospitals to bring patients to the regional emergency center as quickly as possible.

These dedicated pilots, nurses, and paramedics who operate the Benefits medevac program provide honorable and essential services to Montana. The three Benefits professionals who lost their lives last week were trying to do just that.

Darcy Dengel was a 27-year-old registered nurse. She joined Benefits in June 2001 and transferred to the emergency room in August 2003, where she also worked as a flight nurse.

Her Benefits colleagues describe her as a bright, talented, and vibrant woman who loved her work because that work gave her a unique opportunity to help people in need.

She was able to make a difficult time for a patient a little easier with her gentle care. She was to be married this spring to Rob Beal and is survived by parents Rich and Donna Dengel of Lewistown, MT.

A long-time friend of Darcy Dengel's family described Darcy this way:

She was a light . . . She didn't worry about danger in her work as a flight nurse. She wanted to help people.

Paul Erickson was 33 years old and was the medic on the flight. Paul was a firefighter who worked on the Mercy Flight on his days off. He worked side by side with his wife Rachelle, who is the trauma coordinator for Benefits. They had a baby boy last July named Spencer Pilot.

Assistant fire chief Steve Hester said this of his colleague:

Paul considered it a service to the community. He was all about service to others. He knew that in rural Montana the only way you can get help sometimes is by air.

Vince Kirol was 58 years old and had been flying for 40 years. He was a Mercy Flight fixed-wing pilot for 13 years after working for Metro Aviation in Shreveport, LA. He is survived by his wife Diana and two sons. Vince's pastor noted that he loved the mountains and he loved skiing and hiking with his sons.

Billy Darnell, a friend of Vince's from his church, said this about him:

He cared about people. That's why he loved his job.

Darcy, Paul, and Vince selflessly put their lives at risk, transporting critically ill patients even in perilous weather conditions. They gave their own lives trying to save others. Their deaths are a tremendous loss to Montana. They were good servants, and they are heroes. Our hearts and our prayers go out to their families and to their friends.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The senior Senator from New Jersey is recognized.

IRAQ

Mr. LAUTENBERG. Thank you, Mr. President.

I wanted to take just a few minutes to kind of review where we are here in the silence that abounds in this Senate. The question about what is going on is kind of mystifying for much of the public looking in and saying: What are they doing wasting time?

There was some talk about the terrible situation we are in in Iraq, and I spoke as one of those who say we have had enough. We have had enough there. We have lost over 3,000 people, and the Iraqis have lost substantial numbers. One would have to be really hardhearted not to be moved when you look in the paper and you see a child weeping over a dead mother or a brother or a sister or people lying in the street dead from brutal attacks from this internal civil war while we are trying to figure out what we do to protect our people.

What is it that we want to accomplish with the votes that have been taken here? I think it is fair to say that what we would like on this side of the aisle, and I am sure there are many colleagues on the other side who feel as we do but would be out of step politically if they took the vote we want to take, to approve or disapprove of sending more troops into that death trap, to say how long we want to stay there.

What do we have to prove by supporting the President's order, the President's interest in the so-called surge? They try to disguise the word. The word is ''escalate.'' It is not ''surge.'' ''Surge'' can be interpreted many ways, but ''escalate'' is very clear: Put more people there. Put more people in harm's way. Put more people in an abyss from which there is no way, that anyone has told us, out of the situation.

We get the argument: Oh, you want to cut and run. No. Do you want to stay and die? Is that what the alternative is? Ask the families who have children, brothers, fathers, and mothers there. They come in to see me, people who have someone who is in Iraq, and they are scared to death about what kind of news they will get some night.

I had a woman in the office one day, with a group of other people, sobbing so hard that she couldn't talk. Why? Because her son had been wounded—a light wound but enough to earn him a Purple Heart—and he was being sent back on hazardous duty. He was willing to do it. His mother didn't want him to do it. But at what point do we say the pain is so excruciating that we can't stand it?

It has nothing to do with cut-and-run. I wore a uniform in World War I. Others here have worn the country's uniform, some in Vietnam, some in Korea. We have had a lot of experience with wars. But in each case, if we didn't have an objective, we fared very badly. That was true, unfortunately, in Vietnam, where we finally had to wrap it up and go home, leaving 58,000 of our brothers and sisters still there, if not physically, in sharp memory. And now we see what is happening here.

I bring to our attention the fact that in Iraq, in the month of January, we lost 83 of our bravest. Thus far in February, we have already lost 48 members of the American military. And the Iraqis have suffered deaths. Look at the number of people who have been murdered there with suicide bombs, roadside bombs, and brutal murders, with hands tied behind their backs and blindfolded. It goes on and on. If we could wish it away, if we could see an end to it, I would be more than willing to leave troops there to kind of monitor the last parts of a war that is one of the worst America has been in, but what we see is not only the numbers that are perishing daily, weekly, but the tactics they are using now with shooting down helicopters. That wasn't something we saw before.

Suddenly now, in the past couple of weeks, three helicopters have been taken down by enemy fire. That changes the complexity of things because helicopters were an integral part of our capacity to fight back. If we can't do that, does that mean we have to put more people on the ground, that we have to lose more people? It ought not to be that way.

Last week, we took a vote here, and it was a vote that would limit debate. We, the Democrats, led the charge there because we wanted to get on with the issue of whether we wanted to send more troops than we have there now. The number, estimated to be at 21,000 in combat, means that 48,000, roughly, would be the total number because you need the support groups as well. That vote was disguised as something else, which is what our friends are doing today—disguising what their intent is. Their intent is to escape the responsibility they took when they voted against closing the debate the other day. That is what happened.

They have a lot of discomfort over there. I see my colleague from the State of Minnesota is here now, and if I am not mistaken, he was one of those who said: Let's cut the debate and get on with the issue. That is what his message was that day. And so there is abject discomfort with the vote that was taken because people at home interpreted that in a different way. They are not interested so much in our tactical maneuvering here or the process; they want to know: Do we want to send more troops into that inferno or do we want to try to figure out a way to get out of there as quickly as practicable? That is the question.

So they voted the wrong way. And now, Heaven forbid, we had something we could vote on, and that was voted on by way of closing the debate, which was developed by Senator CARL LEVIN of Michigan, chairman now of the Armed Services Committee, and supported fully by Senator JOHN WARNER, who himself was a veteran and served at the time of World War II, who agreed with him that we ought to show our displeasure. There wasn't anything radical in it. We weren't calling the other side names. We just said we want to stop this escalation. We don't want to put more troops out there in harm's way. We don't want to see more limbless veterans. We have almost 800 now, veterans who have lost one limb at least, and we have 25,000 who have been injured. And there are a lot of severe injuries that you can't see because they are internal injuries. They are injuries of the mind. They are injuries of the spirit. There are a lot of them; 30,000 with PTS, post-traumatic stress, in addition to those who have the physical, visible wounds we see.

So we want to get on with the vote. Let us have an honest count here about whether you are for escalation or

against it. Do you want to throw more into the Iraqi war? Do you want to put more sons and daughters there or do you want them to start coming home and reuniting them with their families? That is the question. Instead, it is dressed up here. If we voted to adjourn, it would be a sign that we are not supporting the troops. Baloney. We support the troops fully. Each and every one of them over there now is a hero to us, each and every one, because many of them disagree with the policy that got them there, the falsification of whether there were weapons of mass destruction.

The PRESIDING OFFICER. The Senator's 10 minutes in morning business has expired.

Mr. LAUTENBERG. I ask unanimous consent for 5 more minutes.

The PRESIDING OFFICER. Is there objection?

Mr. COLEMAN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. I ask further unanimous consent that the additional time of the Senator not be charged against the minority. It was our time. I want to be sure his time is not charged against the minority so we can finish morning business.

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

Mr. LAUTENBERG. I thank our colleague from Minnesota.

What we see is a deliberate attempt to avoid the question: Yes or no, how do you stand on the escalation of this war? How do you stand on sending more sons and daughters into that hell on Earth?

It is time to stand up and be counted and not to permit the public, across this land of ours, to be fooled by debate structures, by delaying tactics. It is time to stand up and be counted, but we cannot do that. The other side will not permit us to do it, and we know how to count votes so we know we do not have enough to do what we would like to.

But the House has taken the bull by the horns. The House is considering it, and it is very favorably being considered there—not yet voted—legislation that says we are against this escalation. Republicans as well as Democrats there are going to join. What we are saying here is let us simply vote on that. That is what has been asked for by our leadership.

I hope we will be able to conclude this debate, find out and let the American people know where we stand, each one of us. When we raise our hand, each one of us will be making a declaration: Do we think it is necessary to put more of our troops out there, to run them through there at the risk of their limbs, or lives, and disrupt family life, leaving children without a guiding parent on one side, to let the bills accumulate, worry about the mortgages? These are people, for the most part, who were reservists. They have served once, served twice—a year each—and now a third callup is being talked about because the President has decided—against the will of many outstanding military experts, those who have served at the highest rank. They say no, it will not help. But the President of the United States is very stubborn on this issue, despite all of the opposition—opposition here, opposition across this country. The numbers are around 70 percent of the people do not want us to continue to do this, or send in any more troops. I hope we can resolve the truth here in short order.

I yield the floor with thanks again to my colleague from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I intend to speak in morning business and to talk about an issue of great importance in Minnesota, access to health care in rural communities, but I have to make one comment in response to my colleague from New Jersey.

Iraq is the most important issue facing America today. There is no question about it. I want to raise some concerns about the surge in Baghdad. I understand we are fighting a war against insurgency and foreign fighters in Anbar Province. If those commanders on the ground need more, I am going to give it to them. I have great concerns about the surge. We need to debate this. It is absolutely mind boggling to watch what is going on with this playing around with rules. The bottom line is Senators should have the right to debate. Senators should have the right to offer amendments and we should be voting on whether you support a surge, we should be voting on whether you support continued funding, we should be voting on whether there should be benchmarks. We should do what the Senate does, which is debate, have discussion, and then vote. What the majority is attempting to do is to forestall that, offering something that they know is something the Senate does not do, offering something they know the American public—the public wants us to debate this and vote on it. So instead they offer a resolution which, they know, will gather objection, a resolution on which they will allow no amendments, no discussion about other things other than a proposal that comes out from them. That is absurd. That is not the Senate. It is not the greatest deliberative body in the world. We should do better. The American public deserves better, and I hope our leaders can come together and figure out a way to structure a debate so opinions can be laid out and they can be discussed and then we can vote—not on one thing that a 51-person majority says, but the way the Senate does it: We put it on the table and vote.

I may disagree with some of my colleagues on this side of the aisle on some of that, but everyone has a right to lay out their amendments and their proposal, and we should do so on Iraq.

HEALTH CARE

Mr. COLEMAN. Let me focus on an issue of concern to me. I represent the State of Minnesota. They call it the ''flyover country.'' They may say the same thing about Colorado on occasion. I saw a New Yorker's view of the world. No offense to my colleagues from New York. It is New York, Florida, L.A., maybe Chicago was in between. I didn't see Denver or St. Paul. There are smaller towns on there, but they are on the map and they are important.

William Jennings Bryan once said:

> Burn down our cities and leave our farmland and the cities will rise up again like magic, but burn down our farms and grass will grow up in the streets of every city in America.

The Presiding Officer understands that. He comes from a family which has worked the land. He gets that. Like many great orators, there is some hyperbole there, but it still rings true, whether it is food, values, or leadership—all of America depends on what our rural communities produce

So what happens in America's small towns is a big deal. I would like to take this time to speak on behalf of Minnesotans and other folks living in rural communities. These families face some daunting challenges when it comes to accessing health care.

The urgency of this issue is brought home to me by the upcoming closure of a rural hospital in Ivanhoe, MN. The town in southwestern Minnesota, county seat of Lincoln County, got its name from Sir Walter Scott's novel. Ivanhoe is filled with hard-working people who have survived generations of drought, grass hoppers, blizzards, and unreliable farm prices and policies. This is yet another difficult blow. As a result, this community will lose jobs, access to health care and part of their community identity.

There is an array of issues facing hospitals like Ivanhoe. For them, it was the declining number of admissions at the hospital and declining reimbursement payments that put them at a severe competitive disadvantage in the health care market—and ultimately led to the decision. Unfortunately, their story is not unique.

About 21 percent of the population lives in rural areas, but only about 9 percent of doctors work there. Only 2.4 percent of specialists work in rural areas.

Nearly half of all rural residents have at least one major chronic illness. Yet they average fewer physician contacts per year than those in urban communities.

I believe that access to health care should not be dependent on where you live. Every person in America deserves the same quality care.

Unfortunately, as it stands right now, many rural communities in Minnesota and across the country don't have the personnel capabilities, technology or money to provide their residents with the health care they need—

they are getting squeezed at every angle. For the stability of rural communities and the health of the Americans that live there, we need to find solutions.

That is why I am taking this opportunity to introduce a package of bills which seek to give rural areas access to some tools they can use to promote the health of their communities.

The burden of chronic illness is heavier in rural areas. Rural areas report higher rates of chronic diseases, including heart disease and cancer.

Mental health issues are also significant. For example, a national study that 41 percent of rural women were depressed or anxious compared to less than 20 percent of urban women and that 40 percent of all visits to rural practitioners are due to stress.

Providing adequate mental health care in rural communities has become a national problem.

In rural areas, where specialized mental health services are scarce, accessing the proper mental health care is difficult. Primary care is often the only system for delivering mental health services and providers are seeing an increase in mental health issues in their clinics. Today I introduced the Working Together for Rural Access to Mental Health and Wellness for Children and Seniors Act.

This legislation would allow Federal grants to be given to States to provide assistance to rural communities to conduct collaborative efforts to improve access to mental health care for youth, seniors, and families. Grants could go toward operation of mobile mental health services vans or telemental health.

Rural residents face serious health care issues not only in terms of illness but also in terms of lack of easily accessible services. One in 5 Americans lives in rural areas but only 1 in 10 physicians practice in rural areas. Forty percent of the rural population lives in a medically underserved area.

Critical access hospitals are the foundation on which is built the health of our Nation's rural communities. I don't have the time right now—we are kind of pushing the envelope on morning business—but it is important that my colleagues understand.

The critical access hospital program was enacted as part of the Balanced Budget Act of 1997 in order to preserve access to health care services in rural communities. Critical Access Hospitals represent a separate provider type with its own conditions of participation as well as a separate reimbursement method for Medicare.

With 80 Critical Access Hospitals in Minnesota, the third largest number of Critical Access Hospitals in the Nation, this program is of crucial importance to the health care infrastructure of my State. Minnesota's Critical Access Hospitals provide care to 1.6 million patients a year. They are there to provide health care to their communities 24 hours a day, 7 days a week, 365 days a year.

I have visited these hospitals throughout my State and have been impressed time and time again by their commitment to the health of their communities and their stewardship of the resources that they have been given. I appreciate the work of the Minnesota Hospital Association in representing their Critical Access Hospital members and for being a great resource in protecting this important program.

The Critical Access Hospital program continues to make an important investment in the safety net of our rural communities.

This program has been the single most important factor in helping our Nation's rural hospitals not only survive also provide new quality health care services and resources.

Without the Critical Access Program, rural communities had been having a difficult time supporting a local hospital. People were driving hours just to receive basic health care. Just talk to Al Vogt, CEO of Cook Hospital & C&NC. He will tell you that the Critical Access Hospital program has preserved care in Cook and many other small communities across Minnesota. As his community ages, Al has seen many seniors have to choose between gas or food money. If leaving town to get the very basics of health care was the only option, there are a number of folks who would forego the needed care. Seniors and others living in rural areas deserve better. Critical Access Hospitals provide for them.

Despite the growing disparities in access to health care for Americans in rural areas, support for Critical Access Hospitals has not been what it should be.

Critical Access Hospitals are not being reimbursed in a way that allows them to fully account for their costs of offering services. These health providers, already stretched thin, are being asked to absorb the difference.

With that in mind, today I introduced the Rural Health Services Preservation Act, which ensures that Critical Access Hospitals get reimbursed the same amount under Medicare Advantage Programs as they would under Medicare.

Right now, interim Critical Access Hospital payments reflect the previous year's costs—not the current year's costs. Factoring in inflation and the rapid growth of the medical economy, rural hospitals are being left to pay a bill that is much larger than their share.

Specifically, my Rural Health Services Preservation Act ensures Critical Access Hospitals receive not less than 101 percent of cost for inpatient, swingbed, and outpatient hospital services provided to Medicare patients covered under a Medicare Advantage plan.

This bill would create certainty in terms of payments, and accurately reflect the true cost of health care in our Critical Access Hospitals.

Critical Access Hospitals are important regional hubs in rural areas. These hospitals serve as medical homes to the folks that live nearby, but also provide patient care to visitors who are in town to do some fishing, camping or hunting. When a critical medical event occurs, it is crucial that the physicians who care for a patient have information about their medical history in order to avoid medical errors.

Let me tell you a story I heard recently from Lori Wightman, president of the New Ulm Medical Center. Recently, a 55-year-old arrived in the New Ulm Medical Center emergency room with chest pain. He was having a heart attack. Within 82 minutes this same patient was assessed, transported, and had his heart vessel opened at a tertiary hospital 100 miles away.

This situation was a success because New Ulm Medical Center had the ability to transmit information about the patient quickly and easily. Not all hospitals are fortunate enough to have this vital service.

That's why I introduced the Critical Access to Health Information Technology Act to help Critical Access Hospitals compete for Federal health technology grants. Essentially, this bill would give smaller rural hospitals a competitive edge for H–I–T grants.

Even when a situation is not immediately life-threatening, technology can play an important role in disease management in rural communities. As I mentioned earlier, rural areas are facing serious personnel shortages. They have around 20 percent of the population, and only 10 percent of the docs and only 2.4 percent of the specialists.

Remote monitoring technologies collect, analyze, and transmit clinical health information. These technologies are emerging to extend the provision of health care services to areas where there is a shortage of physicians or where patients are homebound. Essentially, these technologies allow physicians to monitor and treat patients without a face-to-face office visit, thereby increasing access to physicians for patients living in rural areas. We have the ability today, if you simply lift up the phone the doctor can tell what your blood pressure is and how you are feeling. Minnesota prides itself as being the center of medical technology. We have the Medronics, Boston Scientific, St. Jude's cardiac pacemakers—we can do a lot with remote access technology. We have to make sure it is in our rural communities.

For that reason, I also introduced the Remote Monitoring Access Act, which would allow Medicare to cover physician services involved with the remote management of specific medical conditions, such as congestive heart failure and diabetes.

Specifically, my bill would create a new benefit category for remote patient management services in the Medicare physician fee schedule. Under this category, Medicare would cover physician services involved with the remote management of specific medical conditions.

Not only are physicians in short supply in many of rural communities, but other health professionals are as well. That is why I introduced today a bill that focuses specifically on issues related to increasing nursing faculty. I am told by my friends in nursing that the problem is not that people don't want to go into nursing, but that it is difficult to get nurses to leave the clinic to spend time in the classroom.

Personnel is one piece of the puzzle and building up our health care institutions in rural area is another.

The Critical Access Hospital program has provided financial stability to many struggling rural hospitals that are the cornerstones of their communities. It is essential that Congress protects this program now and into the future. Prior to this program, hospital closures were common and the rural health care system was fragile.

Without the Critical Access Hospital program and support for rural providers, there would be a floodgate of small community care systems closing and potentially converting many small towns into ghost towns.

Debra Boardman, president and CEO of the Riverview Healthcare Association in Crookston has shared her story with me:

The Critical Access Hospital program has afforded many rural hospitals the opportunity to modernize their facilities and helps assure they will remain viable and accessible to the residents of rural America. Prior to receiving Critical Access Hospital designation in 2001, RiverView Healthcare Association had not done a major building project since 1976. With this designation we were able to afford to physically restructure our building and update our infrastructure to accommodate the way health care is provided in the 21st Century.

Since that time we have also been able to add new physicians, vital new health care services and programs. As the largest employer in the county, a secondary benefit of the program is that it has made RiverView Healthcare Association a more secure economic engine for our local rural community.

Because of the important role that Critical Access Hospitals play in community stability, I have introduced a bill to provide direct and guaranteed loans to complete the reconstruction and rehabilitation of the Nation's Rural Critical Access Hospitals within the 5 years covered by the new farm bill.

In more ways than we can possibly measure, rural communities are the heart of America. They provide us with food, energy and more importantly the values and leadership that keep our Nation on track. Just as we care for our bodily heart, we need to care for our spiritual heart in rural America or the whole Nation will suffer.

That is why my legislation attempts to raise the needs of our small town neighbors to become a national priority. I encourage all of my colleagues to consider joining me in ensuring that every American has access to the care that they need to lead healthy and productive lives. I invite you to cosponsor one of my seven bills aimed at doing just that.

From birth, through chronic disease management, to end-of-life care Critical Access Hospitals meet the healthcare needs of our communities. And our communities trust that we will continue to do so far into the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

IRAQ

Mr. BROWNBACK. Mr. President, I rise to speak on the issue that is presently before this body—whether it will be here formally or not we will see—the issue of Iraq. I think it is critically important we discuss it. I am glad to see we are having private discussions about it, but I think it is time to engage.

I want to say, as one who does not support the troop surge, I think it is important we have a full process. I think it is important we have a full process where amendments are allowed and where people are allowed to bring forward different ideas and thoughts. It is the key issue of our day. It is an important issue of our day. It is something that shouldn't be drug out, but I don't think asking for three, or four even, amendments to this resolution is something that would drag it out because that is what allows full discussion, and we certainly need a full discussion on the record on the ways forward.

I think it is also appropriate for us to do that in light of the division of powers between the executive and legislative branches. The President is the Commander in Chief, and he or she must move forward in that capacity. We are the funding arm, the legislative body. We are entitled to put forward our ideas, but there is one Commander in Chief. I think it is important we have this discussion to put forward our ideas, but it needs to be a full discussion of the ideas.

I would urge the Democratic leader, the majority leader, to bring this issue forward in a way that we could debate various options. I have been in this body certainly during debate on contentious issues wherein we are given different viewpoints to allow people to vote, and on one that is so important and so critical, I think it is important for us to have multiple viewpoints put forward. So even as one who does not support the troop surge, which I don't believe is the wise route to go, I believe this body should have options.

I would not support a cloture motion that says we will only have one option to vote on. I don't think that is a fair or an appropriate process for this body to follow. I think it is important that we have a full debate on the full range of issues.

My goodness, for us to take a couple of weeks to discuss this would not be inappropriate, given the importance and the magnitude and the seriousness of the moment.

I support the troops. We all support the troops, and we need to support the troops in the field. That doesn't mean we can't have a debate, but it also doesn't mean we should be limited to just one thought that we can have to vote on. We should have a multiple set of ideas, fully vetted and fully discussed.

As I have traveled across this country and in my home State, this is one subject about which people have a lot of different viewpoints and a lot of different ideas. Everybody supports the troops, but they may not agree with how the war is proceeding. They think there ought to be other tactics employed, and they want viewpoints expressed. I think that is fully appropriate. I think the President invites us to, in responsible ways, bring these ideas and viewpoints forward. But you don't do that with having just one viewpoint and that is it; one vote and you can't have an option; one proposal without amendments, when there is a full debate and discussion that is needed on this topic.

So I want to voice my opinion on this issue; that is, I think the way forward is for us to engage in the full process that the Senate is fully capable of doing and desirous of doing. I think it would be important as well to our troops in the field to have a full debate on this topic. I hope that we do that, and we could start engaging in it now rather than putting it off and delaying it further.

TRIBUTE TO CHARLIE NORWOOD

Mr. BROWNBACK. Mr. President, I want to speak briefly on one other issue aside from the war effort, as that is the one that really needs to, and does, occupy our time. But a good friend of mine has just recently passed away, Congressman Charlie Norwood. Charlie and I came in together in the House of Representatives in the 1994 election cycle. He recently passed away due to complications in his liver from a long battle that he had with pulmonary fibrosis and the difficulties that he had.

His legislative accomplishments are significant, and those are in the RECORD and well known. What I want to talk about is the person because he was a beautiful man. He served in Vietnam as a dentist. He had this beautiful, folksy way of presenting a tough topic. He would boil down the essence of a difficult topic in a folksy sentence or two, and you would listen to it and you would say: You know, I think that is about accurate.

He could take difficult things and boil them down. He cared a lot about health care issues, and he worked a lot

on health care issues. What I remember is a kindly gentleman who was very active and involved in the issues of the day and who cared about other people. He taught adult Sunday school classes. He worked as a small businessman. He was a dedicated public servant, even as he felt that the Government had grown too big and was taking over too much authority.

It reminds me that, as we leave these places—and we all will—when you look back on it, there is a legislative career, and there are a number of legislative items that each of us are associated with, and the cares and concerns and the passions that we have of the day, but there is also a person who is there, and the soul and the character of that individual. In this case, Dr. Charlie Norwood had a beautiful soul. He was someone who touched people in a positive way. I am not sure you can say a lot more at the end of our days than that.

Congressman Norwood is survived by his wife Gloria, sons Charles and Carlton Norwood, and grandchildren, all of Augusta.

During his life, Norwood has served as a Member of Congress, longtime patients' and individual rights champion, dentist, Vietnam veteran, and small businessman.

Norwood, a seven-term Member of the U.S. House of Representatives from 1995 to 2007, served most of east Georgia at some point during his congressional career due to redistricting in 1996, 2002, and 2006. He won re-election every year since 1998 by landslide margins, and was elected to the 110th Congress in November by a 68 percent margin. His 10th District seat will be filled in a special election to be scheduled by Georgia Governor Sonny Perdue.

Norwood achieved national recognition after introducing the first comprehensive managed health care reform legislation to Congress in 1995, which subsequently passed the House of Representatives in both 1999 and 2001. Norwood's Patient's Bill of Rights legislation became a key issue in the 2000 presidential election, and will likely be revived in the 110th Congress.

Norwood was instrumental in health care reform for military retirees and veterans as well as patients-at-large. The former Army dentist was co-author of the Keep Our Promises to Military Retirees Act in 1999, which provided fully funded health care for life for the Nation's military retirees. The majority of the bill was enacted as part of the Defense Authorization Act of 2000.

In addition to his longtime national advocacy for patients, Norwood succeeded in passing reforms across a broad range of public policy areas, spanning education, private property rights, telecommunications, and environmental regulations.

Norwood is further recognized as the father of the Nation's current Class A broadcast television service, by authoring and passing into law the Community Broadcasting Protection Act in 1998.

In congressional oversight action, Norwood played a key role in the 1996–1998 Teamster's investigation, the 1998–2002 investigations of theft and fraud at the U.S. Department of Education, and the impeachment of former President Bill Clinton in 1998.

Norwood received a bachelor's degree from Georgia Southern University in Statesboro in 1964, and a doctorate in dental surgery from Georgetown University Dental School in Washington, DC, in 1967, where he was elected president of the Dental School Student Body in his senior year. He married the former Gloria Wilkinson of Valdosta in 1962 while attending Georgia Southern.

After dental school, he volunteered for the U. S. Army and served as a captain in the Dental Corps from 1967 to 1969, beginning with an assignment to the U.S. Army Dental Corps at Sandia Army Base in Albuquerque, NM. In 1968 he was transferred to the Medical Battalion of the 173rd Airborne Brigade in Vietnam, and served a combat tour at Quin Yon, An Khe, and LZ English at Bon Son. In recognition of his service under combat conditions, he was awarded the Combat Medical Badge and two Bronze Stars.

After Vietnam, he was assigned to the Dental Corps at Fort Gordon, GA, where he served until his discharge in 1969. Norwood was awarded the Association of the United States Army Cocklin Award in 1998, and was inducted into the Association's Audie Murphy Society in 1999. He remained a lifelong member of the American Legion, the Veterans of Foreign Wars, and the Military Order of the World Wars.

Dr. Norwood began private practice dentistry in Augusta immediately after his discharge. During his dental career, he served as president of the Georgia Dental Association and was a delegate to the American Dental Association.

In addition to his dental practice, Norwood also founded Northwoods Nursery in Evans, providing trees and shrubs to wholesale outlets throughout the Central Savannah River Area, and Augusta Dental Laboratory, which manufactured dental devices for patients.

He became a stalwart supporter of small business and property rights interests in Congress, receiving the 1995 Fighting Frosh award of the United States Business and Industrial Council, the Guardian of Senior's Rights Award of the 60 Plus Association, the Friend of the Family Award of the Christian Coalition, the Friend of the Taxpayer Award of Americans for Tax Reform, the Guardian of Small Business Award of the National Federation of Independent Business, the Spirit of Enterprise Award of the U.S. Chamber of Commerce, the Thomas Jefferson Award of the U.S. Food Service Council, the Champion of Property Rights Award of the League of Private Property Owners, the Taxpayer's Hero Award of the Council for Citizens Against Government Waste, and the Taxpayer's Friend Award of National Taxpayers Union.

Dr. Norwood and his wife Gloria were longtime members of and taught adult Sunday school at Trinity-on-the-Hill United Methodist Church in Augusta. He was also a past board member of the Augusta Opera Society and a member of the Augusta Symphony Guild.

Mr. BROWNBACK. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, are we now in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. ALEXANDER. I ask unanimous consent to speak for up to 15 minutes.

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

REAL ID CARD

Mr. ALEXANDER. Mr. President, if the Chair would please let me know when I have a minute left.

Mr. President, when we come back from the recess we are going to turn our attention to the 9/11 Commission recommendations which have been enacted by the House. I want to discuss an issue I hope will come up when we discuss the 9/11 Commission recommendations and that has to do with the so-called REAL ID card, the de facto national ID card.

This is a law that was enacted in early 2005. It was House-passed legislation that would require States to turn more than 190 million driver's licenses into de facto national identification cards, with State taxpayers paying most of the costs. I am not very much of a prognosticator. My predictions have never been all that accurate, but at the time of that passage, I objected to it.

The first thing wrong with the REAL ID law was that the House stuck the law into an appropriations bill that supported our troops in Iraq and sent it over to the Senate. None of us wanted to slow down support for our troops in Iraq while we debated ID cards, so it was stuck in there and we passed it. But the second and larger problem with what the House did 2 years ago, and which we agreed to and it became law, is that States not only got to create the ID cards, but they will likely end up paying the bill. I said to my colleagues, and at that time we had a Republican Congress: This is one more of the unfunded Federal mandates we Republicans promised to end.

Well, now we have moved ahead about 2 years, and I believe I have

turned out to be right about that. Just last month, the Maine Legislature became the first State to approve a resolution urging Congress to overturn the Real ID Act before it takes effect on the States in May of 2008. Only 4 of the 186 Maine lawmakers voted no. In the following other States there are bills, according to USA Today, that are considering asking us to overturn the law: Hawaii, Georgia, Massachusetts, New Mexico, Oklahoma, Vermont, and Washington.

One reason they are asking us to overturn it is that according to the National Governors Association, implementing the law will cost more than $11 billion over 5 years. We have provided $40 million of the $11 billion. That is an enormous unfunded Federal mandate.

The Presiding Officer is a former State official. I don't know if he had these same feelings when he was in his State of Colorado, but nothing used to make me madder when I was Governor of Tennessee than for some group of Congressmen to come up with a big idea, turn it into law, hold a big press conference, take credit for it, and send the bill to the States to pay for it. Then that same Congressman would usually be back home making a Lincoln Day speech, bragging about local control.

I am afraid that is what we have with REAL ID. It sounds pretty good maybe to say: Oh, we have a war against terrorism, and we have illegal immigration and other immigration issues. We need some sort of identification card that will make it possible to do a better job of fighting terrorists and impose the rule of law on our border. That sounds good, but there is a right way to do it and a wrong way to do it.

Here is what we should have done and what I hope we will do. I hope the week after next, when Senator COLLINS of Maine comes to the Senate, which I hope she will, and offers an amendment that will, in effect, set up a thoughtful process for, first, delaying the implementation of this bill and, second, give us a chance to consider all of its ramifications, I hope we will adopt that as part of the 9/11 Commission Report. In other words, give the idea of a national identification card the kind of thoughtful attention it deserves in the Senate.

No. 1, we should do it because it is a huge break with our tradition of liberty in this country. We do not have to look very far around the world—South Africa is the first place to look—to see the abuse a national identification card can cause. In South Africa, it was used to classify people according to race. Everybody had to have one. Everybody had to carry it around.

In this age of technology in a country that values liberty above everything else, there are a lot of questions about whether we should have a national ID card. Those ought to be explored in the Senate. We ought not push one through in a bill no one wants to vote against because it is primarily about supporting troops.

When I was Governor of Tennessee, I twice vetoed the photo driver's license which we all now carry around in our pockets. I did that, first, because I thought it was an infringement upon civil liberties; and, second, I did it because I thought what would happen was we would have lines around the block of people waiting to get their photo ID card—and that still happens sometimes—but I was gradually overruled by the State legislature and we got an ID card.

What helped getting overruled was when I showed up at the White House once to see the President at the National Governor's Conference and they asked to see my photo ID. I said: I don't have one. They asked: Why not? I said: Because I vetoed it. And I had to be vouched for by the Governor of Georgia. The push for this was law enforcement saying it would help with check cashing and other identification.

While as a liberty-loving country, we say we do not want a national ID card, at the same time, we have allowed a de facto national ID card. That is a State driver's license. We have over 190 million of these. We all know the de facto driver's license ID cards are very ineffective. They are easily duplicated, they are often stolen, and we go around not just using them to prove we can drive, but we use them to get on airplanes, we use them to cash checks, and we use them to get a passport. They are not an effective ID card.

I have reluctantly come to my conclusion. Despite the fact I vetoed those early ID cards, on September 11, one way our world has changed is we do need a national ID card. Maybe our discussion in committees would show we do not want one but that we want authorized two or three forms of identification cards which meet certain standards which can be used for different ways.

For example, there could be a travel card that one could use to get on an airplane. If you had that travel card that allowed you to get on the airplane, you might use it for other purposes, as we have come to use the driver's licenses in that way or we might use the passport. About a quarter of Americans have passports, 68 million Americans. That is one form of an ID card though not as common as 196 million driver's licenses. There is also the Social Security card. My initial instinct is that a Social Security card that had the proper technology attached to it would be the wisest, the most effective, and most useful ID card because most of the immigration problems we have are related to work, either as a student or as a worker. It would be natural to have an ID card, to have a Social Security card such as the card we carry around in our pockets that also serves as a de facto national ID card.

There was a case of the Swift Company, which was using, under our antiquated immigration laws, the basic pilot program, which is what we say to businesses to use if we want them to do everything they can to make sure they are only hiring people legally in the United States. Swift and other companies do that. Even if they do that, they cannot be assured that the people they are hiring are legally here because many of the Social Security numbers have been stolen, as it turns out, and it is against our laws to inquire too far into someone who applies for a job and presents evidence they are a citizen. Our laws say you cannot ask more questions to second-guess that.

We have some work to do. All of us who think about the immigration issue—which is what brought all this up, along with the September 11 disaster—we think of the immigration issue and we think of the need for employer verification. For employers in this country to verify that people they hire are legally here, we are going to have to supply those employers, in some way, with the ability to ask for a good identification card. Perhaps it is the Social Security card, perhaps it is a travel card, perhaps it is a passport, perhaps it is a bank card, maybe there are two or three of those. That might be a way to avoid having a single card and could diminish the concern about civil liberties. Or maybe the needed ID is the driver's license, but I doubt it is the driver's license.

Certainly, we should not expect the men and women in the Tennessee Department of Public Safety who are in charge of issuing a few million driver's licenses, to be turned into CIA agents whose job it is to catch terrorists. I don't think they are expected to do that. They are not prepared to do that.

What we will be requiring is the citizens of the various States to show up to get their driver's license or a renewal with different forms of identification, some of which they may not have. It will be a very expensive process and a big mess. My first impression is that the State driver's license system is not the best place to look if we want to create an identification card.

Here is my suggestion. My suggestion is we pay close attention to the Senator from Maine, SUSAN COLLINS, when we come back after the recess. She has a thoughtful recommendation to the Senate which suggests, over the next couple of years, we have time to look at this issue of whether we need a national identification card and what kind of identification card we might need. I hope the hearings would be held this year in the Homeland Security and Governmental Affairs Committee and the Judiciary Committee or whatever the appropriate committees might be, and then we might deal with this issue in the immigration bill which I hope we pass this year.

We need a comprehensive immigration bill. That bill needs to have an employer verification system. I don't see how we can have an employer verification system without a good form of identification card. I hope we will deal with this in the way the Senate normally deals with issues; that is, through its committees, considering all

of the options. In the meantime, we have the Real ID law in place with the estimate that it may cost up to $11 billion, a huge unfunded mandate. We have States saying we are going to opt out of that program. If they do, that means the citizens of Maine or Montana or some other State will not be allowed to fly on airplanes, for example, because they will not be from a State that has an approved ID card. That will create a lot more confusion and a lot more angry constituents.

I am here today to wave a yellow flag, to remind Members of the Real ID issue. It may not be part of the 9/11 Commission recommendation when they come to the floor, but it is relevant and certainly germane. I hope the Senator from Maine will provoke a discussion of it, and we will move to delay its implementation until we can think this through and do it right.

I ask unanimous consent to have printed in the RECORD an article I wrote for the Washington Post on Wednesday, March 30, 2005, about the Real ID and my views.

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

[From the Washington Post, Mar. 30, 2005]

MUCH AS I HATE IT, WE NEED A NATIONAL ID

(By Lamar Alexander)

The House recently passed legislation requiring states to turn 190 million driver's licenses into national ID cards, with state taxpayers paying most of the cost.

The first thing wrong here is that the House stuck the ID card proposal on the appropriations bill that supports troops in Iraq and sent it over to the Senate. We should not slow down money for our troops while we debate ID cards.

The second problem is that states not only get to create these ID cards, they'll likely end up paying the bill. This is one more of the unfunded federal mandates that we Republicans promised to stop.

Supporters argue that this is no mandate because states have a choice. True, states may refuse to conform to the proposed federal standards and issue licenses to whomever they choose, including illegal immigrants—but if they do, that state's licenses will not be accepted for ''federal purposes,'' such as boarding an airplane. Some choice. What governor will deny his or her citizens the identification they need to travel by air and cash Social Security checks, or for ''other federal purposes?''

Of course, the ID card may still backfire on Congress. Some feisty governor may say, ''Who are these people in Washington telling us what to do with our drivers' licenses and making us pay for them, too? California will use its licenses for certifying drivers, and Congress can create its own ID card for people who want to fly and do other federally regulated things—and if they do not, I will put on the Internet the home telephone numbers of all the congressmen.''

If just one state refused to do the federal government's ID work, Congress would be forced to create what it claims to oppose—a federal ID card for citizens of that state.

Finally, if we must have a better ID card for some federal purposes, then there are better ideas than turning state driver's license examiners into CIA agents. Congress might create an airline traveler's card. Or there could be an expanded use of U.S. passports. Since a motive here is to discourage illegal immigration, probably the most logical idea is to upgrade the Social Security card, which directly relates to the reason most immigrants come to the United States: to work.

I have fought government ID cards as long and as hard as anyone. In 1983, when I was governor of Tennessee, our legislature voted to put photographs on driver's licenses. Merchants and policemen wanted a state ID card to discourage check fraud and teenage drinking. I vetoed this photo driver's license bill twice because I believed driver's licenses should be about driving and that state ID cards infringed on civil liberties.

That same year, on a visit to the White House, when a guard asked for my photo ID, I said, ''We don't have them in Tennessee. I vetoed them.'' The guard said, ''You can't get in without one.'' The governor of Georgia, who had his photo ID driver's license, vouched for me. I was admitted to the White House, the legislature at home overrode my veto and I gave up my fight against a state ID card.

For years state driver's licenses have served as de facto national ID cards. They have been unreliable. All but one of the Sept. 11 terrorists had a valid driver's license. Even today, when I board an airplane, security officials look at the front of my driver's license, which expired in 2000, and rarely turn it over to verify that it has been extended until 2005.

I still detest the idea of a government ID card. South Africa's experience is a grim reminder of how such documents can be abused. But I'm afraid this is one of the ways Sept. 11 has changed our lives. Instead of pretending we are not creating national ID cards when we obviously are, Congress should carefully create an effective federal document that helps prevent terrorism—with as much respect for privacy as possible.

HAPPY BIRTHDAY, SENATOR KENNEDY

Mr. BYRD. Mr. President, President John F. Kennedy was fond of quoting the Biblical passage of the New Testament:

For unto whomsoever much is given of him shall be much required.

That was quoted from the 12th chapter of the Gospel of St. Luke, verse 48, the King James version.

When I think of that passage, I think of the life, the career, and the accomplishments thus far of my dear friend, my dear friend and colleague, Senator TED KENNEDY, who will turn 75 years old—Oh, to be 75 again—he will turn 75 years old, on February 22. The Senate will be out of session on February 22.

When TED KENNEDY came to the Senate in 1962, I would already have been here 4 years. So when he, TED KENNEDY, came to the Senate in 1962, much had already been given to Senator TED KENNEDY. He had been born into a wealthy and remarkably, remarkably talented family. His father, a financial genius, had been an Ambassador to England—think of that, Ambassador to England—and the very first Commissioner of the Securities and Exchange Commission.

One of his brothers, one of TED KENNEDY's brothers, had been a Senator—I can see him now, as it were—and was then President of the United States, but had been a Senator. Another brother was the Attorney General of the United States, and would eventually join TED in the Senate in 1965.

As for Senator EDWARD ''TED'' KENNEDY, himself, he had attended two of our country's premier educational institutions, Harvard College, and, yes, the University of Virginia. And he, TED KENNEDY, had already accumulated a lifetime of political experience by the tender age of 30 when he came to this Senate. How remarkable—just burst upon the landscape. I remember. Therefore, as the Scripture tells us, we had a right to expect much from TED KENNEDY when he came to the Senate. We had a right to expect much. What about our expectations? He delivered. He delivered.

In the Senate, TED KENNEDY became the heart and the conscience, yes, of American liberalism. And he has been one of the most effective—I know. I have been here. I have watched him. I did not particularly like him at the beginning. He did not like me. Each of us knew that. We did not care who else knew it. It did not matter.

In the Senate, Senator KENNEDY became the heart and the conscience of American liberalism. He has been one of the most effective national legislators—read the RECORD; read the history of the Senate—he has been one of the most effective national legislators of the 20th century. And as one who knows something about American history and the history of the Senate, he has been one of the most effective national legislators of all time in the Senate. I have not lived all time, but I know something about all time. I know something about the Senate and know something about the history of the Senate.

TED KENNEDY has been one of the most effective national legislators of the 20th century or of all time as far as this Republic stands. His imprint is on nearly every piece of progressive legislation crafted during the past 45 years. I will read that again. I want to make sure I believe that myself. His imprint is on nearly every piece of progressive legislation crafted during the past 45 years: the Occupational Safety and Health Act, OSHA; the Voting Rights Act; the Age Discrimination Act; the Freedom of Information Act; the Americans with Disabilities Act; health care reform; increases in the Federal minimum wage. These are but a few of his, TED KENNEDY's, legislative monuments. Additionally, he has been among those few at the very forefront of promoting women's rights and women's equality.

He, EDWARD M. KENNEDY, TED KENNEDY, is the Senate's Mr. Health Care. He is the Senate's Mr. Civil Rights, to a great extent. He is the Senate's Mr. Human Rights. As his Senate record reveals, Senator KENNEDY is a man—a Senator—of remarkable compassion, who has labored mightily on behalf of his fellow citizens.

Although born to a life of privilege, TED KENNEDY has dedicated his life—if

I ever saw a dedication to public service—dedicated his life to public service.

Senator EDWARD M. KENNEDY, TED KENNEDY, has spent more than half of his life in the Senate. I have done that, too. I was just contemplating and figuring in my head. Yes, that is a long time. He has spent more than half of his life in the Senate, yes. Yes, I have spent more than half of mine, but I am not the subject of this.

He, TED KENNEDY, is now second in seniority in the Senate. He, TED KENNEDY, is the third longest serving Senator in the history of the United States of America.

As I wish my dear friend TED KENNEDY the happiest of birthdays, perhaps I should point out that our relationship—his and mine—did not begin—I think I have already hinted at that—on the friendliest of terms. I first encountered TED KENNEDY during the bitter and famous 1960 West Virginia Democratic primary. TED KENNEDY was in the State helping his brother John F. Kennedy, who was running for President. I, ROBERT C. BYRD, was supporting the other guy.

In 1971, he, TED KENNEDY, was running for reelection to his position as the Senate Democratic whip. Again, I supported the other guy—me.

In 1976, I was running for the position of Senate majority leader. This time, he, TED KENNEDY, was supporting the other guy.

This hardly seemed the beginning of a beautiful relationship, but it was.

During our service together in the Senate, I came to admire TED KENNEDY—yes, I came to admire him—as a dedicated Senator of incredible tenacity and admirable legislative skills. I found him to be an indefatigable worker who could accomplish, yes, what seemed to be legislative miracles. Sometimes they were.

I, personally, will always be grateful for the support, the unstinting support, that Senator TED KENNEDY gave to me during the years that it was my privilege to serve, yes, serve as the Senate Democratic leader. And I was. I was the leader, the Senate Democratic leader. When times got tough, as they sometimes do for a Senate leader, I knew that I could always count—I could always count; yes, even without asking him, I knew where he stood—I could always count on him. It may have been a needed vote. It may have been his assistance in building support for a legislative proposal. Whatever was needed, he, EDWARD M. KENNEDY, TED, was there. He was there, he was always there for me, and I am grateful. As a result, our friendship has developed and strengthened.

Today I am proud to call TED KENNEDY one of my best and dearest friends. I have to say he is my best and dearest friend. I will always value his friendship. I especially appreciate the way he has extended that friendship not only to me but also to all the people of West Virginia. And he did much of that before he became a friend of mine.

I close this brief statement about admiration for TED KENNEDY with these words:

''How far away is the temple of fame?''
Said a youth at the dawn of the day.
He toiled and strove for a deathless name;
The hours went by and the evening came,
Leaving him old and feeble and lame,
To plod on his cheerless way.

''How far away is the temple of good?''
Said another youth at the dawn of the day.
He toiled in the spirit of brotherhood,
To help and succor as best he could
The poor and unfortunate multitude,
In its hard and cheerless way.

He was careless alike of praise or blame,
But after his work was done,
An angel of glory from heaven came
To write on high his immortal name,
And to proclaim the truth that the temple of fame
And the temple of good are one.

For this is the lesson that history
Has taught since the world began;
That those whose memories never die,
But shine like stars in the human sky,
And brighter glow as the years go by,
Are the men who live for man.

Senator TED KENNEDY is a public servant. He is a dedicated legislator. He is a great Senator of our times who endeavors to live for his fellow man.

Happy birthday, TED KENNEDY. God bless you. Because of you, we are a better country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

HONORING VINCE KIROL, DARCY DENGEL, AND PAUL ERICKSON

Mr. TESTER. Mr. President, I rise today in honor of three Montanans, three true public servants and American heroes who passed away last week in my home State of Montana.

Today, Senator BAUCUS and I grieve with the city of Great Falls and the State of Montana. I ask that we keep the families of the three victims of a Mercy Flight air ambulance crash in our thoughts and prayers. Their colleagues at Benefis Hospital in Great Falls and across my State are mourning, remembering, and honoring the lives of Vince Kirol, Darcy Dengel, and Paul Erickson.

Vince, Darcy, and Paul died when their plane went down on a routine flight from Great Falls to Bozeman Tuesday night to pick up a patient. I ask that we in this body hold these three in highest esteem as public servants who selflessly risked their own lives to help others.

Vince Kirol was a pilot for 40 years. He flew for Mercy Flight the last 12 of those years. Vince has left an everlasting footprint on Montana.

Darcy Dengel, a registered flight nurse, was only 27 years of age. She was engaged to be married to a Great Falls police officer. Darcy will not be forgotten.

Paul Erickson was a Great Falls firefighter and paramedic. We will never forget the service Paul left behind. It has changed lives forever.

In this body, we speak often of the value of public service. These three Montanans lived it every day. Too often, we are reminded of the sacrifices of our first responders, firefighters, police officers, nurses, and doctors. I ask my colleagues and all Americans to take a moment, when we can, to thank those who put their lives on the line serving this country at home. We owe them so much.

With great respect for these fine three Montanans, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

SENATOR KENNEDY

Mr. KERRY. Mr. President, I thank the Senator from West Virginia for his comments about my colleague, Senator KENNEDY, who I know, if he were here, would be equally grateful. I am not going to be addressing the issue of Senator KENNEDY's birthday today. I will do so tomorrow. But we are all grateful for Senator BYRD and what he represents in the Senate. There is nobody who knows the record of my colleague better, who has served with him longer, or who has been through more battles with him than Senator BYRD. We are grateful for those comments.

IRAQ

Mr. KERRY. Four years ago, as we all know too well, we sent our young men and women to Iraq for a war that many of us now believe was a grave and tragic mistake. Day after day, month after month, the administration has repeatedly exacerbated that mistake by leaving our soldiers in the field without the equipment and without the protection they need and deserve, knowing full well what the lethal consequences would be.

There will be and there is disagreement in this body over the next difficult steps to take in Iraq. We can disagree on troop numbers. We can disagree on a timetable. We can disagree on the shape of a future political settlement in Iraq. Surely, we can all recognize those are honest differences of opinion. But there is no difference of opinion and there is no disagreement here that we ought to be giving our troops absolutely everything they need in order to accomplish this mission. There is no disagreement that those troops deserve everything they need to be as safe as possible, and there should be no disagreement that when we ask young men and women to leave their families to fight deadly foreign enemies halfway across the globe, when we ask them to put their lives on the line, the least we owe them is the equipment they need to protect themselves and get the job done. One soldier dying from a roadside bomb because he or she does not have the body armor is one too many.

The fact is, when it comes to body armor, when it comes to armored vehicles in Iraq, our troops do not have

what they need. According to the Washington Post this week, our soldiers are short more than 4,000 of the latest humvee armor kit, the FRAG Kit 5. Fewer than half of the Army's 14,500 up-armored HMMWVs in Iraq and Afghanistan have the latest equipment. As Lieutenant General Stevens, the Army's Deputy Chief of Staff for Force Development, said:

We don't have the kits and we don't have the trucks.

It is not just armored vehicles that would keep our troops safer. They need better body armor, too. People are actually holding bake sales in our States in order to raise the money to privately purchase and send to their loved ones the armor or the helmets they want.

Over a year ago, the Pentagon issued a report that many of the deaths in Iraq caused by upper-body injuries could be prevented if all the body armor issued to our troops included side armor plates. Some of my colleagues raised this issue with Secretary Rumsfeld, and he assured them that the Pentagon was going to begin the procurement and delivery of an additional 230,000 sets of side armor plates.

Last month, another Pentagon report found continued shortages in force protection equipment for our soldiers, a shortage of body armor, a shortage of up-armored vehicles, a shortage of communications equipment, and a shortage of electronic countermeasure devices.

We have also heard firsthand from troops that many are still being issued body armor without the side armor plates. How can someone be content to send our soldiers on the most dangerous patrols in the roughest neighborhoods of Baghdad without the best possible protection being afforded them?

In the last 4 years, over 1,100 Americans have died from roadside bombs, and thousands of our best troops have suffered debilitating injuries or had their lives permanently altered by these terrible weapons.

Knowing full well you don't have enough armor for the troops already in the field, how do you responsibly turn around and say: That is OK. We will just go ahead and put another 21,500 or more right there alongside them, particularly when it is a job that Iraqis themselves ought to be doing? By themselves, these shortages are trouble. But the President's plan to send over this additional force makes them even more questionable.

Now we hear that the troops pouring into Iraq will not even have enough up-armored HMMWVs or other armored vehicles until July. So what is the rationale for putting in the over 20,000 now, when the armor their lives depend on is not going to arrive until July? How do you turn around and say to a parent or to one of those young people themselves that they are the next people to be over in Bethesda or in Walter Reed minus their limbs? Oh, sorry, we just didn't get them over there in time, even though we had a couple of years to make the plans and respond, the most powerful, richest Nation on the face of the planet, one that prides itself on its technology and on its support for the troops. How do you explain that to one of those soldiers?

Eighteen months into the war, Donald Rumsfeld told troops in Kuwait a now famous line:

As you know, you go to war with the Army that you have.

Well, in addition to being a pretty smug and even cavalier thing to say at that point in time, you ought to measure it by where we are today. That was about a year and a half ago. You may go into war with the Army you have, but smart people adapt to their enemy's tactics. You exploit their weaknesses, and you certainly work to minimize your own. We ended World War II in less time than it has taken to prosecute the current war in Iraq. We ended it with a weapon that didn't even exist when World War II began, when Pearl Harbor took place.

We have known for years now that the technologies our enemies are using to kill our troops are outpacing the equipment we use to protect them. And the gap between their offensive weapons and our defensive armor is only growing, thanks in part to a major increase in an especially lethal kind of roadside bomb, the so-called EFP or explosively formed penetrator. This is a diabolical contraption which has been described as a ''spear that rips right through the vehicle.'' It can shoot a metal projectile through the side of even an up-armored HMMWV and turn pieces of the vehicle itself into shrapnel that kills or maims the soldiers inside.

Ninety percent of American fatalities from these terrible weapons have come in Baghdad. Against the warnings of former Secretary of State Colin Powell, against the warnings of GEN John Abizaid, against the warnings of the entire Joint Chiefs of Staff last year, who said we don't need more troops and don't want them, the President is now sending five brigades to referee a Sunni/Shia civil war. We are sending them without the protection they need to survive EFP attacks.

Unfortunately, even with the latest armor, soldiers will still die from roadside bombs. But the new armor reinforces the doors, slows down the projectile, will keep soldiers safer, and it will save many lives. When GEN James Conway, Commandant of the Marine Corps, talked about the armor kits, he said the following:

They are expensive, but they are going to save lives.

The technology exists right now to keep our troops safer. So why, 4 years later, do our troops not have it? Partly, it is due to the gross incompetence at the highest levels of this Administration in their commitment to the procurement process itself. Mostly, it is the fact that we have never been mobilized to actually do what you do in war. We talk about war; the rhetoric is all about war; but there is no request of Americans to behave as if we are at war. Certainly, for the people waiting for that equipment, there is no showing that we are serious about it.

From the time we invaded, the need for a fleet of vehicles that could keep our troops safe has been unmistakable. From the time we first got there, people knew you would drive down the streets and be exposed to these kinds of risks. Yet we kept relying on one single provider of uparmored HMMWVs, and given the chronic shortfalls we have seen, that is a pretty amazing reliance. Still, the Administration doesn't seem to respond.

The President's defense budget for next year does not include enough funds for armored vehicles, so the Marine Corps had to ask Congress for an additional $2.8 billion to buy more mine-resistant, ambush-protected vehicles. Going back to 2002, the Administration terminated funding for one alternative vehicle that was more suited to the battlefield in Iraq—because of what they called ''budget priorities.'' I want to know what the budget priority was that came ahead of providing a vehicle to our troops that would have been more suited to the battlefield. Was it the tax cuts? What was the priority?

While this is an urgent short-term concern, we also need to think about what our soldiers will need in the long term for 21st century warfare. Enemies are taking book on the weaknesses that we are showing them on a daily basis. Unfortunately, this will not be the last war in which our troops are targeted in the vehicles they ride.

Since Somalia, in 1993, we have known that humvees, with their thin skin and square-bottom chassis, are ill-suited for counterinsurgency and the modern battlefield. We need to bridge this short-term gap and we need to invest in the armored vehicles to keep our soldiers safe in the future. This is serious business, and we cannot afford to be vulnerable or reluctant to engage with the urgency it requires.

No Commander in Chief and no Congress should knowingly put the lives of our soldiers at risk unnecessarily. But that is exactly what is happening as we escalate this war. It is long past time that we had an honest conversation about what protecting our troops means. Some of our colleagues have come to the floor, even after blocking a vote on what we might or might not do with respect to Iraq and the President's escalation plan, and they say they want an amendment saying that if Congress were to use the power of the purse to force this Administration to change its failed policy, that that somehow would be putting our troops at risk.

Let me tell you what puts our troops at risk. It is sending them on a mission without the equipment, without the

armor, without the vehicles that we know how to produce and are not being produced, and which they don't have. That is what puts our troops at risk. It seems to me it is unfair, if not negligent, to put our troops at risk in the crossfire of a civil war without the equipment they need.

So we ought to make certain we give our soldiers the extra body armor and the latest uparmored HMMWVs in order to do their job. That is why I will again introduce a resolution in the Senate that offers us the best chance to salvage some measure of success in Iraq. I am convinced the real way you protect the troops is to give them a mission that indeed invites success. And absent the kind of summit and diplomacy necessary to resolve the fundamental political differences between Shia and Sunni, between the fundamental stakeholders in Iraq, our soldiers, no matter how brave or courageous—and they are both—cannot do the job. The job has to be done at a table negotiating out those differences.

It is long since time we had a policy that sought to get Iraqis to take responsibility for Iraq. The Iraqis have shown again and again that they only respond to a deadline. About 6 months ago, General Casey and Ambassador Khalilzaid said publicly that the Iraqis had about 5 months to make a series of decisions in order to resolve their differences, or it may become almost impossible to make it happen. Those 5 months came and went. Nothing happened. Nothing was required of the Iraqis that was firm. Nothing happened to change the equation on the ground in Iraq. I believe it is only with a deadline that urges them to take those steps that we will ultimately be successful. That is what I believe we owe our soldiers.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Oregon is recognized.

(The remarks of Mr. WYDEN pertaining to the introduction of S. 647 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

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

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. 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. GRASSLEY. Madam President, I ask unanimous consent to speak in morning business for such time as I might consume and that it be roughly 20 to 30 minutes.

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

ALTERNATIVE MINIMUM TAX

Mr. GRASSLEY. Madam President, you and other Senators have seen me on the floor in the last few days in order to bring some clarity to our discussion we have every year about what to do with the alternative minimum tax. When I say ''every year,'' for at least the last 3 years we have had some discussion about the alternative minimum tax. I would remind people that in 1999 we passed a repeal of the alternative minimum tax, but President Clinton vetoed it and we haven't been able to repeal it since.

Now, this alternative minimum tax was originally created in 1969 targeting wealthy taxpayers who were able to legally eliminate their entire income tax liabilities. The AMT has turned into a monster that has threatened to hurt the middle class and maybe eventually touch lower income taxpayers if we don't do something about it. Obviously, if it is a monster, that ought to indicate to my colleagues that I think it ought to be repealed.

The reason for this, as I have explained, is the failure a long time ago to index the alternative minimum tax for inflation. Thirty-eight years of inflation has allowed the alternative minimum tax to spread to literally millions of taxpayers who were never intended to pay it in the first place. Although more middle and lower income taxpayers will be hit by the alternative minimum tax, it has not decreased the percentage of high-income taxpayers who have no tax liability. So here we have the anomaly of a tax that was supposed to hit just the very wealthy.

In the year 1969, we were talking about a study which showed 155 people. Now it is hitting millions of people. This year, if we don't act, it is going to hit another 9 million or 10 million. And the anomaly is, there are people who have figured a way to even not pay the alternative minimum tax, and those people obviously are the wealthy whom it was supposed to hit in the first place.

The alternative minimum tax also takes more than the taxpayers' money; it takes an awful lot of time to figure through this when you are doing your taxes. I think it was on Tuesday of this week or Monday of this week when I said the IRS estimates that the taxpayers spend an average of 63 hours computing the alternative minimum tax liability. The alternative minimum tax is truly a very cruel way of raising revenue. While there seems to be general agreement that the AMT is a problem, there has been less agreement on the solution for that problem. Perhaps I shouldn't be surprised that there are more problems than there are solutions, but I am surprised by some of the obstacles preventing a solution to the alternative minimum tax.

There are some who make the argument that any revenue not collected in the future as a result of the alternative minimum tax repeal, or reform, ought to be offset. I explained this before, but you can't say it too many times around here: The alternative minimum tax is a phony revenue source and should not be offset. Since the alternative minimum tax collects revenues, it was never intended to collect from people who were never intended to pay it in the first place.

Although the alternative minimum tax is still with us, it is not because solutions have not been considered and proposed. Right now I will walk through some of those solutions that have been suggested. Before I begin, I wish to emphasize a point I made a couple days ago. With surprising regularity over the past 38 years, Congress has been meddling with the AMT, including the year I said we passed legislation to repeal it and President Clinton vetoed it. Since 1969, more than 20 bills have made changes to the alternative minimum tax. Sometimes the rate was adjusted. Sometimes the exemption amounts were modified. More than once, graduated rates were introduced. My point is that for 38 years, Congress has hoped to tinker with the alternative minimum tax in just the right, very right way, very perfect way, to finally get it right but not succeeded. Unless we truly believe we are the smartest Congress in 38 years, anything short of complete repeal of the AMT will probably require yet further action down the road in a few years.

I would also like to draw attention to the revenue estimates done by the Joint Committee on Taxation in 2005 that is reproduced on this chart, and these numbers are so small I am only going to talk around them and not specifically to those numbers. I ask unanimous consent that this estimate be printed in the RECORD.

COMMITTEE ON FINANCE—ESTIMATED REVENUE EFFECTS OF VARIOUS INDIVIDUAL AMT OPTIONS—FISCAL YEARS 2006–2015

[Billions of dollars]

Provision	Effective	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2006–10	2006–15
1. Fully repeal the AMT	tyba 12/31/05.	−23.4	−61.2	−71.1	−83.9	−97.4	−79.3	−38.3	−44.4	−51.9	−60.1	−337.0	−611.0
2. Allow certain preference items in the calculation of AMT:													
a. Personal exemption	tyba 12/31/05.	−11.2	−30.3	−37.0	−44.9	−53.0	−43.8	−23.1	−27.6	−33.2	−39.1	−176.4	−343.2
b. Standard deduction	tyba 12/31/05.	−1.8	−5.1	−6.8	−8.8	−10.8	−8.6	−3.9	−4.8	−5.9	−7.2	−33.3	−63.7
c. State and local taxes	tyba 12/31/05.	−16.1	−42.4	−49.1	−56.5	−63.5	−51.9	−28.6	−32.9	−38.1	−43.7	−227.6	−422.8

COMMITTEE ON FINANCE—ESTIMATED REVENUE EFFECTS OF VARIOUS INDIVIDUAL AMT OPTIONS—FISCAL YEARS 2006–2015—Continued

[Billions of dollars]

Provision	Effective	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2006–10	2006–15
3. Permanent extension of present-law exemption amounts	tyba 12/31/05.	−11.8	−31.7	−37.4	−43.7	−50.2	−41.0	−23.1	−27.2	−32.1	−37.2	−174.8	−335.4
4. Permanent extension of the treatment of nonrefundable credits under the AMT.	tyba 12/31/05.	−0.6	−2.9	−3.2	−3.5	−3.9	−4.7	−6.7	−7.4	−8.3	−9.0	−14.1	−50.2
5. Extend and index the present-law exemption amount and lower bracket endpoint.	tyba 12/31/05.	−12.5	−33.9	−41.5	−50.4	−59.9	−49.7	−27.4	−32.9	−39.7	−47.2	−198.2	−395.1
6. Provide an exemption from the AMT system for taxpayers with adjusted gross income less than:													
a. $50,000	tyba 12/31/05.	−0.2	−0.5	−0.6	−0.7	−0.8	−0.8	−0.8	−0.9	−1.0	−1.1	−2.8	−7.4
b. $100,000	tyba 12/31/05.	−3.3	−8.9	−10.6	−12.5	−14.4	−12.6	−9.0	−10.2	−11.5	−13.0	−49.7	−106.0
c. $150,000	tyba 12/31/05.	−7.9	−21.2	−25.1	−29.8	−35.1	−29.1	−16.7	−19.4	−22.8	−28.2	−119.1	−233.3
7. Increase the lower bracket endpoint from $175,000 to:													
a. $200,000	tyba 12/31/05.	−0.4	−1.0	−1.1	−1.3	−1.5	−1.3	−0.9	−1.1	−1.2	−1.4	−5.3	−11.2
b. $250,000	tyba 12/31/05.	−0.9	−2.3	−2.7	−3.2	−3.7	−3.2	−1.9	−2.3	−2.7	−3.2	−12.8	−26.1
8. Reduce the rates from 26% and 28% to 24% and 26%	tyba 12/31/05.	−10.8	−28.9	−34.1	−40.0	−45.7	−37.0	−19.7	−23.1	−27.1	−31.4	−159.5	−297.8

Note.—Details may not add to totals due to rounding. Legend for ''Effective'' column: tyba = taxable years beginning after.
Source: Joint Committee on Taxation.

Mr. GRASSLEY. This is an estimate of how various proposed fixes to the alternative minimum tax will impact revenues expected to be collected under the current law. What you should note is that full repeal aside—which I suggest is about the only way to do it but not considering that—each of those proposals will still allow the alternative minimum tax to bring hundreds of billions of dollars into the Treasury. If you consider any proposal aside from full repeal, you are saying that hundreds of thousands, if not millions, of people in our country deserve to bear the burden of an alternative minimum tax that is not even, in some instances today, taxing to people who are supposed to pay the tax: the very wealthy.

One possible solution is to continue doing what we have been doing for the past several years. Ever since 2001, the Finance Committee has produced legislation that has kept additional taxpayers from falling prey to the alternative minimum tax because of inflation. In the tax increase prevention and reconciliation bill of 2005, we were able to extend the hold-harmless clause through December 31, just ended. That hold harmless now has expired and action will need to be taken this very year or the AMT will return to its pre-2001 exemption levels, and tens of millions of taxpayers will fall into the AMT and have to pay it this year.

Suppose we are able to continue enacting 1- or 2-year temporary patches, as we did last year. First, this strategy assumes that Congress will have the time and the inclination to spend time dealing with the alternative minimum tax every year or two. This means that whatever the issues of the day may be—Iraq, unemployment, natural disasters such as Katrina—Congress will have to stop dealing with those other problems and periodically return to holding harmless people who would be otherwise hit by the alternative minimum tax.

Is the alternative minimum tax an issue that we, as a legislative body, should revisit every year or wouldn't it be better to do away with a piece of legislation that was never intended to kill the middle class but will? Today I can show you some taxpayers who ought to be paying it who have found ways of getting around a provision that no wealthy taxpayer was supposed to get around. I hope this body would be ashamed to say that to anyone, that we would consider going down that road, but there we are.

The second point I wish to make is Congress attempts to enact or do this every year. Every time a patch is considered, there is another chance for taxpayers to be subject to a stealth tax increase. Finally, we have to remember that more than 3 million taxpayers are currently caught by the AMT, and we are putting a chart up here now that will show more than 3 million families and individuals paid this tax in 2004. This is the way it hits every State. In case the Senator who is presiding can't see this, in the case of Minnesota, there are 69,000 people in that State who paid this for the last year we know about, 2004. In my State of Iowa, if I can find Iowa on here, 17,000, and I will bet most of these people in Minnesota or Iowa who are paying it—you know, in 1969, it was never anticipated that they pay it. But they are paying it because that is the way our tax laws work, until you make some change in them, and because this wasn't indexed.

In dealing with the alternative minimum tax, are we going to tell these people we know that isn't fair and we would like to help you, but in fact you are out there on your own? Well, no taxpayer hearing me say that wants to hear that. I hope this body would be ashamed to say to anyone, much less more than 3 million families and individuals, that any extension of a patch or hold harmless will be fundamentally flawed in that it doesn't take people already hit by the AMT into account. If we are going to decide to protect people from falling into the clutches of the AMT, it would be immoral to forget about those already subject to it.

I wish to add, as someone involved in enacting the recent hold-harmless provisions, so people preparing their income tax right now, there aren't any more of them hit by the alternative minimum tax than were hit the previous year, but that is ended December 31. But as one who was involved in that, they were never intended to be a permanent solution. The patches were always ''kicking the can down the road'' and letting somebody else worry about them. Well, I am still here, and I have to worry about it, so I am creating problems for myself. But I don't know how you can get people tuned in to doing away with a tax, and you can't do away with it because you have to offset it, but you are offsetting it with a bunch of phantom income that was never supposed to be paid by these people in the first place. The public listening to this are going to say: Well, what planet did these Congressmen come from?

Well, let's go on to another idea, to limit the reach of the alternative minimum tax based on income. We might decide, for instance, that anyone who makes less than $125,000 a year will not be subject to the alternative minimum tax or maybe we could set it at the amount of $200,000 or you could say $400,000. Now, in a nutshell, I have laid out a principal difficulty with setting a minimum threshold based on income. How do we set a number that would be equitable throughout the country? I am not thinking of myself so much as those who come from the so-called blue States, their taxpayers. Any Iowan who has spent any time in Washington, DC, knows right away that it generally costs more to live in those States than in other States, more rural States. It costs more to buy a house, to buy food at the grocery store. What I am trying to get at is that prices and incomes are relative. Taxpayers living in areas such as Manhattan or San Francisco could be especially hard hit by the alternative minimum tax by income. In fixing the AMT, I don't want to move problems around or reassign hardships. That is akin to reassigning the tables and chairs on the deck of the Titanic.

Another proposal which has been suggested is to allow certain preference items in the calculation of the alternative minimum tax. This would allow taxpayers to count items, such as a personal exemption, the standard deduction, the State and local taxes, against their income for the purposes

of calculating AMT liability. This approach is also fraught with difficulty and unnecessary decisions. To implement this proposal, we would have to arbitrarily give some taxpayers an escape hatch, while others would not be able to escape the AMT.

If we allow State and local taxes to be a preferenced item, for example, we are giving an advantage to people who choose to live in high-tax jurisdictions over those who choose to live in low-tax jurisdictions. In my way of thinking, it is not fair for the Federal Government to give more favorable tax treatment to some taxpayers because of where they live. Also, it seems likely that taxpayers who pay the most in State and local taxes are going to be wealthy taxpayers whom the AMT was supposed to tax in the very first place.

If we were to give the standard deduction preferential status in calculating AMT liability, then I have concerns about the impact this might have, for instance, on charitable giving. If we only allow the standard deduction to be taken against the AMT, people may decide not to make charitable donations they might otherwise consider. On the other hand, we could allow individuals to count their total charitable contributions when calculating AMT. This approach favors those wealthy enough to make large charitable contributions.

The point I make is allowing taxpayers to consider certain preferenced items when calculating their AMT liabilities will make it necessary to favor some taxpayers and will lead to more bills making more changes in the future to the AMT as various groups or interests fight to allow a given exemption or deductibility they favor to be taken against the AMT liability.

These are all items which have been floating around as suggestions to fix this problem we have. I don't think any of them are very sound tax policy. They might help some people, but they are going to hurt others.

Before I explain how we can deal with the AMT once and for all—and I have already pointed out what I think that is, and that is repeal—I wish to explain how various proposals impact the number of taxpayers already hit by the AMT as calculated by the nonpartisan Joint Committee on Taxation.

This chart shows numbers from last year. As the blue line on this chart shows, under current law, the number of AMT filers will jump by over 20 million this year if Congress does nothing.

The red line shows what would happen if the exception applicable in 2005 was made permanent and indexed for inflation still at a higher level, hitting people who were never intended to be hit, but it would still moderate the impact for tens of millions of people. Clearly, the number of taxpayers affected is less, but still a very large number that, after dropping to a low of 1.7 million people in 2011, begins to increase again, to 2.1 million people by the year 2016.

The orange line represents the establishment of a 24-percent rate along with the 2005 exemptions made permanent and indexed for inflation. This plan just described—the orange line—follows the trend of the red line as it incurs a drop before creeping back up.

Finally, the green line on the chart shows what would happen if we took the 1985 exemption amount, which was $30,000 for individuals and $40,000 for joint returns, and indexed it for inflation. As with the other three lines, the number of taxpayers affected drops more before creeping back up once again.

Although some of these options seem to assist most taxpayers, do not be fooled by the large scale of this chart. Even the option to index by 1985 exemption leaves at least several hundred thousand taxpayers exposed to the AMT. It would be difficult to explain to these people why others deserve fair treatment and they do not.

Clearly, there is only one way, then, to fix the alternative minimum tax so that no taxpayer is subject to what has become a complete policy failure, because even some wealthy people who were supposed to pay a minimum tax for the privilege of living in America are able to get around it as well. We must completely repeal the individual alternative minimum tax. There is a bipartisan consensus that only complete repeal is an adequate solution to this problem. Chairman BAUCUS, with me and with Senator CRAPO, Senator KYL, Senator ROBERTS, Senator SCHUMER, and Senator SMITH, last month introduced the Individual Alternative Minimum Tax Repeal Act of 2007. By the way, that is a bipartisan group of people.

The alternative minimum tax was originally conceived as a means to ensure that the Tax Code was equitable and more progressive. Ironically, the only equitable thing to do is to completely banish the individual AMT from the Tax Code. Any other solution will entail we treat taxpayers in similar situations differently or that we arbitrarily choose winners and losers.

As I have said many times, the alternative minimum tax has been a complete and absolute failure. The alternative minimum tax was only supposed to hit a very small number of wealthy taxpayers who were able to legally eliminate their entire income tax liability. In reality, the AMT is gradually consuming our middle class and is projected to absorb more revenue coming in from the alternative minimum tax than the regular income tax in just a little while. Furthermore, the alternative minimum tax does not even prevent wealthy taxpayers from eliminating their tax liabilities. If Members have heard me say that four times, I say it to impress that the original intent of the alternative minimum tax is not even being met.

For the tax years 2003, the IRS calculated that there are 2,366 taxpayers with incomes of over $200,000 a year or more who did not pay any income tax. These 2,366 taxpayers did not use medical or dental expense deductions to limit their tax liability.

We must repeal the AMT. We must do it without offsetting any revenue the AMT is expected to collect in the next few years because it was never intended in 1969 that these people pay the alternative minimum tax. I have made this point before but cannot make it too many times: The AMT was never intended to be a significant source of revenue. It was supposed to be making a point that when some of the very wealthiest use every legal means they can—and I stress ''legal'' because these are not criminals—every legal means to avoid paying income tax, they ought to pay a little bit for the privilege of being in America. Not that they don't pay in other ways—it is a matter of progressivity as much as it is the privilege of living in America, to be a matter of principle. It was never meant to be a significant source of income.

Despite this, we will see the alternative minimum tax ballooning Federal revenues to historically high levels if something is not done. This chart which I used a couple of days ago shows how revenues are projected to exceed the 30-year historical average. This historical average is actually about a 50-year historical average, somewhere between 17 percent and 19 percent. We are at the historical average right now. Even though we were a little bit below after the income tax cut of 2001, we are back up to 18.4 or 18.6 of GNP. If we do not do something about this alternative tax and we also continue to collect it from people who were never intended to pay it, this is where we end up—with income coming into the Federal Treasury way above the historical average.

I emphasize historical average, not that it is sacrosanct, but I come to the conclusion that over a period of 50 years, if we have a tax policy falling between 17 percent and 19 percent—and this is whether there were 93 percent marginal tax rates that President Kennedy did away with or as low as 28 percent marginal tax rates that we had in the tax year of 1986 under Reagan—if we overlap all of the marginal tax rates on top of the GNP portion the Federal Government takes, we still average 17 percent to 19 percent, which shows that it does not matter how wealthy you are, some people come to the conclusion that they will only work so hard and pay so much tax regardless of how high the marginal tax rate is, and you get the same amount of money coming in.

So try to tax the wealthy, raise the marginal tax rate, you get less revenue. If you want to soak the rich, lower the marginal tax rate because they are people who will take their money out of leisure, they will take it out of nonproductive investments such as antique and gold and put it into productive investments because probably they are greedy and they want to make

more if it is worth working to make more.

Regardless of where we set it, 17 percent to 19 percent seems to work because, at least in my judgment, a very commonsense judgment, it is a level of taxation that there has not been a revolt against. It is a level of taxation that 50 years of our country shows has increased the standard of living for the American people very dramatically.

If we consider the AMT to be fundamentally an unfair tax, any tax that would replace it would be equally unfair. Anyone who wants equity to be a fundamental value represented by our Tax Code or who wants fair treatment for this country's taxpayers must support complete repeal of the alternative minimum tax and should support the Baucus-Grassley bill, which is the Individual Alternative Minimum Tax Repeal Act of 2007, a bipartisan bill.

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

The PRESIDING OFFICER (Ms. STABENOW). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

IRAQ

Ms. STABENOW. Mr. President, I rise today to speak about the continued obstructionism in the Senate, led by our Republican colleagues, concerning the vote on supporting or opposing the President's escalation of the war in Iraq.

For 2 weeks our distinguished majority leader has been trying to get an agreement to just proceed to a fair debate, to just have the opportunity on the floor of the Senate to have a debate on whether we support the President's escalation of the war in Iraq. He has offered an up-or-down vote on two different proposals—one opposing the escalation, the second supporting it. At every turn he has been stymied.

Our Republican minority claims they want to debate the war in Iraq, but they have done everything they can to obstruct the debate. I would like to go through some of the history of this obstructionism. Since the first of the year, Republicans have rejected at least three different compromises that would have allowed the Senate to move forward with a vote on the escalation of the war in Iraq. In an effort to obtain an up-or-down vote on the bipartisan resolution disapproving the President's plan, Senate Democrats offered to schedule an up-or-down vote on the McCain-Graham resolution supporting the President's plan. Unfortunately, the Republican leadership rejected this offer on what they claimed to support.

Then we, as Senate Democrats, offered the Republican leadership up-or-down votes on two other resolutions—the Gregg resolution and a resolution stating simply that the Senate does not support the surge and demands that the troops deploying to Iraq receive the body armor and other equipment they need. The Republican leadership again rejected the offer.

Finally, Senate Democrats offered to allow votes on the bipartisan resolution and the McCain-Gramm resolution that would each have required a supermajority of 60 votes. The Republican leadership again said no.

The pattern of obstruction has, unfortunately, continued. On February 5, all but two Republican Senators opted to block a debate, including the distinguished author of the resolution—chose to block debate on whether we support the President's escalation plan. The reaction across the country was echoed in numerous newspaper headlines.

The Washington Post:

GOP Stalls Debate On Troops Increase.

The Washington Times:

Senate GOP Blocked Iraq Resolution.

The New York Times:

GOP Senators Block Debate On Iraq Policy.

USA Today:

Vote On Iraq Is Blocked By The GOP.

Denver Post:

GOP Blocks Iraq Debate.

A.P.:

Republicans Block Senate Debate On Iraq.

Reuters:

Republicans Block Senate Debate On Iraq.

CNN:

GOP Blocks Senate Debate On Iraq Resolution.

Los Angeles Times:

GOP Bats Down Resolution Debate.

After almost 2 weeks of more stalling by the Republican leadership, Senate majority leader HARRY REID today, again, offered a compromise that would have allowed all of us the opportunity to stand up and take a position and vote our conscience. Simply put, every Member of the Senate would be given the opportunity to vote on a bill equal to the House resolution opposing the President's escalation of the war in Iraq and also a resolution supporting the President's plan to send even more troops into combat operations in Iraq.

What could be simpler? What could be more fair? The reaction by the Republican leadership, sadly, was not surprising. They again said no. They don't want to vote. I find it interesting that earlier today colleagues on the other side of the aisle who voted to stop us from going ahead to a vote are now saying we should not adjourn until we vote. Well, in fact, our distinguished majority leader and the majority agree. Therefore, we will have that vote after the House votes tomorrow. We will have that vote on Saturday.

Supporters of the war in Iraq have claimed that one of their goals is to spread democracy throughout the Middle East, throughout the region. That is an ironic statement, considering that they are stifling the democratic process on the floor of the Senate. Recent public opinion surveys have shown that a clear majority of Americans—in some cases as many as 70 percent of American citizens—when asked, say they oppose the President's plan to escalate the war in Iraq. From our biggest cities to our smallest towns, the American people are demanding accountability on the war in Iraq. They have questions and they are looking to their leaders for answers. They are looking to their leaders—to us—for focus and debate and a willingness to take a position and speak out and make change happen.

The Traverse City Record Eagle, in Michigan, in their editorial page, summed it up, I believe, on January 25. They said:

> Someone frozen in time for the past 2 years could have listened to President Bush outline his new Iraq policy in his State of the Union Address Tuesday and wondered what the fuss was about. That is because there is no ''new'' policy.
>
> Today, the road ahead looks just like the road behind—stay the course. Only this time there will be about 20,000 more American troops in harm's way [not counting support troops]. Before we know it, we'll be at 4,000 Americans dead and 30,000 wounded and nothing will have changed.

They went on to say:

> The awful reality, as many who watched Tuesday surely realized, is that the President has no exit strategy. He has no clue how to get Sunnis and Shiites to stop killing each other, let alone form a stable government. He has no evidence they even have any desire to do so. There is only his war, and it goes on and on.

Mr. President, our troops and their families, more than anybody else, deserve better. They deserve better than this strategy, and they deserve better than tactics designed to stop us from a full and open debate about the President's strategy. They deserve better than people avoiding taking a stand, taking a vote on this President's escalation in Iraq.

This debate is already taking place all across America, all across Michigan—in coffee shops, diners, union halls, office parks, at church dinners, and at VFW halls. Americans are speaking out and asking tough questions about this administration's misguided escalation of the war. And in the Senate, in a move that clearly disregards the opinions of the majority of Americans, the Republican leadership has refused to allow a real debate and a vote on the President's escalation.

Four years ago, I stood in this Chamber alongside 22 colleagues and voted no on giving the President the authority to go to war. It was a hard vote. It was a lonely vote. But I was proud to do my duty, along with all of my colleagues, and stand publicly and take a position and have our votes counted. It strikes me as sad that the Senators who support the President's escalation of the war have decided to hide from this opportunity to do the same—to

vote their conscience and to tell the American people where they stand, win or lose.

This should not be a discussion of politics. This is a discussion of the most serious policy. Any soldier will tell you that there are no politics in a foxhole. The American people—Republicans, Democrats, and Independents—are asking us to take a look, long and hard, at what we are doing in Iraq. We were not elected to stand silently by while our fellow citizens demand answers. American men and women are in harm's way. Unfortunately, it seems that the Republican leadership doesn't see it that way.

Let me again say, as clearly as possible, that I believe the escalation of this war is not the answer. Putting more Americans in harm's way will not bring our men and women home any sooner. Why would we go further down a path that has led us to this point? Why would we repeat our previous mistakes and call it a ''new strategy''?

A free and stable Iraq can only be secured by the Iraqis. They must embrace responsibility for their collective future and decide that living and dying at the hands of sectarian violence is not the future they want for their children and grandchildren.

We must support their efforts, but we cannot substitute American troops for Iraqi resolve. With the freedom of self-determination comes a responsibility of collective security. I believe we must continue to train the Iraqis and equip them and provide sensible military support, based on the advice of our generals and military experts. And we must lead them by example—by embracing, not turning our backs on, our own democratic process.

The Detroit Free Press, in response to the President's announcement of the escalation, echoed the concerns of people all across Michigan and from around the country, I believe, as well, on January 11, when they wrote:

President George W. Bush at least acknowledged past failings and did not promise roaring success in outlining his new strategy for Iraq in a grim-faced address to the Nation Wednesday night. In fact, he braced the American and Iraqi people for at least another year of bloodshed—maybe the worst yet.

But that does not make this escalation of the war—the President didn't use the word, but that's what he intends to do—the best course of action. It is based on hope without demonstrable evidence that the Iraqi Government and its military are truly ready to take control of their country instead of taking sides in an internal combat. It is based on the belief that an American force of 157,500 can achieve what a force of 135,000 could not, given a little more leeway to act. And it is based on the President's conviction that a decisive military victory in Iraq can somehow break the back of global terrorism.

It won't, any more than the escalation of the war in Vietnam stopped the advance of global communism. Economic and political forces played the larger roles in that. Granted, there are elements of each in the President's new strategy, but where is the functioning government to implement them? Demanding accomplishment does not make it so, and the new leaders of Iraq have accomplished precious little to date.

They continue:

This is certainly not the strategy the American people had in mind last November when they repudiated the President by stripping his Republican Party of control of Congress. It runs counter to much of what the Iraq Study Group and past military commanders have recommended. It further strains a U.S. military already hard pressed to meet its obligations.

I believe the American people want a new direction in Iraq. What they don't want is more legislative games designed to stop debate or hide from the realities of the situation on the ground which our men and women are facing. Wishful thinking and best-case scenario planning will not make the situation in Iraq any better. Our troops in the field and our fellow citizens here at home demand leadership, critical analysis, a willingness to change course when the evidence shows that we must, and they deserve action.

The Republican leadership can stonewall a vote on this resolution, but they cannot silence the debate. They cannot avoid reality. They cannot avoid the truth.

To every American around the country asking questions, I say thank you—thank you for asking questions, thank you for speaking up, thank you for being a part of the democratic process we hold so dear, and thank you for following your conscience.

There is nothing simple about the situation in Iraq. We all know that. But there is nothing complicated about what America is asking us to do. It is time for all of us—those who oppose the escalation of the war and those who support it—to stand up and have our votes counted.

This is not the time for legislative games. This is too serious a time and too serious a topic. The President has presented a plan. It is time for us to vote.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I take this time, first, to commend the majority leader, Senator REID, for doing everything in his power to bring up the most important issue we face as a nation, and that is the future of Iraq.

I must tell you, as I travel through the State of Maryland, the citizens of my State ask: What are we doing to change the course in Iraq? What are we doing?

Senator REID has proposed a way that we can have an up-or-down vote on the most pressing issue of our time, and that is whether we are going to introduce more American troops, escalate our presence in Iraq—an up-or-down vote. The other body will be holding that vote some time tomorrow. Every Member of that body will go on record either for or against the President's proposal to escalate our presence in Iraq with additional American troops.

We need to have that same vote in this body, and we should not be looking at procedural obstacles that prevent us from going on record whether we favor or oppose the President's proposals.

I look at what the President is suggesting, putting additional troops in Iraq, as more of the same, not a new plan. If we learned anything at all from the elections last November, it was that the people of this Nation want to see a change in direction in Iraq. They understand our plans have not worked, that we need to look for a new direction. And yet the President is giving us more of the same.

What we need to do is start by saying no to the escalation of additional troops, and then we need to look at what are the right policies in Iraq. Quite frankly, to me, we need to have the Iraqis stand up and defend their own country, with Iraqis assuming principal responsibility and American troops starting to come home. We need to engage diplomacy. We are in the middle of a civil war.

We need to engage the international community to look for a political solution so that Iraqis have confidence in their own Government and Sunnis and Shiites can live together in one country. We need to engage the international community to help rebuild Iraq. They need help in the rebuilding of their country, and they certainly need the help of the international community in training Iraqis to take care of their own needs.

Americans have made a significant investment in this country. We have given so much. Four years ago, I opposed the military presence of America in Iraq. I voted against it in the other body. I said at that time:

I have grave concerns about the consequences of a unilateral preemptive military attack by the United States. Such a course of action could endanger our global coalition against terrorism, particularly from our moderate Arab allies. It also may increase terrorism activities around the world.

Unfortunately, I was right. I remember the predictions that were made 4 years ago that this would be a relatively brief military operation, that we would be welcomed by the Iraqis, that the Iraqis would be able to take care of the security of their own country, that the standard of living for the average Iraqi would increase dramatically.

Unfortunately, that has not come true. The reality of the situation is that over 3,100 American soldiers have lost their lives in Iraq. Over 20,000 American soldiers have had life-changing injuries as a result of their service in Iraq. Hundreds of billions of dollars of U.S. taxpayer money has been spent in Iraq, and terrorism is on the increase in that region, not diminished. And we are in the middle of a civil war, with sectarian violence increasing.

The Iraqis, having passed their constitution, have elected their Government, and it is time for the Iraqis to take responsibility for controlling the sectarian violence in their own country. More troops will not solve the

problem. More American troops will not solve the problem in Iraq.

I am a member of the Foreign Relations Committee. We completed over 3 weeks of hearings concerning the current status in Iraq. We heard from military experts and foreign policy experts, generals and policy people. I must tell you, they raise serious questions as to whether we can win the war in Iraq on the battlefield. They are telling us over and over again that what we need is a surge in diplomacy, not additional American troops. We need to signal the Iraqi Government, the international community, and, most importantly, the American people that our presence in Iraq is not indefinite. More American troops will not bring about victory in Iraq. More diplomacy might. More engagement of the international community might. But more American troops will not.

It is time for this body to act. It is time for us to debate the current circumstances in Iraq and the President's policy, and it is time for us to take action on the President's plan to escalate. That should be our first vote, and that is what Majority Leader REID is attempting to do. But my colleagues on the other side of the aisle are trying to use procedural roadblocks so we cannot have an up-or-down vote on the President's plan. We should never play politics with our American troops who are in harm's way. We shouldn't be doing that. But let us have a vote up or down on the President's policy, and then we need to look at other options.

The majority leader indicates that we will certainly be taking up the recommendations of the 9/11 Commission, to implement their recommendations, and we will have an open debate and the opportunity to offer amendments as to how we can bring our troops home with honor, how we can engage the international community, how we can move forward in the Middle East. That we need to do. But we first must stop the escalation of American troops, and that is the vote the other body will be having as early as tomorrow, and I hope, with the support of my colleagues, we can have that vote by Saturday. That is what we should do.

I urge my colleagues to allow us to have the debate on this floor and an up-or-down vote on the President's plan to add additional American troops. Then I hope we will find some way to listen to what the experts are telling us, to listen to what the American people are telling us, that they want to see from our country a changed policy in Iraq. They want America to exercise its international leadership that only we can do. They want us to find a way to honorably bring our troops home, to energize the international community on diplomacy and on rebuilding Iraq. And they want the Iraqis to stand up and defend their own country in the midst of a civil war, and we will help end that civil war by allowing the Iraqis to take control of their own country and by energizing a diplomatic solution so that all the people in Iraq have confidence that their Government will protect their rights, and then working with the international community, helping build a type of country where the people can live in peace and prosperity. That should be our mission.

But let us start by removing the procedural roadblocks. Let us start by having an up-or-down vote, as the other body will have, on whether we support or oppose the President's plans to escalate American troops.

IRAQ

Mr. SANDERS. Mr. President, the issue of American presence in the Middle East is of great importance. We are currently engaged in a war in Iraq from which, according to poll after poll, a majority of the American people believe we should withdraw.

In the face of the momentous elections of this past November, in which the American electorate indicated their dissatisfaction with the President's policies in Iraq, President Bush has responded with a call for more troops, not less. At this moment, he is escalating the war, not redeploying our brave men and women out of harm's way. He is sending these troops into the middle of a civil war.

Now there are reports that the President may be considering expanding this tragic war into Iran. The President has no constitutional authority to make war on Iran without congressional approval, nor has he historical precedent. I offer today a resolution ''expressing the sense of Congress that the President should not initiate military action against Iran without first obtaining authorization from Congress.'' The resolution sets forth the constitutional grant of authority to Congress for declaring war and funding any war, it cites Federalist Paper No. 69 on the intention of the drafters of the Constitution, and it cites Presidents Washington and Jefferson on the power reserved to Congress to authorize war.

The resolution strongly and unequivocally affirms that the President does not have the power to initiate military action against Iran without first obtaining authorization from Congress, that neither of the existing authorizations to use military force in Iraq gives him such authority, and that the President must seek congressional authority prior to taking any military action against Iran.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

Mr. DURBIN. Mr. President, at this moment across the Rotunda, not far from here, in the House of Representatives, there is an ongoing debate about the war in Iraq. It has been 2 or 3 days of debate with Members each allowed 5 minutes to express their feelings about this war. It is historic. It happens rarely that that procedure is used, almost always in cases involving war. I have been through it as a Member of the House of Representatives and can recall the sleepless nights that led to votes on questions of war. You know that at the end of the day, if the decision to go forward on a war is made, people will die.

Many decisions we make on the floor of the House and Senate have little consequence, some are purely ceremonial, and some just deal with money. But when it comes to war, it is a matter of life and death. So I am sure every Member of the House of Representatives, regardless of their feelings about this war, has thought long and hard about what they are saying. They have taken this matter very seriously because they understand that America is taking this very seriously.

We have lost over 3,100 of our best and bravest soldiers, men and women who have gone off to war with parents behind and families crying, wondering if they will return safely. Unfortunately, they did not, some of them. There are some 23,000 or 24,000 who have returned with serious injuries. Some are minor, but some are very serious, such as amputations and blindness, traumatic brain injuries and many other injuries that will haunt these soldiers for a lifetime as they try to return to normal life.

We have spent a lot of money on this war, over $400 billion. As we labor with this new budget, we see the result of the decision to go to war. From the monetary side, it shortchanges America in terms of what we desperately need. Whether we are talking about additional medical research, help for education, money to schools that need a helping hand to make No Child Left Behind work, assistance for families to have health insurance and health protection, this war has been costly to America. For those who believe the money would have been better spent right here at home, that a strong America begins at home, there is a serious concern about when this war will end and what the ultimate cost will be.

We know our military is much different today than when we invaded Iraq. It was an invasion this President decided to make without provocation and, frankly, without evidence that there was any serious threat against our country. Having made that decision, having gone overseas and lost these lives and brought back so many injured soldiers, we understand now we live in a different Nation. We live in a Nation where we watch, sadly every day, evidence of violence in Iraq, evidence of innocent people being killed on their streets, and unfortunately our own soldiers are caught in the crossfire of their civil war.

In the last election, the American people were finally given a chance to speak about this war, and they said: We want a change. We don't want this to continue. We don't want to continue to lose these brave soldiers or continue to spend this money. They elected a Congress which was given the charge of moving us in that new direction. For the first time in a long time, Democrats control both the House and the Senate. In the Senate, it is a very scant margin. On a good day, it is 51 to 49.

Those who know the Senate, know that important measures take 60 votes. In order to achieve passage, we need bipartisan cooperation. We need to reach across the aisle and find common ground. We have tried to do that. In some respects, we have been successful. We have passed bipartisan ethics reform to deal with some of the issues of integrity that have haunted this Chamber and the House of Representatives over the last several years. We have passed a minimum wage increase at the Federal level for the first time in 10 years—something long overdue. We even passed a spending bill to finish this fiscal year, to try to mop up some of the unfinished business from last year's Congress, which left town with many appropriations bills unresolved.

The one issue we have not addressed in the Senate, the issue now being debated in the House of Representatives, is the war in Iraq. We feel—many of us on the Democratic side and some on the Republican side—that we should have this debate. We owe it to the American people. Members should stand up and state where they are, what their position is, and what they think we should do as a Nation. I know if this debate took place, it would be important not just for this institution but for the country to know we came here understanding our responsibility.

Two weeks ago, we offered to the Republican side of the aisle an opportunity to debate the very fundamental question raised by the President's new plan for Iraq. The President has proposed another 21,000 American soldiers in combat mode going into Iraq to join the 130,000 already there. We know that 21,000 combat soldiers would require at least the like number of support troops, so it is a substantial escalation of the war to add 42,000 or 44,000 American soldiers to the 130,000 already there. Many of us think it would be a serious mistake. We question whether escalating this war, sending more troops into harm's way, is any way to bring it to an end.

We have tried it before unsuccessfully. Additional troops, as good as they are, cannot overcome the ravage of a civil war. Unfortunately, we have learned that we suffer more casualties every time we send our brave soldiers and marines and airmen and sailors into this conflict. So we tried 2 weeks ago to start the debate, to let Members stand and say whether they support the President's escalation of the war or whether they oppose it.

Most Americans have an opinion. In fact, overwhelmingly they say it is a bad idea. When asked, they can give a yes or no as to whether they support the President's escalation. We offered to the Republican side of the aisle not just a yes or no but their answer to our criticism of the President's escalation. We said we would stand by two separate Republican resolutions to be offered on the floor. One Republican resolution, sponsored by JOHN WARNER, Republican of Virginia, critical of the escalation of the war, was supported by most Democrats, including myself. The other, offered by Senator JOHN MCCAIN, a Republican of Arizona, supports the President's position on the war.

I think it would have been a spirited debate, an important and historic debate, but the Republicans rejected that. They wanted more. They wanted more resolutions brought to the floor. They didn't want us to focus on the very fundamental issue at hand. They wanted to bring in other issues, such as funding for the war, support for the troops, and so many things that were not at issue, were not what we were discussing. So we tried to keep the focus on the basic issue: Should we escalate the number of troops committed to this war?

We had what we call a cloture motion, which means closing down debate on a certain issue. A cloture motion would say we are going to move to the debate on the war in Iraq. We called that cloture motion, and it failed. As I said, we don't have 60 votes on this side of the aisle. We need help on the other side of the aisle. Only two Republican Senators said we will join you in calling for a debate on the Warner resolution and a debate on the McCain resolution. Two Republicans stepped forward. The rest said: No, we don't want that debate.

Well, an odd thing happened. After that vote, many of the Senators had Senator's remorse, I call it. It is a version of buyer's remorse. They wished they had cast another vote. Within days, they started coming to the floor and saying, that isn't what we meant to say. We didn't want to say stop the debate on Iraq. We believe there should be debate on Iraq. Yes, they said, we voted to stop the debate on Iraq, but we didn't mean to stop the debate on Iraq.

They were so transparent. They were twisted in knots. They came to the floor repeatedly, seven or eight of them. They sent letters to the leadership. They had press conferences, and they talked to anyone in the hallway, saying they had made a mistake and they wanted to return to the issue. So we gave them that chance today. We gave them that chance. We said: Let us return to the issue, let us debate the issue on the floor of the Senate as they have done it in the House, and let us also add to that another Republican opportunity for the McCain amendment, which supports the President's position. We would have, again, a basic vote on a fundamental issue, fair and square. What did the minority leader from Kentucky do? He objected. He didn't want to engage in that debate. That is truly unfortunate. While the House of Representatives is deeply engaged in a debate of historic moment, important to everyone across this country and particularly to our men and women in uniform, unfortunately, the minority objected. They don't want to engage in a straight up-or-down debate on the fundamental issue.

The argument they make is, we have many other things we want to talk about when it concerns Iraq. We may want to talk about funding for Iraq. We may want to talk about the ability of Congress to cut off funding—all of these issues. And we have said to them, that is all well and good, we will give you the chance to do it. As soon as this debate is finished on the escalation of troops, the President's proposal, we will immediately, within hours, move to the next issue, the 9/11 Commission recommendations, open to amendment, and then you can offer whatever amendment you care to on the issue of Iraq.

So it wasn't a matter of foreclosing the debate, it was a matter of saying: Let us focus the first part of this debate on an up-or-down question on the President's escalation of the war. You can vote, as the House is about to, saying this is a bad policy or you can support Senator MCCAIN, who believes that sending more troops is the right policy. They rejected it.

So now we have been forced to a position, which I am not happy with, but which we have to accept, and that is we have to call another cloture vote, another procedural vote, another attempt to move us to a debate stage. That vote is going to occur, as presently scheduled, on Saturday afternoon. It will be a historic vote as well because, once again, the Republican minority will have a chance to join us in starting the national debate on Iraq in the Senate.

The question is: Will they support this effort this time? I hope they will. I hope they will come on Saturday, as inconvenient as it may be in their personal schedules, and join us in voting for cloture. If they will, if we can bring 60 votes forward to close down debate on the procedural aspects and move forward on the real debate about Iraq, it is a good thing for America. If they continue to hold to this position that they are going to protect this White House from any possibility of embarrassment, that they are going to somehow stop the Senate, which has a reputation as the great deliberative body on Capitol Hill, if they are going to stop the Senate from the debate on Iraq, it will be at the expense of this institution and, more importantly, at their own expense.

The American people, whatever their position on this issue, expect us to stand up and debate it and to say where we stand. We will find on Saturday how

many of the Republican Senators answer the rollcall; how many come and how they vote.

We know that as inconvenient as it may be for these Senators to return on Saturday, as tough as it may be for many of them to get back, it can't be any tougher than the assignments we give to our soldiers and sailors and marines and airmen to put on the uniform of our United States of America and to defend our country and to risk their lives every day.

So I hope our colleagues will be with us on Saturday. I hope they will join us in moving forward on this debate.

I can recall the vote that led us into the war in Iraq as if it were yesterday. It was a time just weeks before an election. There was almost a feeling of hysteria across this country about the possibility of weapons of mass destruction in Iraq. Condoleezza Rice, who was then Security Adviser to the President, suggested the possibility of mushroom-shaped clouds. All sorts of fears were engendered in a population still very wary after 9/11. It was not an easy vote because there had been a buildup, this drumbeat of support for invasion. And the day came in October when it occurred. There were 23 of us who voted no, one from the State of Rhode Island on the Republican side and 22 Democrats voting no. At the time, it was not an easy vote. I look back on it now as one of the most important votes I ever cast.

There comes a time when Members of the Senate have to face responsibility and face a vote. There will come a time when the Republicans have to face a vote on Iraq. They cannot protect the President and the White House indefinitely and forever.

I had a great friend from the State of Oklahoma, a Congressman by the name of Mike Synar. I have told this story many times, and I mention his name because I don't want him to be forgotten. He passed away in 1996 from a brain tumor. But Mike was one of a kind. He just could not stand Members of the House of Representatives who were unwilling to face tough votes. He used to get up in our caucus over there and get the floor, and we knew what was coming when people were whining and complaining about facing a controversial vote or controversial debate. And he said:

If you don't want to fight fires don't be a fireman, and if you don't want to cast tough votes don't run for Congress.

He was right. Whether you are on this side of the aisle or that side of the aisle, you better be prepared to face a tough vote and an important vote, and nothing is more important than a war, a war which has so many of our great soldiers with their lives on the line as we stand in the safety of this Capitol Building.

I hope my colleagues on the Republican side will reconsider their position. They cannot stop this debate. It is going to occur. It is occurring across America in family rooms, in offices, in schools, in restaurants. Everywhere you turn, in the streets, in the shopping centers, it is occurring. It is going to occur right here on the Senate floor. They cannot hold back the tide. It is building against them. That tide is going to push them over, and we are going to bring this issue to a debate on the floor. We owe it not only to the men and women in uniform, we owe it to the people who were kind enough to give us a chance to serve in the Senate.

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

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

The legislative clerk proceeded to call the roll.

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

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

EXPRESSING THE SENSE OF THE CONGRESS ON IRAQ—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to calendar No. 25, S. 574, a bill to express the sense of the Congress on Iraq, and I send a cloture motion to the desk.

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to S. 574, a bill to express the sense of Congress on Iraq.

Ben Nelson, Russell D. Feingold, Ben Cardin, Robert P. Casey, Jr., Byron L. Dorgan, Amy Klobuchar, Daniel K. Akaka, Maria Cantwell, John Kerry, Ken Salazar, Jack Reed, Chuck Schumer, Jeff Bingaman, Barbara Boxer, Dick Durbin, Tom Harkin, Jay Rockefeller, Harry Reid.

Mr. REID. I ask unanimous consent that the live quorum be waived.

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

Mr. REID. Mr. President, I announce that we will have the cloture vote on Saturday at 1:45 p.m. As I always said, I would keep the vote open if it appeared there were problems that Senators were having in advance of the vote. I have heard from Senators on both sides of the aisle that there is no time that meets everyone's expectations. So what we would do to try to handle as many people as possible, we will start the vote at 1:45, and we will act as if it starts at 2 o'clock and terminate the vote at 2:20. I hope that meets with everyone's problems as far as transportation and getting to and from here.

So on Saturday, because I think these are extraordinary circumstances, we will make sure that as many people are protected as possible.

HONORING PRESIDENT GERALD R. FORD

Mr. DURBIN. Mr. President, like his hero, Abraham Lincoln, Gerald Ford helped heal our Nation. His calm leadership and fundamental decency helped hold our Nation together at a time when the forces of war and scandal threatened to tear it apart.

When he took the oath of office on August 9, 1974, President Ford declared, ''This is an hour of history that troubles our minds and hurts our hearts.'' During his Presidency, he worked to ease our minds, comfort our hearts, and restore our faith in our government.

In his first official remarks as President, Gerald Ford promised America:

In all my public and private acts as your president, I expect to follow my instincts of openness and candor with full confidence that honesty is always the best policy at hand.

Those were not just words to Gerald Ford, as he proved on October 17, 1974, when he appeared voluntarily before Congress to give sworn testimony—the only time a sitting President has done so about his pardon of Richard Nixon.

Gerald Ford believed that pardoning Richard Nixon was the only way to end the long national nightmare of Watergate. He also believed that it might end his political career. And he did pay a high price at the time in lost public approval and public trust.

Over time, however, many people came to see the Nixon pardon not as an act of collusion, but of courage and conciliation. In 2001, the Kennedy Library Foundation awarded President Ford its John F. Kennedy Profile in Courage Award.

Gerald Ford believed in hard work and duty to one's country. At the University of Michigan, he washed dishes at his fraternity house to earn money for college expenses. After graduating in the top quarter of his class from Yale Law School, he returned home to Grand Rapids, MI, to practice law—but Pearl Harbor was attacked. Like so many young men of his generation, Gerald Ford put his life on hold. He enlisted in the Navy and spent the next 4 years in the service.

After the war, Gerald Ford decided to run for Congress and was supported by Michigan's legendary Senator Arthur Vandenburg, one of the architect's of American internationalism. His experience in World War II and his friendship with Senator Vandenberg helped turn him away from isolationism.

As President, he described himself as ''a moderate in domestic affairs, a conservative in fiscal affairs, and a dyed-in-the-wool internationalist in foreign affairs.'' In the 2½ years of his Presidency, he ended America's involvement in the war in Vietnam. He helped mediate a cease-fire agreement between Israel and Egypt, signed the Helsinki human rights convention with the Soviet Union and traveled to Vladivostok to sign an arms limitation agreement with Leonid Brezhnev, the Soviet President.

But what earned Gerald Ford the respect and gratitude of our Nation was not only what he accomplished but how he accomplished those things. He was a master of consensus-building, cooperation, and honorable compromise.

It is notable that one of the first calls he made after becoming Vice President was to his old golfing buddy, Tip O'Neill. He set a standard for bipartisanship that we would all do well to follow.

He was a good and honorable man who served this Nation well. He will be missed.

HONORING OUR ARMED FORCES

Mr. NELSON of Nebraska. Mr. President, I rise today in honor of SGT Randy J. Matheny, 20, of McCook, NE.

Sergeant Matheny followed in the footsteps of his older siblings when he joined the Nebraska Army National Guard on March 28, 2005, as a heavy vehicle driver in Detachment 1, 1057th Transportation Company in Scottsbluff. His older sister, SSG Karen Matheny, is a full-time member of the Nebraska Army National Guard's HHD, 734th Transportation Battalion in Kearney. PFC Pat Matheny, his older brother, is an active-duty soldier with the U.S. Army. Both of Sergeant Matheny's siblings are serving in Iraq; his sister is currently serving her second tour, and his brother is preparing to deploy for his first.

Sergeant Matheny graduated from my alma mater, McCook Senior High School, in 2004. His teachers and friends knew him as a well-known, soft-spoken student. In his free time, he enjoyed riding his motorcycle and spending time with his friends. After joining the Nebraska Army National Guard in 2005, he attended basic training at Fort Jackson, SC, and then advanced individual training at Fort Leonard Wood, MO, in 2006.

In June 2006, he transferred as a heavy vehicle driver to the Nebraska Army National Guard Detachment 3, 1074th Transportation Company based in Sidney. Sergeant Matheny was mobilized for duty in support of Operation Iraqi Freedom on July 15, 2006. The 1074th Transportation Company is responsible for providing security for transportation missions throughout Iraq. On February 4, 2007, Sergeant Matheny passed away when an improvised explosive device detonated next to the armored security vehicle in which he was serving as a gunner. He was 20 years old. Then-Specialist Matheny was posthumously promoted to sergeant.

The Matheny family from my hometown of McCook, NE, are the paradigm of courage and selflessness. In addition to his brother and sister, Sergeant. Matheny is survived by his father Gary Matheny and mother Jan Collins. I offer my condolences to Sergeant Matheny's family and friends who inspired and supported his career. He made the ultimate and most valorous sacrifice so that future generations around the world will live free, peaceful lives. Sergeant Matheny will be forever remembered as a hero.

COLONEL BRIAN ALLGOOD

Mr. SALAZAR. Mr. President, I rise to praise the memory of Army COL Brian Dwayne Allgood of the 30th Medical Brigade, European Regional Medical Command. Colonel Allgood was taken from his family late last month in Iraq. He was only 46 years old, and the highest ranking medical officer in Iraq.

After graduating high school in Colorado Springs, Brian Allgood attended the U.S. Military Academy in West Point and medical school at the University of Oklahoma. He completed his residency at Brooke Army Medical Center in San Antonio and continued with his military career, rising to become one of the Army's top surgeons. Most recently, before being sent to Iraq, Colonel Allgood spent 2 years as the commanding officer of medical facilities in Korea.

It is no surprise that Brian Allgood rose to such great heights. Brian came from a medical family and a military family—Brian's father Jerry was an Army hospital administrator like his son, and Brian's mother Cleo was a nurse. One might say that service, both to his country and to those in need, was in his blood.

Brian Allgood was a healer, a quiet and humble man who knew the best way to lead was not through anger or boastfulness. Instead, he simply did what needed to be done, helping save and improve lives every day, and in doing so led by example.

Colonel Allgood acted not only with courage but with concern for the troops he led. He was renowned for his willingness to stick his neck out for his troops and for his unique bond with them. To better understand the risks posed to paratroopers, Colonel Allgood completed the grueling Ranger school and parachuted into Panama in 1989. He served as the commanding officer of the hospital at West Point. As a surgeon and later a commanding medical officer, he played a role in the saving of hundreds, if not thousands, of American lives.

And as the top Army surgeon in Iraq, Colonel Allgood also oversaw the system that tended Iraqis in need of urgent care. Every day we hear stories from Iraq of innocent bystanders facing brutality in their own streets. Who knows how many Iraqis are alive today because of the talent and wisdom of Colonel Allgood and those he led?

Colonel Allgood's parents, Jerry and Cleo, have been supportive of not only their son but all Colorado veterans, and I am privileged to have worked with them on veterans concerns in my State. Jerry and Cleo are good people and should take great pride in having raised their son from a young boy into an exemplary man: a fine doctor, a thoughtful son and brother, a loving husband, and a caring father.

To Brian's wife Jane and his son Wyatt, I cannot imagine the sorrow and loss you are feeling, and I hope that in time your grief can be salved by your pride in the way Brian lived his life. Brian served his Nation with honor and distinction and improved the lives of countless soldiers, families and those with whom he interacted every day.

BLACK HISTORY MONTH

DR. WILLIAM NEAL BROWN

Mr. LAUTENBERG. Mr. President, I rise today to join with Senator ROBERT MENENDEZ and our House colleague Congressman DONALD PAYNE in honoring Dr. William Neal Brown, a distinguished and inspiring figure in African-American history. In recognition of Black History Month, we gathered with residents of New Jersey to pay tribute to Dr. Brown on Saturday, February 10, 2007 at the Newark Museum in Newark, NJ, during ''A Salute to Heroes.''

Dr. Brown was born in Warrenton, GA, on February 24, 1919. His father was an ex-slave and his mother was Native American. He grew up in Aliquippa, PA, where his father labored as a farmer and steel mill worker. His love of learning and inspiration to educate others began at an early age, when he and six of his classmates dreamed of becoming teachers.

After graduating with honors from high school, Dr. Brown went to work in the Civilian Conservation Corps, CCC, President Franklin Delano Roosevelt's public works program that put over 3 million young men and adults to work during the Great Depression. It was here that he was introduced to the Hampton Institute, where he would enroll as a work-study student and proceed to graduate with a bachelor of science in 1941.

Dr. Brown heeded the call to serve his country and enrolled in the Army Air Force, where he served in special services as an information education officer, and trained at various bases including with the Tuskegee Airmen in Tuskegee, AL. After the war, on the GI bill, Dr. Brown began his graduate studies, first at Columbia University and then at City College.

After 3 years of social work at the Veterans' Administration in Newark, NJ, Dr. Brown became the first African-American professor at Rutgers, the State University of New Jersey.

During his 41 years as a professor at Rutgers, Dr. Brown mentored and inspired countless students and future social workers. He has lived his life by a verse he often quotes from Thanatopsis by William Cullen Bryant: ''So live, that when thy summons comes to join the innumerable caravan that went to sway to the silent halls of death, thou go not like a quarry-slave at night, scourged to his dungeon, but sustained and soothed by an unfaltering trust. Approach thy grave as one who lies down to pleasant dreams.''

Mr. President, there is no doubt that Dr. William Neal Brown is an exemplary and committed leader and a true role model for our State and the entire country. I am pleased to pay tribute to him today, and I know my colleagues will join me in wishing him continued success.

DENORVAL UNTHANK

Mr. SMITH. Mr. President, each Congress I rise to honor February as Black History Month. Each February since 1926, our Nation has recognized the contributions of Black Americans to the history of our Nation.

This is no accident; February is a significant month in Black American history. Abolitionist Frederick Douglass, President Abraham Lincoln, and scholar and civil rights leader W.E.B. DuBois were born in the month of February. The 15th amendment to the Constitution was ratified 136 years ago this month, preventing race discrimination in the right to vote. The National Association for the Advancement of Colored People was founded in February in New York City. And on February 25, 1870, this body welcomed its first Black Senator, Hiram R. Revels of Mississippi.

In this important month I want to celebrate some of the contributions made by Black Americans in my home State of Oregon. Since Marcus Lopez, who sailed with Captain Robert Gray in 1788, became the first person of African descent known to set foot in Oregon, a great many Black Americans have helped shape the history of my State. This is the second time this month I have come to the floor to highlight some of their stories.

Dr. DeNorval Unthank arrived in the Portland, OR, after completing medical school at Howard University in Washington, DC. Dr. Unthank was recruited to Portland in 1929 because the city needed a Black doctor. He was quickly tested as his White neighbors greeted his first attempt to move into a previously all White residential area with broken windows, threatening phone calls, and general harassment. Dr. Unthank had to move his family four times before finding a peaceful place to settle down.

Throughout the 1930s, Dr. Unthank was Portland's only Black medical practitioner. He was a dedicated doctor and a friend to any minority group in the city. Black families could not receive treatment in hospitals at that time and house calls were necessary. Dr. Unthank made himself available day and night and served African Americans, Asians, as well as many Whites.

Dr. Unthank was politically active and was outspoken in his support of civil rights and equal opportunity. In 1940, Dr. Unthank was elected head of the Advisory Council, an organization that hoped to pressure local leaders into providing equal access to economic opportunities related to WWII jobs. The Council documented incidents of discrimination in the workplace around Portland.

During and after World War II, Dr. Unthank worked tirelessly to build his medical practice and promote civil rights. He became the first Black member of Portland's City Club in 1943. He encouraged the club to publish a significant 1945 study called ''The Negro in Portland,'' which opened the eyes of many citizens to ongoing discriminatory practices. Dr. Unthank also served as president of the local chapter of the NAACP and was a cofounder of the Portland Urban League. He played a strong role in the passing of Oregon's 1953 civil rights bill, which among many issues, overturned a law banning interracial marriages in the State.

In 1958, the Oregon Medical Society named him Doctor of the Year. In recognition of his service to civil rights, grateful citizens pressed the city to dedicate DeNorval Unthank Park in North Portland in his honor in 1969. Dr. Unthank once said, ''A Negro may have a few more doors closed to him and he may find them a little harder to open, but he can open them. He must keep trying.''

Dr. Unthank is only one example of the Black men and women who changed the course of history in Oregon and in the United States. During the remainder of Black History Month, I will return to the floor to celebrate more Oregonians like Dr. DeNorval Unthank, whose contributions, while great, have not yet received the attention they deserve.

BLACK HISTORY MONTH

Mr. LEVIN. Mr. President, today I rise, as many do this month, to join in the nationwide recognition of African-American history. Every February, the Nation joins in the celebration of the sacrifice, perseverance, and advancement of African Americans. The idea of an African-American history month was proposed by Dr. Carter G. Woodson, a son of former slaves. Dr. Woodson, who became a prominent scholar in African-American studies, worked tirelessly to ensure that the contribution of African Americans would not be forgotten.

In an article written for Johnson's Publications, Lerone Bennett tells us that one of the most inspiring and instructive stories in African-American history is the story of Woodson's struggle and rise from the coal mines of West Virginia to the summit of academic achievement: ''At 17, the young man who was called by history to reveal Black history was an untutored coal miner. At 19, after teaching himself the fundamentals of English and arithmetic, he entered high school and mastered the four-year curriculum in less than two years. At 22, after two-thirds of a year at Berea College [in Kentucky], he returned to the coal mines and studied Latin and Greek between trips to the mine shafts. He then went on to the University of Chicago, where he received bachelor's and master's degrees, and Harvard University, where he became the second Black to receive a doctorate in history. The rest is history—Black history.''

It is important to honor the legacy of Dr. Woodson and other African-American pioneers who led the advancement of African Americans in a nation once lacking in humanity towards them. In the spirit of honoring those legacies, I pay homage to two women, claimed by my home State of Michigan, who played pivotal roles in the struggle for civil rights and human rights. Sojourner Truth and Rosa Parks were women of different times, yet similar courage, and effectively raised awareness for the inequality and injustice of their eras. Both have been recently honored by Congress. It was my privilege to cosponsor legislation, enacted on December 20, 2006, authorizing a bust of Sojourner Truth to be prominently displayed in the United States Capitol, and it was also my privilege to cosponsor legislation, signed into law on December 1, 2005, which directs the Architect of the Capitol to place a statue of Rosa Parks in National Statuary Hall of the U.S. Capitol. Sojourner Truth and Rosa Parks will become the first African-American women to be represented in this place of honor of notable people of History.

These are truly two phenomenal women, not just in African-American history, but in American History. Sojourner Truth, although unable to read and write, was widely accepted as one of the most effective spokespersons of her time. She spoke eloquently and energetically about the inhumanity and immorality of slavery. Truth also worked toward other social goals, especially women's rights. In 1851, she delivered her famous ''Ain't I a Woman?'' speech at the historic Women's Convention in Akron, OH. Sojourner Truth attacked both racist and sexist notions during her speech when she said, ''Then that little man in back there, he says women can't have as much rights as men, 'cause Christ wasn't a woman? Where did your Christ come from? From God and a woman! Man had nothing to do with Him.''

Sojourner Truth settled in Battle Creek, MI, during the mid-1850s. She traveled throughout the State during the Civil War to collect food and clothing for African-American volunteer units. Truth also traveled to Washington, DC, in 1864 to meet with President Abraham Lincoln. Truth became a close advisor to the President on assisting freed slaves. While in Washington, Truth also appeared at women's suffrage gatherings. As a result of illness, Sojourner Truth returned to Battle Creek in 1875.

Born Isabella Baumfree in 1797, she died Sojourner Truth in 1883. Although she was born in chains, her legacy lives in fame. Michigan honored Sojourner Truth and her extraordinary legacy with the dedication of the Sojourner Truth Memorial Monument. Located in Battle Creek, MI, this monument was unveiled on September 25, 1999.

On November 2, 2005, I joined over 4,000 mourners at Greater Grace Temple to celebrate the life of Rosa Parks

at her funeral in Detroit, MI. Just a few days earlier, Rosa Parks became the first woman in the history of the United States to lie in honor in the Capitol Rotunda. And, a few years earlier on June 15, 1999, Rosa Parks was presented with the highest honor of Congress, the Congressional Gold Medal. The actions of Rosa Parks merit such honor, as her silent resistance to the humiliation and demoralization of racial segregation sparked the civil rights movement. Over 51 years ago in Montgomery, AL, she refused to give up her seat and move to the back of the bus. The strength and spirit of this courageous woman and her act of peaceful rebellion captured the conscience of the American people and the world. For Rosa Parks, this was but a small part of a lifetime of struggle for equality and justice. In fact, 12 years earlier, Rosa Parks had been arrested for violating another segregation law, which required African Americans to pay their fares at the front of the bus, then exit and reenter at the rear door. The driver of that bus was the same driver that would order Rosa Parks to the back of the bus in December of 1955.

The boycott of the bus system in Montgomery was a direct result of Rosa Parks' actions, which sparked a movement that called attention to the plight of African Americans nationwide and introduced the world to the civil rights movement and its young leader, who would one day have a national holiday declared in his honor, Rev. Martin Luther King Jr.

Mr. President, we have come a long way toward achieving justice and equality for all. But we still have work to do. We must rededicate ourselves to continuing the struggle for civil rights and human rights.

DEALERS MUST BE HELD ACCOUNTABLE

Mr. LEVIN. Mr. President, the demand for firearms by criminals and other prohibited purchasers is high. Unfortunately, there are also some dealers willing to supply those firearms. The simple fact is that criminals would not be able to so readily acquire weapons without gun dealers who are willing to bypass gun sales laws. This willingness by some licensed gun dealers to supply gun traffickers with firearms provides a steady flow of guns into the illegal market.

Multiple sales of the same model of gun to an individual are considered by the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, to be among the prime indicators that gun trafficking is occurring from a gun shop. Gun collectors generally do not collect duplicates of the same firearm. The attempt to make multiple purchases of the same weapon should raise a red flag for the dealer to the possibility of trafficking, and reports of multiple sales to the ATF by responsible gun dealers provide a significant percentage of leads for gun trafficking investigations. According to ATF reports, handguns sold as part of multiple sales comprised nearly a quarter of all guns sold in 1999 that were traced to crime that same year. Moreover, guns with obliterated serial numbers, a clear sign of trafficking, are substantially more likely to have been part of a multiple sale. Dealers are responsible for the products they sell, and they must be held accountable to inquire about the purpose the buyer declares for purchasing multiple handguns at one time and report such suspicious behavior to the ATF. One step several States have taken in order to address the issue of multiple purchases is instituting a one-handgun-per-month purchasing restriction.

Another common tool traffickers use to acquire firearms from licensed dealers is to avoid multiple sale reporting requirements by waiting short periods of time between handgun purchases. During a police operation in Chicago, some dealers suggested to undercover officers that they space out their purchases in order to avoid detection by law enforcement. Under Federal law, dealers are required to report only sales of two or more handguns within a 5 day period to the ATF. By encouraging purchasers to stagger their purchases every 6 days, a dealer would be able to circumvent reporting potential trafficking to law enforcement.

Using in-store accomplices to fill out the required Federal paperwork is also a common method gun traffickers employ. The most obvious sign of this occurs when the person who fills out the Federal purchasing forms is not the person looking at, handling, or selecting the gun to be purchased or paying for the weapon. Even if the purchaser is buying only a single handgun, this type of sale should not be permitted by a licensed gun dealer.

These types of illegal transactions likely occur every day in some licensed gun dealerships across the country. We must make it harder for criminals to get guns to decrease the number of gun violence victims. Those gun dealers who willingly aid gun traffickers must be held accountable for their actions.

NATIONAL SALUTE TO HOSPITALIZED VETERANS WEEK

Mr. AKAKA. Mr. President, this week we commemorate National Salute to Hospitalized Veterans Week.

In recent years, more than 10 million letters and cards, and thousands of personal visits have warmed the hearts of hospitalized veterans during National Salute to Hospitalized Veterans Week. This wonderful outpouring of gratitude has reached across the VA health care system's 155 hospitals, their 130-plus nursing homes, and 45 domiciliaries—which comprise the Nation's largest integrated health care system.

I commend each and every person who has or will use this week as an opportunity to show their gratitude and respect to hospitalized veterans. Yet I do not feel that we should stop when this week ends. Hospitalized veterans, and all veterans, should remain in our hearts and minds throughout the year. With them in mind, I want to discuss, at this fitting moment, the President's budget proposal for VA.

I am concerned that President Bush's budget for VA medical care is out of touch with the demands being placed on the VA health care system. After accounting for inflation and increased utilization costs, President Bush's budget for VA health care translates to a mere fourteen-hundredth of a 1-percent increase in VA's health care budget. The President proposes that the VA health system's budget stays virtually the same, while veterans' needs are changing and increasing.

Nearly 3,500 men and women in uniform have lost their lives in Iraq and Afghanistan, and nearly 25,000 have been wounded in action. Veterans of previous wars are increasingly facing age-related health concerns. This is a critical time of critical need. At this time, is a budget increase translating to less than one-seventh of one percent responsible? Is it really enough?

We should salute our hospitalized veterans by providing the funds for the health care they need and have earned. After all, who can accept the alternative? Should we turn away aging veterans? Deny proper medical care to the physically wounded and mentally scarred? Is it any good to have a week honoring hospitalized veterans if we do not tend to their wounds in the coming year?

I believe serving veterans is a priority, especially those with urgent, pressing medical needs. On this week as much as any other, we must make attending to those needs a budget priority as well.

THE TRAGEDY AT TROLLEY SQUARE

Mr. HATCH. Mr. President, I rise today to honor and pay tribute to the many heroes who have emerged out of a horrific tragedy that took place in my home State this week.

On Monday evening, February 12th, a lone gunman entered Trolley Square, a bustling shopping, dining, and entertainment plaza located in Salt Lake City. For the next several minutes he randomly shot and killed five people and wounded four others—leaving a path of destruction and a community in utter shock and grief.

Those who lost their lives that evening included: Teresa Ellis and her friend Brad Frantz; Kirsten Hinckley, a 15-year-old sophomore at Brighton High School; Vanessa Quinn who was meeting her husband at Trolley Square to shop for a long-awaited wedding ring; and Jeffery Walker, a Utah marketing director.

In the ensuing minutes, shoppers scrambled for cover and feared for their lives. Shop owners corralled customers

and helped them take refuge in closets, backrooms, and hidden cubby holes. Frantic 9–1-1 calls were placed by many and within minutes courageous police officers had contained the suspect.

As the story unfolded, one hero stood out in the chaotic terror. Off-duty Ogden police officer Kenneth Hammond was at Trolley Square having a pre-Valentines Day dinner with his pregnant wife, Sarita. As they were finishing their meal, the Hammonds heard popping noises and looked over the mall balcony to see bodies laying below.

Officer Hammond sent his wife back to call the police and lockdown the restaurant. Shouting his name to let customers know he was an off-duty police officer, and not a second gunman, he made his way to the bottom level. He engaged the shooter in a gun battle hoping to distract him from killing any other innocent people. Running out of ammunition, he was soon joined by a Salt Lake City officer and members of the SWAT team. Within about 9 minutes, the battle was over—the suspect lay dead along with five beloved members of our community.

We can only imagine the terror that the brave Hammonds felt. Mrs. Hammond, fearing for her husband's safety, bravely went to protect other shoppers and alert authorities. Officer Hammond, fearing he would not be recognized as a law enforcement official since he was off duty and in another jurisdiction, still selflessly reacted to save lives.

Without a moment's hesitation, Officer Hammond put the needs of our community first before any thought for his own safety or well-being.

There is no question his heroic acts saved countless other lives that could have been lost on that tragic evening.

Words cannot express the vital role his selfless service and courageous action played in ending the massacre.

Salt Lake City Police Chief Chris Burbank described Officer Hammond's quick action and courage this way: ''Going in and engaging a subject who was well armed and prepared to engage him, without having the benefits of a uniform, extra equipment or magazines for his firearms, is truly heroic.''

In addition to Officer Hammond, I would like to take this opportunity to recognize the many, many other police officers from various law enforcement agencies who responded to the calls for help. Precisely and courageously these officers went about their duties evacuating the premises, getting immediate help for hurt victims, comforting the grief-stricken shoppers, and containing the crime scene. I want to commend the rapid response of law enforcement agencies who worked together on a crime scene of this magnitude. I am proud of all of the officers who rendered such important service.

It is hard to understand why something this horrific happens in life. But in this time of our deepest sorrow, it has been comforting to witness so many wonderful Utahns who have stepped up to lighten the burdens of those involved.

Neighbors in the vicinity of Trolley Square opened their homes to shell-shocked shoppers that night as a refuge to wait for further instructions. Total strangers hugged and comforted those leaving the mall who desperately needed a strong shoulder to lean on, and grief counseling services are being made available to those impacted by this tragedy. As neighbors and fellow Utahns, we are united in our grief and desire to comfort those suffering.

My home State has suffered a tragedy of incomprehensible magnitude. The actions of one determined to kill will have an impact on many of our wonderful citizens for years to come. As difficult as this has been and will continue to be, the examples of selfless service and heroic acts will never be forgotten.

I have been deeply touched by so many who truly made a difference in the aftermath of this tragedy. Elaine and I pray that our Heavenly Father's peace will comfort the family members and friends of the victims, as well as all who have been forever touched by this tragedy.

REMEMBERING JUDGE THOMAS E. FAIRCHILD

Mr. FEINGOLD. Mr. President, today I honor the memory of one of the great jurists in the history of my State and someone I was honored to call a friend and mentor: Judge Thomas Fairchild.

Judge Fairchild earned the respect of all who knew him for his keen mind, his kind manner, and his humility. His long and distinguished career in public service included serving as Wisconsin's attorney general, as a State supreme court justice, and as Federal appeals court judge on the Seventh U.S. Circuit Court of Appeals, where he rose to become chief judge. He held that position from 1975 to 1981 when he became a senior judge on the appeals court.

Judge Fairchild stood for justice and equality in his work on the bench, and his work in politics as he made a courageous run for Senate against Joe McCarthy in 1952. Through that and other efforts, he played a critical role in efforts to revitalize the State's Democratic Party.

Judge Fairchild was a brilliant legal mind and a man of exceptional character. He was also an extremely special person in my family and a great friend of my father's. As is the case with anyone who has known me for more than 40 years, he called me Rusty.

Whenever my father, Leon Feingold, or my mother, Sylvia Feingold, referred to Judge Fairchild, it was always with reverence. Some of the biggest decisions of his career were made, at least in part, in our living room. I have always been deeply proud of that fact.

The Thomas E. Fairchild lecture at University of Wisconsin Law School, established in 1988 as a tribute to Judge Fairchild, is just one reflection of his tremendous stature in Wisconsin. When I delivered the Fairchild lecture in 2005, with Judge Fairchild listening in the audience, it was a great honor for me, and a wonderful experience.

I am deeply saddened by the passing of Judge Fairchild, for the loss this means for his family, and for all those who knew him. He was one of our State's great legal minds, and one of our most dedicated public servants. I feel so fortunate to have known him, and so grateful for the many things he taught me and the many kindnesses he showed me over the years. The work he did, and the life he lived, will continue to enrich Wisconsin and the Nation for many years to come.

ADDITIONAL STATEMENTS

SPAY DAY 2007

● Mr. ALLARD. Mr. President, as a veterinarian, I often have animal issues called to my attention by people who—rightly—assume that my background gives me a deeper appreciation of the matter. One such animal issue that goes largely unnoticed is the problem of homeless cats in urban areas. There are an estimated 125,000 such cats in the Denver metro area that never make it to a shelter. These cats, unowned and unsocialized, continue to breed and suffer in feral colonies.

I am pleased to recognize today Spay Day USA, an event designed to manage feral cat colonies through spaying and neutering. On February 26, the Rocky Mountain Alley Cat Alliance is cohosting Spay a Stray Day with the Cat Care Society and the Dumb Friends League. A host of veterinarians and other volunteers hope to spay and neuter 120 cats that day, thus preventing the births of hundreds of unwanted kittens.

The Rocky Mountain Alley Cat Alliance was founded in 1991. They work with volunteers, veterinarians, and citizens to prevent feral and stray kittens from being born on the street and to improve the lives of those already born and abandoned. They are the only local organization that specializes in nonlethal population control and hands on assistance with feral and stray cats. Last year, the alliance spayed or neutered over 2,000 feral and stray cats, preventing an estimated 50,000 homeless kittens from being born. They treat injuries and illnesses wherever possible and find homes for abandoned cats and kittens. Unmanaged feral cat colonies experience the worst forms of suffering, yet they are the most underserved segment of companion animal overpopulation.

I am grateful for the alliance's contribution to our society and the good they will do on the 26th with their partners. I wish them continued success.●

CONGRATULATING KING'S DAUGHTERS HEART AND VASCULAR CENTER

• Mr. BUNNING. Mr. President, today I congratulate King's Daughters Medical Center, KDMC, of Ashland, Ky. KDMC was recently selected as an award winner in the 2006 Solucient 100 Top Hospitals: Cardiovascular Benchmarks for Success Study, 8th Edition.

Solucient developed the 100 Top Cardiovascular Hospitals study to identify hospitals that are the highest performers in the Nation in cardiovascular service, and to set performance targets for improving clinical outcomes and management practices. To qualify, hospitals must achieve high scores across eight equally weighted performance criteria that reflect clinical processes and outcomes, volume, efficiency and cost for four treatment areas: acute myocardial infarction, congestive heart failure, coronary artery bypass graft and percutaneous coronary intervention.

In addition to this prestigious award, KDMC also received a five-star rating for cardiothoracic surgery. This placed KDMC in the top 5 percent in the Nation and No. 1 in Kentucky for cardiac surgery.

I congratulate KDMC on this outstanding achievement. Their service to the citizens of the Commonwealth of Kentucky is an inspiration to all. I look forward to all that KDMC accomplishes in the future.•

RECOGNIZING SAVE THE CHILDREN USA

• Mr. BUNNING. Mr. President, today I recognize Save the Children USA's 75th anniversary. I am proud to say that Save the Children work began in the Commonwealth of Kentucky. Today, Save the Children continues to work in 33 different sites in Kentucky rural communities, serving approximately 3,000 children in need.

This program was founded on January 7, 1932, in response to the needs of children and families struggling to survive the Great Depression in the Appalachian mountain region of Harlan County, KY. In 1938 Save the Children launched a Hot School Lunch program for undernourished children in nine States. Later it became one of the models for the national school lunch program.

Today, the organization's U.S. programs concentrate on literacy and nutrition programs benefiting over 20,000 children in areas of constant rural poverty in 12 States. Internationally, Save the Children works in more than 50 developing countries helping children by providing food, medical services and shelter to those in need.

Once again I congratulate Save the Children USA on their 75th anniversary. I appreciate the dedication of Save the Children to this worthy cause and their hard work is greatly affecting the lives of many people. Everyone involved in this organization is truly an inspiration to all.•

TRIBUTE TO CAPTAIN EDUARDO REYES

• Mrs. DOLE. Mr. President, today I wish to honor CPT Eduardo Reyes, a retired pilot who flew for Philippine Airlines.

On December 11, 1994, Captain Reyes was piloting Philippine Airlines flight 434, from Manila to Tokyo, when a bomb planted by now-convicted terrorist Ramzi Yousef was detonated on board the aircraft. The blast immediately killed 1 Japanese businessman and injured 10 others. It also caused the plane's controls to stop functioning normally, putting the lives of everybody aboard the plane at risk.

In this most trying of situations, Captain Reyes and his crew rose to the challenge. Controlling the altitude of the plane via the throttle—which I understand is an extremely difficult thing to do—Captain Reyes kept the plane in the air for nearly an hour before making an emergency landing in Okinawa. His courageous actions and outstanding skill as a pilot helped avert a great disaster and save the lives of 272 passengers and 20 crew members.

Captain Reyes later had the courage to testify on behalf of the United States against al-Qaida master bomber Ramzi Yousef. In 1994, Yousef was working on a master plan, often called the Bojinka Plot, to bomb 12 U.S. passenger jets over the Pacific Ocean in a 2-day period, killing over 4000 civilians. The bombing of Captain Reyes' plane was a test run for that plan. And, as many here remember, Yousef was also responsible for the bombing of the World Trade Center in 1993. Captain Reyes' testimony at Ramzi Yousef's 1996 trial helped to put one of the world's most dangerous terrorists in prison for life.

For his valor and clear thinking on December 11, 1994, and for his contribution to the fight against terrorism by testifying against Ramzi Yousef, I would like to commend Captain Reyes. The United States and countries throughout the world are indebted to him for these brave actions.•

HONORING ANTONIO PIERRO

• Mr. KERRY. Mr. President, last week our country and the State of Massachusetts lost a favorite son. Antonio Pierro passed away last week at the age of 110. Today would have been his 111th birthday.

The Guinness World Records has said that Pierro was America's oldest war veteran, having served in World War I, and the oldest American man in its records. Only seven veterans of WWI are still known to be alive.

Pierro was born in Italy in 1896 and lived there before he immigrated to the United States in 1914. Only 3 short years later, he was drafted into the Army and sent to France to fight in WWI. Pierro was given the opportunity to fight for the Italians, an ally of the United States, but instead chose to fight for his new homeland.

Once his service was completed he followed his father and brothers back to Swampscott, MA and spent the rest of his life as a resident of the Bay State. His love for America was evident to all of those he met. His nephew, Richard Pierro said, ''When he left Italy, he left for good. This was the promised land. He didn't want to go back, even if you offered him free passage.''

Pierro worked at a shoe plant, managed a body shop and eventually spent 17 years at General Electric in Lynn until his retirement, 46 years ago, in 1961. His family attributes his longevity to his strict adherence to three square meals a day and lots of sleep. Pierro lived by simple rules of life and remained dedicated to leading a simple, good life until the day he passed. His is remembered as having a ''twinkle in his eye'' and a gratitude for all that life had offered him. He lived in three different centuries, and he lived well.

I ask that we remember him today as a veteran, a true American, and a testament to life's many gifts and surprises. Our country is honored by his service but also thankful for the lessons his life offers about patriotism, family, and the simple pleasures of life.•

CONGRATULATING THE MISS SELMA'S SHOOTERS

• Mr. PRYOR. Mr. President, it is with the greatest pleasure that today I honor the sixth grade girls' basketball team of Miss Selma's school in Little Rock, AR, for finishing in first place of the regular basketball season.

This is a team that is comprised of eight basketball players who have played together since the third grade. The talented members of the team are: Sam Anderson, Elizabeth Campbell, Cassidy Johnson, Paige Logsdon, Audrey Peters, Laura Russell, Gracie Sloan, and Peyton Watts.

While all the teams in the league are worthy of mention, the regular season came down to one game, a match-up with the Little Rock Christian team. Little Rock Christian has a great team. In fact, the Little Rock Christian team has a dynasty and they had never been beaten in 4 years of play and had won all 70 games they had ever played. The game showcased great athleticism displayed by both teams. The battle was intense for the duration of the contest. The difference in the game was decided by a free throw made in the last few seconds, which gave a 16 to 15 victory to the Miss Selma's Shooters. It was a classic and will be remembered for many years by all that witnessed it and both teams deserve credit for the manner and intensity for which they competed.

I would like my colleagues to join me in congratulating the Miss Selma's

Shooters sixth grade girls' basketball team for winning the regular season. But most of all please join me in thanking them for the way in which they show appreciation to the game and to all teams that they play.●

TRIBUTE TO KATHERINE FORT

● Mr. PRYOR. Mr. President, it is with the greatest pleasure that I honor Katherine Fort who recently retired after 52 years of service as treasurer for the City of Warren, AR. She is an amazing woman who is still quite active at the age of 91.

Mrs. Fort took office on January 1, 1955, and officially retired on December 31, 2006, with uninterrupted service to the city of Warren. She served under seven mayors during her tenure and was an incredible asset to the people of Bradley County.

When Mrs. Fort began her service, she operated with an annual budget of $115,000 and had one account. At the time of her retirement, she was responsible for an annual operating budget of $7 million and had 37 accounts under her jurisdiction. And one amazing fact I would like to add, she handled all this without any support staff or assistants in her entire 52 years as city treasurer.

I would like my colleagues to join me in congratulating Mrs. Fort on this well-deserved retirement. But most of all, please join me in thanking Katherine Fort for her dedicated service to the city of Warren and to the State of Arkansas.●

BICENTENNIAL OF ST. MARTIN PARISH

● Mr. VITTER. Mr. President, today I wish to acknowledge the bicentennial of St. Martin Parish. As one of the original 19 parishes created from the Territory of Orleans, St. Martin will celebrate its 200th anniversary in 2007.

St. Martin Parish was initially established in 1756 by the French Government as the ''Postes des Attakapas.'' It was originally the site of an Indian trading post and was later turned into a Spanish military-administrative center. In 1807, when the Territory of Orleans was divided into the original 19 parishes, St. Martin Parish was the last to be created. The parish at that time included the present parishes of St. Martin, St. Mary, Lafayette, Vermillion, and Iberia.

The structure of St. Martin Parish has remained virtually unchanged since 1868. It is divided by an arm of Iberia Parish into the upper and lower portions of the parish. The upper portion consists of the communities of St. Martinville, Breaux Bridge, Parks, Henderson, and a portion of Arnaudville. The lower portion borders the East Atchafalaya Basin Levee and consists of the unincorporated areas of Stephensville and Belle River.

A population rich in diversity and cultural theory calls St. Martin Parish home. In the late 1700s, 3,000 French Canadians fled British persecution, finding refuge in south Louisiana. The birth of Acadiana can be attributed to the settling of 200 of these refugees in present day St. Martinville in 1765. There, the Acadians were introduced to enslaved Africans tending cattle for French landowners.

Refugees fleeing the French Revolution as well as Spanish-speaking Malagans also arrived in the settlement. Creole families from New Orleans and Mobile along with Anglo-Americans soon followed. German wheat farmers trying to find a place in the rice industry, along with Italian merchants and Irish workers building the railroads began to call St. Martin Parish home in the 1880s. These founding cultures, French, Acadian, African, Italian, and Spanish, have maintained their cultural identities while simultaneously blending together to form one culture that is uniquely St. Martin Parish.

St. Martin Parish encompasses the copious and picturesque regions that extend from the Bayou Teche to the Atchafalaya Basin. An agriculturally prosperous area, St. Martin Parish is comprised of sugar cane fields, low-lying swamps, and majestic waterways. Regal oak trees draped with moss frame passageways throughout the parish. With its distinctive cultures and striking scenery, St. Martin Parish has come to embody the definition of the Louisiana way of life.

Today, I would like to applaud the good people of St. Martin Parish on the bicentennial and wish them continued prosperity.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 10:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 20. Joint resolution making further continuing appropriations for fiscal year 2007, and for other purposes.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. BYRD).

At 11:56 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to H. Res. 159, resolving that the House has heard with profound sorrow of the death of the Honorable Charlie Norwood, a Representative from the State of Georgia.

At 1:53 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to H. Res. 165, resolving that the Senate be informed that Lorraine C. Miller, a citizen of the State of Texas, has been elected Clerk of the House of Representatives of the One Hundred Tenth Congress.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 641. A bill to express the sense of Congress that no funds should be cut off or reduced for American troops in the field which would result in undermining their safety or their ability to complete their assigned missions.

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–749. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a quarterly report entitled ''Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account''; to the Committee on Armed Services.

EC–750. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–751. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Accuracy of Advertising and Notice of Insured Status'' (RIN3133–AD18) received on February 14, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–752. 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 Operating Permits Program; State of Missouri'' (FRL No. 8278–8) received on February 15, 2007; to the Committee on Environment and Public Works.

EC–753. 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; New York; Motor Vehicle Enhanced Inspection and Maintenance Program'' (FRL No. 8275–5) received on February 15, 2007; to the Committee on Environment and Public Works.

EC–754. 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 ''Control of Hazardous Air Pollutants from Mobile Sources'' ((RIN2060–AK70)(FRL No. 8278–4)) received on February 15, 2007; to the Committee on Environment and Public Works.

EC–755. A communication from the Policy Analyst, Insurance Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''FEHB Coverage and Premiums for Active Duty Members of the Military'' (RIN3206–AK98) received on February 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–756. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts during fiscal year 2006; to the Committee on Veterans' Affairs.

EC–757. A communication from the Secretary of Transportation, transmitting a bill entitled ''Federal Railroad Safety Accountability and Improvement Act''; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 202. A bill to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska (Rept. No. 110–6).

S. 216. A bill to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico (Rept. No. 110–7).

S. 232. A bill to make permanent the authorization for watershed restoration and enhancement agreements (Rept. No. 110–8).

S. 240. A bill to reauthorize and amend the National Geologic Mapping Act of 1992 (Rept. No. 110–9).

S. 241. A bill to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System (Rept. No. 110–10).

S. 245. A bill to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System, and for other purposes (Rept. No. 110–11).

S. 255. A bill to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes (Rept. No. 110–12).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 260. A bill to establish the Fort Stanton-Snowy River Cave National Conservation Area (Rept. No. 110–13).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 262. A bill to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes (Rept. No. 110–14).

S. 268. A bill to designate the Ice Age Floods National Geologic Trail, and for other purposes (Rept. No. 110–15).

S. 277. A bill to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes (Rept. No. 110–16).

S. 283. A bill to amend the Compact of Free Association Amendments Act of 2003, and for other purposes (Rept. No. 110–17).

S. 320. A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes (Rept. No. 110–18).

H.R. 57. A bill to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands (Rept. No. 110–19).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 41. A resolution honoring the life and recognizing the accomplishments of Tom Mooney, president of the Ohio Federation of Teachers.

S. Res. 47. A resolution honoring the life and achievements of George C. Springer, Sr., the Northeast regional director and a former vice president of the American Federation of Teachers.

S. Res. 49. A resolution recognizing and celebrating the 50th anniversary of the entry of Alaska into the Union as the 49th State.

S. Res. 69. A resolution recognizing the African-American spiritual as a national treasure.

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 184. A bill to provide improved rail and surface transportation security.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Dabney Langhorne Friedrich, of Virginia, to be a Member of the United States Sentencing Commission for the remainder of the term expiring October 31, 2009, to which position she was appointed during the last recess of the Senate.

Beryl A. Howell, of the District of Columbia, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2011, to which position she was appointed during the last recess of the Senate.

(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. PRYOR:

S. 602. A bill to develop the next generation of parental control technology; to the Committee on Commerce, Science, and Transportation.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 603. A bill for the relief of Ashley Ross Fuller; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. HAGEL, Mr. KERRY, and Mrs. LINCOLN):

S. 604. A bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Ms. CANTWELL (for herself, Mr. BINGAMAN, Mrs. BOXER, Mr. KENNEDY, Ms. LANDRIEU, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, and Mrs. MURRAY):

S. 605. A bill to amend the Public Health Service Act to promote and improve the allied health professions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mrs. CLINTON, Mr. CONRAD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. MENENDEZ, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. OBAMA, Mr. PRYOR, Mr. REID, and Mr. WYDEN):

S. 606. A bill to improve Federal contracting and procurement by eliminating fraud and abuse and improving competition in contracting and procurement and by enhancing administration of Federal contracting personnel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 607. A bill to amend title 18, United States Code, to prevent interference with Federal disaster relief efforts, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mrs. BOXER, Mrs. HUTCHISON, Mr. LAUTENBERG, Mr. SCHUMER, Mrs. CLINTON, Mr. MENENDEZ, and Mr. OBAMA):

S. 608. A bill to improve the allocation of grants through the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 609. A bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER:

S. 610. A bill to clarify the effective date of the modification of treatment for retirement annuity purposes of part-time service before April 7, 1986, of certain Department of Veterans Affairs health-care professionals; to the Committee on Veterans' Affairs.

By Mrs. MURRAY:

S. 611. A bill to provide for secondary school reform, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Ms. MIKULSKI, Mrs. BOXER, and Mrs. MURRAY):

S. 612. A bill to improve the health of women through the establishment of Offices of Women's Health within the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself and Mr. BIDEN):

S. 613. A bill to enhance the overseas stabilization and reconstruction capabilities of the United States Government, and for other purposes; to the Committee on Foreign Relations.

By Mr. SCHUMER (for himself, Mr. BROWN, Mr. CASEY, Ms. KLOBUCHAR, Mrs. MCCASKILL, Mr. TESTER, Mr. WHITEHOUSE, Mrs. BOXER, and Mr. NELSON of Nebraska):

S. 614. A bill to amend the Internal Revenue Code to double the child tax credit for the first year, to expand the credit dependent care services, to provide relief from the alternative minimum tax, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, Mr. REID, Mrs. CLINTON, Mr. KENNEDY, Mr. DODD, Mr. LIEBERMAN, Mr. FEINGOLD, and Mr. COLEMAN):

S. 615. A bill to provide the nonimmigrant spouses and children of nonimmigrant aliens who perished in the September 11, 2001, terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence, and for other purposes; to the Committee on the Judiciary.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 616. A bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH:

S. 617. A bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. LOTT, Mr. REID, and Ms. LANDRIEU):

S. 618. A bill to further competition in the insurance industry; to the Committee on the Judiciary.

By Mr. VITTER:

S. 619. A bill to prevent congressional reapportionment distortions; to the Committee on Homeland Security and Governmental Affairs.

By Mr. FEINGOLD (for himself and Ms. MIKULSKI):

S. 620. A bill to establish a demonstration project to train unemployed workers for employment as health care professionals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, Mr. KENNEDY, Mr. LIEBERMAN, and Mr. INOUYE):

S. 621. A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. ENZI, Mr. FEINGOLD, Mr. THOMAS, Mr. DORGAN, Mr. BAUCUS, and Mrs. MCCASKILL):

S. 622. A bill to enhance fair and open competition in the production and sale of agricultural commodities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. VITTER, Ms. COLLINS, Mr. LEAHY, and Ms. STABENOW):

S. 623. A bill to amend the Public Health Service Act to provide for the licensing of comparable and interchangeable biological products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MIKULSKI (for herself and Mrs. HUTCHISON):

S. 624. A bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. CORNYN, Mr. HARKIN, Mr. MCCAIN, Mr. DURBIN, Mr. LUGAR, Mr. DODD, Mr. SMITH, Mr. REED, Ms. SNOWE, Mr. LAUTENBERG, Ms. MURKOWSKI, Mr. BINGAMAN, Ms. COLLINS, Ms. MIKULSKI, Mr. STEVENS, Mrs. MURRAY, Mr. DOMENICI, Mrs. CLINTON, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. LEAHY, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. SCHUMER, Mr. AKAKA, Mr. KOHL, Ms. CANTWELL, Mr. CARPER, and Mr. NELSON of Florida):

S. 625. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. BOND, Mr. AKAKA, Mr. LEAHY, Mr. MENENDEZ, Mr. CRAIG, and Mr. SHELBY):

S. 626. A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. SMITH, Mr. SPECTER, and Mr. MARTINEZ):

S. 627. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes; to the Committee on the Judiciary.

By Mr. COLEMAN (for himself and Mr. BAYH):

S. 628. A bill to provide grants for rural health information technology development activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COLEMAN:

S. 629. A bill to amend the Consolidated Farm and Rural Development Act to provide direct and guaranteed loans, loan guarantees, and grants to complete the construction and rehabilitation of rural critical access hospitals; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COLEMAN (for himself, Mr. DURBIN, and Mr. HARKIN):

S. 630. A bill to amend part C of title XVIII of the Social Security Act to provide for a minimum payment rate by Medicare Advantage organizations for services furnished by a critical access hospital and a rural health clinic under the Medicare program; to the Committee on Finance.

By Mr. COLEMAN:

S. 631. A bill to amend title XVIII of the Social Security Act to provide for coverage of remote patient management services for chronic health care conditions under the Medicare Program; to the Committee on Finance.

By Mr. COLEMAN (for himself and Ms. KLOBUCHAR):

S. 632. A bill to provide for a hospital in Cass County, Minnesota; to the Committee on Finance.

By Mr. COLEMAN:

S. 633. A bill to provide assistance to rural schools, hospitals, and communities for the conduct of collaborative efforts to secure a progressive and innovative system to improve access to mental health care for youth, seniors and families; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself and Mr. HATCH):

S. 634. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself and Mr. SMITH):

S. 635. A bill to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SCHUMER:

S. 636. A bill to amend the Internal Revenue Code of 1986 to extend the reporting period for certain statements sent to taxpayers; to the Committee on Finance.

By Mr. SESSIONS:

S. 637. A bill to direct the Secretary of the Interior to study the suitability and feasibility of establishing the Chattahoochee Trace National Heritage Corridor in Alabama and Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROBERTS (for himself, Mr. CHAMBLISS, Mr. CRAIG, Mr. ENSIGN, Mr. HAGEL, Mr. ISAKSON, Mr. LOTT, Mr. LUGAR, and Mr. THUNE):

S. 638. A bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants; to the Committee on Finance.

By Mr. PRYOR:

S. 639. A bill to establish digital and wireless networks to advance online higher education opportunities for minority students; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAPO:

S. 640. A bill to amend the Public Health Service Act to establish an Office of Men's Health; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL (for Mr. GREGG):

S. 641. A bill to express the sense of Congress that no funds should be cut off or reduced for American troops in the field which would result in undermining their safety or their ability to complete their assigned missions; read the first time.

By Mr. DURBIN (for himself, Mr. KERRY, and Mr. MENENDEZ):

S. 642. A bill to codify Executive Order 12898, relating to environmental justice, to require the Administrator of the Environmental Protection Agency to fully implement the recommendations of the Inspector General of the Agency and the Comptroller General of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. AKAKA:

S. 643. A bill to amend section 1922A of title 38, United States Code, to increase the amount of supplemental insurance available for totally disabled veterans; to the Committee on Veterans' Affairs.

By Mrs. LINCOLN (for herself, Ms. COLLINS, Mr. DORGAN, Ms. SNOWE, Mr. COLEMAN, and Mr. LEAHY):

S. 644. A bill to amend title 38, United States Code, to recodify as part of that title certain educational assistance programs for members of the reserve components of the Armed Forces, to improve such programs, and for other purposes; to the Committee on Armed Services.

By Mr. THOMAS (for himself, Mr. BENNETT, Mr. BINGAMAN, Mr. CONRAD, Mr. CRAIG, Mr. CRAPO, Mr. DOMENICI, Mr. ENZI, Mr. HAGEL, Ms. MURKOWSKI, and Mr. SALAZAR):

S. 645. A bill to amend the Energy Policy Act of 2005 to provide an alternate sulfur dioxide removal measurement for certain coal gasification project goals; to the Committee on Energy and Natural Resources.

By Mr. COLEMAN:

S. 646. A bill to increase the nursing workforce; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. SMITH):

S. 647. A bill to designate certain land in the State of Oregon as wilderness, and for

other purposes; to the Committee on Energy and Natural Resources.

By Mr. CHAMBLISS:

S. 648. A bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods; to the Committee on Armed Services.

By Mrs. CLINTON:

S. 649. A bill to require the Nuclear Regulatory Commission to conduct an independent safety assessment of the Indian Point Nuclear Power Plant; to the Committee on Environment and Public Works.

By Mr. REID:

S. 650. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to provide for certain nuclear weapons program workers to be included in the Special Exposure Cohort under the compensation program established by that Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself and Mrs. CLINTON):

S. 651. A bill to help promote the national recommendation of physical activity to kids, families, and communities across the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself, Mrs. FEINSTEIN, Mr. CRAIG, and Mr. SUNUNU):

S. 652. A bill to extend certain trade preferences to certain least-developed countries, and for other purposes; to the Committee on Finance.

By Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LUGAR, Ms. MIKULSKI, and Mr. STEVENS):

S. 653. A bill to expand visa waiver program to countries on a probationary basis and for other purposes; to the Committee on the Judiciary.

By Mr. DURBIN (for himself and Mr. SCHUMER):

S. 654. A bill to establish the Food Safety Administration to protect the public health by preventing food-borne illness, ensuring the safety of food, improving research on contaminants leading to food-borne illness, and improving security of food from intentional contamination, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. HAGEL (for himself, Mr. REED, Mrs. CLINTON, Mr. BURR, Mr. REID, Ms. SNOWE, Mr. KERRY, Mr. GREGG, and Mrs. BOXER):

S. Res. 82. A resolution designating August 16, 2007 as ''National Airborne Day''; to the Committee on the Judiciary.

By Mr. SPECTER (for himself and Mr. COBURN):

S. Res. 83. A resolution to amend the Standing Rules of the Senate to prohibit filling the tree; to the Committee on Rules and Administration.

By Mr. BROWNBACK (for himself and Mr. PRYOR):

S. Res. 84. A resolution observing February 23, 2007, as the 200th anniversary of the abolition of the slave trade in the British Empire, honoring the distinguished life and legacy of William Wilberforce, and encouraging the people of the United States to follow the example of William Wilberforce by selflessly pursuing respect for human rights around the world; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. CRAIG, Mr. LEVIN, Mr. STEVENS, Mr. KERRY, Mr. DORGAN, Mr. WEBB, Mr. BROWN, Mr. BINGAMAN, Mr. CRAPO, Mr. WARNER, Mr. ENSIGN, Mr. MCCAIN, Mr. SALAZAR, and Ms. SNOWE):

S. Con. Res. 12. A concurrent resolution supporting the goals and ideals of a National Medal of Honor and to celebrate and honor the recipients of the Medal of Honor on the anniversary of the first award of that medal in 1863; considered and agreed to.

By Mr. SANDERS:

S. Con. Res. 13. A concurrent resolution expressing the sense of Congress that the President should not initiate military action against Iran without first obtaining authorization from Congress; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. CASEY, his name was added as a cosponsor of S. 3, a bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries.

S. 4

At the request of Mr. CASEY, his name was added as a cosponsor of S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

S. 10

At the request of Mr. CASEY, his name was added as a cosponsor of S. 10, a bill to reinstate the pay-as-you-go requirement and reduce budget deficits by strengthening budget enforcement and fiscal responsibility.

S. 122

At the request of Mr. BAUCUS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 122, a bill to amend the Trade Act of 1974 to extend benefits to service sector workers and firms, enhance certain trade adjustment assistance authorities, and for other purposes.

S. 184

At the request of Mr. INOUYE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 184, a bill to provide improved rail and surface transportation security.

S. 254

At the request of Mr. ENZI, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 254, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 261

At the request of Ms. CANTWELL, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 284

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 284, a bill to provide emergency agricultural disaster assistance.

S. 294

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 367

At the request of Mr. DORGAN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 367, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 368

At the request of Mr. BIDEN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 415

At the request of Mr. BROWNBACK, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 415, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 430

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 450

At the request of Mrs. LINCOLN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

At the request of Mr. ENSIGN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 450, supra.

S. 455

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 455, a bill to amend the internal Revenue Code of 1986 to provide tax relief to active duty military personnel and employers who assist them, and for other purposes.

S. 494

At the request of Mr. LUGAR, the names of the Senator from Oregon (Mr.

SMITH) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 494, a bill to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes.

S. 507

At the request of Mr. CONRAD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 509

At the request of Mr. INOUYE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 509, a bill to provide improved aviation security, and for other purposes.

S. 536

At the request of Mr. KOHL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 536, a bill to amend the Organic Foods Production Act of 1990 to prohibit the labeling of cloned livestock and products derived from cloned livestock as organic.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Georgia (Mr. ISAKSON) 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. 558

At the request of Mr. KENNEDY, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from New York (Mrs. CLINTON), the Senator from North Dakota (Mr. CONRAD), the Senator from Illinois (Mr. DURBIN), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 561

At the request of Mr. BUNNING, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 561, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 574

At the request of Mr. REID, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 574, a bill to express the sense of Congress on Iraq.

S. 578

At the request of Mr. KENNEDY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 578, a bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes.

S. 579

At the request of Mr. REID, the names of the Senator from Florida (Mr. NELSON), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from California (Mrs. FEINSTEIN), the Senator from Indiana (Mr. BAYH), the Senator from Washington (Mrs. MURRAY), the Senator from Wisconsin (Mr. KOHL) and the Senator from California (Mrs. BOXER) were added as cosponsors 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.

At the request of Mr. HATCH, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 579, supra.

S. 597

At the request of Mrs. FEINSTEIN, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from Missouri (Mr. BOND), the Senator from Utah (Mr. HATCH), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 601

At the request of Mr. BAYH, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 601, a bill to amend the Internal Revenue Code of 1986 to require broker reporting of customer's basis in securities transactions, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR:

S. 602. A bill to develop the next generation of parental control technology; to the Committee on Commerce, Science, and Transportation.

Mr. PRYOR. Mr. President, I wish to introduce two communications bills. First, I am introducing the Child Safe Viewing Act, a bill to develop the next generation of parental control technology. Last year, following several hearings and forums on decency, I concluded that the V-Chip is not an adequate solution for parents to prevent their children from viewing adult content, especially in a world of 500 channels and video streaming.

During the 1996 Telecommunications Act debate, President Clinton urged inclusion of a mandatory V-Chip device, and in collaboration with Congress, the FCC, and the entertainment industry, the V-Chip was born. The V-Chip was an important beginning to control child access to adult material. Over a decade has passed since the 1996 act, and the world of communications has changed. However, the issues that inspired the V-Chip continue to exist today for not only television but for the Internet and other video streaming devices.

The Child Safe Viewing Act is a pragmatic approach to addressing the pitfalls of video content not intended for kids, and it acts on current law. It simply directs the Federal Communications Commission to begin a proceeding on the requirements in section 551 of the V-Chip law. Section 551 states that the Commission shall take action on alternative blocking technology as it is developed. This mandate is clear and the time has come. We must engage in this issue now to ensure that families have the tools to keep inappropriate and sometimes dangerous material out of their children's view.

I am also introducing ED 1.0, a bill to advance online higher education opportunities for minorities. Last Congress, Senator Allen and I introduced a bill that would establish a digital and wireless network technology program for minority-serving institutions, and it was reported favorably by the Commerce Committee. Regrettably, I am concerned that the cost of the bill will prohibit it from moving in this Congress. But the needs to this Nation's minorities are not standing still.

ED 1.0 would allow some of our goals to move forward now by creating a pilot online degree program at four minority-serving institutions. African-American, Hispanic, and tribal serving colleges and universities in socially and economically disadvantaged areas would be eligible to participate in this program to help define what works in ensuring that minorities are obtaining higher education degrees.

With the high costs of networks and limited availability of resources, the program would provide a national ''lessons learned'' about how to develop and implement flexible degree programs in fields such as health or education, which are currently underserved in the disadvantaged community. The goals of ED 1.0 will make education a reality for thousands of Americans, and I hope this bill will have the support of my colleagues.

By Mr. LAUTENBERG (for himself, Mr. HAGEL, Mr. KERRY, and Mrs. LINCOLN):

S. 604. A bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the heaalth care programs of the Department of Defense, and for the purposes; to the Committee on Armed Services.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Military Health

Care Protection Act along with my colleagues, Senators HAGEL, KERRY, and LINCOLN.

This important legislation will keep the Pentagon from dramatically raising health care fees on active duty military personnel, National Guard, Reserves, retirees and their families.

Our bill will limit increases to TRICARE military health insurance enrollment fees, deductibles, and pharmacy co-payments for those military retirees who are enrolled in TRICARE. Under this legislation, increases in these health care fees cannot exceed the rate of growth in uniformed services beneficiaries' military compensation, thereby protecting beneficiaries from an undue financial burden.

Our bill will also cap increases to TRICARE military health insurance pharmacy co-payments at current levels for those active duty military personnel, National Guard, Reserves members, and their families. Under this legislation, increases in such fees also cannot exceed the rate of growth in uniformed services beneficiaries' military compensation.

Just last week, the Department of Defense (DOD) submitted its Fiscal Year 2008 budget to Congress. Within that budget, a cut of $1.86 billion was made to TRICARE out of the Defense Health Program budget. Such a cut would require a doubling of fees on senior enlisted retirees and a tripling of such fees for officer retirees. This would mean increases of up to $1,000 annually for some military retirees. While the Department of Defense temporarily halted plans to raise fees last year at the direction of Congress, we are again faced with this challenge. We must pass legislation now that limits the amount of any health care increase and protects beneficiaries from extreme health care fee increases in the future.

With this bill, Senator HAGEL and I reiterate our commitment to our troops and future veterans by assuring them that just as they protected us, we will take care of them when their service ends.

Last year, Congress rejected the same increases that the Pentagon is proposing again for this year. I ask the support of my colleagues to pass this legislation this year to prevent these significant increases permanently.

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. 604

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 ''Military Health Care Protection Act''.

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

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

(1) Career members of the uniformed services and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans.

(2) The nature and extent of these demands and sacrifices are never so evident as in wartime, not only during the current Global War on Terrorism, but also during the wars of the last 60 years when current retired members of the Armed Forces were on continuous call to go in harm's way when and as needed.

(3) The demands and sacrifices are such that few Americans are willing to bear or accept them for a multi-decade career.

(4) A primary benefit of enduring the extraordinary sacrifices inherent in a military career is a range of extraordinary retirement benefits that a grateful Nation provides for those who choose to subordinate much of their personal life to the national interest for so many years.

(5) Many private sector firms are curtailing health benefits and shifting significantly higher costs to their employees, and one effect of such curtailment is that retired members of the uniformed services are turning for health care services to the Department of Defense, and its TRICARE program, for the health care benefits in retirement that they earned by their service in uniform.

(6) In some cases, civilian employers establish financial incentives for employees who are also eligible for participation in the TRICARE program to receive health care benefits under that program rather than under the health care benefits programs of such employers.

(7) While the Department of Defense has made some efforts to contain increases in the cost of the TRICARE program, a large part of those efforts has been devoted to shifting a larger share of the costs of benefits under that program to retired members of the uniformed services.

(8) The cumulative increase in enrollment fees, deductibles, and copayments being proposed by the Department of Defense for health care benefits under the TRICARE program far exceeds the 33-percent increase in military retired pay since such fees, deductibles, and copayments were first required on the part of retired members of the uniformed services 11 years ago.

(9) Proposals of the Department of Defense for increases in the enrollment fees, deductibles, and copayments of retired members of the uniformed services who are participants in the TRICARE program fail to recognize adequately that such members paid the equivalent of enormous in-kind premiums for health care in retirement through their extended sacrifices by service in uniform.

(10) Some of the Nation's health care providers refuse to accept participants in the TRICARE program as patients because that program pays them significantly less than commercial insurance programs, and imposes unique administrative requirements, for health care services.

(11) The Department of Defense has chosen to count the accrual deposit to the Department of Defense Military Retiree Health Care Fund against the budget of the Department of Defense, contrary to the requirements of section 1116 of title 10, United States Code.

(12) Senior officials of the Department of Defense leaders have reported to Congress that counting such deposits against the budget of the Department of Defense is impinging on other readiness needs of the Armed Forces, including weapons programs, an inappropriate situation which section 1116 of title 10, United States Code, was intended expressly to prevent.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense and the Nation have a committed obligation to provide health care benefits to retired members of the uniformed services that exceeds the obligation of corporate employers to provide health care benefits to their employees;

(2) the Department of Defense has many additional options to constrain the growth of health care spending in ways that do not disadvantage retired members of the uniformed services who participate or seek to participate in the TRICARE program, and should pursue any and all such options rather than seeking large increases for enrollment fees, deductibles, and copayments for such retirees, and their families or survivors, who do participate in that program;

(3) any percentage increase in fees, deductibles, and copayments that may be considered under the TRICARE program for retired members of the uniformed services and their families or survivors should not in any case exceed the percentage increase in military retired pay; and

(4) any percentage increase in fees, deductibles, and copayments under the TRICARE program that may be considered for members of the uniformed services who are currently serving on active duty or in the Selected Reserve, and for the families of such members, should not exceed the percentage increase in basic pay for such members.

SEC. 3. LIMITATIONS ON CERTAIN INCREASES IN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) PHARMACY BENEFITS PROGRAM.—Section 1074g(a)(6) of title 10, United Stated Code, is amended by adding at the end the following new subparagraph:

''(C) The amount of any cost sharing requirements under this paragraph may not be increased in any year by a percentage that exceeds the percentage increase of the most recent increase in retired pay for members of the armed forces under section 1401a(b)(2) of this title. To the extent that such increase for any year is less than one dollar, the accumulated increase may be carried over from year to year, rounded to the nearest dollar.''.

(b) PREMIUMS FOR TRICARE STANDARD FOR RESERVE COMPONENT MEMBERS WHO COMMIT TO SERVICE IN THE SELECTED RESERVE.—Section 1076d(d)(3) of such title is amended—

(1) by striking ''The monthly amount'' and inserting ''(A) Subject to subparagraph (B), the monthly amount''; and

(2) by adding at the end the following new subparagraph:

''(B) Effective as of October 1, 2007, the percentage increase in the amount of the premium in effect for a month for TRICARE Standard coverage under this section may not exceed a percentage equal to the percentage of the most recent increase in the rate of basic pay authorized for members of the uniformed services for a year.''.

(c) COPAYMENTS UNDER CHAMPUS.—Paragraph (3) of section 1086(b) of such title is amended in the first sentence by striking ''during the period beginning on April 1, 2006, and ending on September 30, 2007.'' and inserting ''after March 31, 2006''.

(d) PROHIBITION ON ENROLLMENT FEES FOR CERTAIN PERSONS UNDER CHAMPUS.—Section 1086(b) of such title is further amended by adding at the end the following new paragraph:

''(5) A person covered by subsection (c) may not be charged an enrollment fee for coverage under this section.''.

(e) AUTOMATIC ENROLLMENT FOR CERTAIN PERSONS UNDER CHAMPUS.—Section 1086(b) of such title is further amended by adding at the end the following new paragraph:

''(6) A person covered by subsection (c) shall not be subject to denial of claims for

coverage under this section for failure to enroll for such coverage. To the extent enrollment may be required, enrollment shall be automatic for any such person filing a claim under this section.''.

(f) PREMIUMS AND OTHER CHARGES UNDER TRICARE.—Section 1097(e) of such title is amended—

(1) by inserting ''(1)'' before ''The Secretary of Defense''; and

(2) by adding at the end the following new paragraph:

''(2) Effective as of October 1, 2007, the percentage increase in the amount of any premium, deductible, copayment or other charge prescribed by the Secretary under this subsection may not exceed the percentage increase of the most recent increase in retired pay for members and former members of the armed forces under section 1041a(b)(2) of this title.''.

By Ms. CANTWELL (for herself, Mr. BINGAMAN, Mrs. BOXER, Mr. KENNEDY, Ms. LANDRIEU, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, and Mrs. MURRAY):

S. 605. A bill to amend the Public Health Service Act to promote and improve the allied health professions; to the Committee on Health, Education, Labor, and Pensions.

Ms. CANTWELL. Mr. President, early in the 109th Congress I introduced a bill to address the troubling shortage of allied health professionals in our country. Sadly, we were unable to act on this bill despite continuing deficiencies in the health care workforce. That is why, today, I am reintroducing the Allied Health Reinvestment Act, along with my good colleagues, Senators BINGAMAN, BOXER, KENNEDY, LANDRIEU, LIEBERMAN, LINCOLN, MIKULSKI, and MURRAY.

Allied health professionals constitute roughly one third of the American healthcare workforce. These individuals take x-rays, perform lab tests, and provide emergency services. They help rehabilitate the injured, manage health records, and ensure patients are eating right. Allied health professionals are responsible for a critical and diverse array of functions, working with doctors and nurses to keep patients healthy.

The allied health professions recognized in this bill include professionals in the areas of: dental hygiene, dietetics/nutrition, emergency medical services, health information management, clinical laboratory sciences/medical technology, cytotechnology, occupational therapy, physical therapy, radiologic technology, nuclear medical technology, rehabilitation counseling, respiratory therapy, and speech language-pathology/audiology. This is by no means a complete list of allied health professions, which is why the Secretary of Health and Human Services will have the authority to determine additional professions that can benefit.

Today, many allied health professions suffer from existing workforce shortages. The American Hospital Association (AHA) reports vacancy rates of 18 percent for radiology technicians, 15.3 percent for imaging technicians, and 12.7 percent for pharmacy technicians. In my State alone, the Washington State Hospital Association reports vacancy rates of 14.3 percent for ultrasound technologists, 11.3 percent for radiology technicians, and 10.9 percent for nuclear medicine technologists.

These shortages have real consequences for patients, often extending wait times for important test results or routine examinations. Every time I meet with hospital officials in my State, I always learn how patient care is hurt by the lack of available healthcare workers.

Enrollment figures in allied health education programs suggest we will not have the individuals available to meet the challenges created by existing shortages. The Association of Schools of Allied Health Professionals (ASAHP) reports in a 2006 survey of 87 member institutions that enrollment for a number of allied health programs have not reached capacity for the seventh straight year. The Institutional Profile Survey, which the ASAHP conducts every year, shows under-enrollment by 55 percent in dietetics, 54 percent in health administration, 49 percent in rehabilitation counseling, 43 percent in health information management, 38 percent in speech language pathology/audiology, 33 percent in emergency medical sciences, 26 percent in nuclear medicine technology, 25 percent in clinical laboratory sciences/medical technology, and 20 percent in cytotechnology.

These rates cannot continue. On top of existing workforce shortages, our health system faces a growing senior population, a group that typically requires more care. The U.S. Census Bureau reports that the section of our population age 65 and over will begin to rapidly increase in 2011 when the first of the baby boom generation reaches age 65. This increase will create greater demand on all sectors of the healthcare workforce.

The bill my colleagues and I introduce today, like the Nurse Reinvestment Act in the 107th Congress, intends to provide incentives for individuals to seek and complete high-quality allied health education and training.

The bill offers allied health education, practice, and retention grants. Education grants will be used to expand enrollment in allied health education programs, especially by underrepresented racial and ethnic minority students, and provide educational opportunities through new technologies and methods, including distance-learning. Practice grants will establish or expand allied health practice arrangements in non-institutional settings to demonstrate methods that will improve access to primary health care in rural areas and other medically underserved communities. Retention grants will promote career advancement for allied health personnel.

Grants will also be made available for health care facilities to enable them to carry out demonstrations of models and best practices in allied health for the purpose of developing innovative strategies or approaches for retention of allied health professionals. These grants will be awarded in a variety of geographic regions to a range of different types of facilities, including those in rural, urban, and suburban areas.

Furthermore, this bill will give the Secretary of HHS, acting through the Administrator of HRSA, the authority to enter into an agreement with any institution that offers an eligible allied health education program to establish and operate a faculty loan fund to increase the number of qualified allied health faculty. Loans may be granted to faculty pursuing a full-time course of study or, at the discretion of the Secretary, a part-time course of study in an advanced degree program.

Finally, the Allied Health Reinvestment Act will establish a scholarship program modeled after the National Health Service Corps that provides scholarships to individuals seeking allied health education in exchange for service by those individuals in rural and other medically underserved areas.

The Allied Health Reinvestment Act represents a serious commitment on our part to confront a problem that will only grow more serious in the future. Our system of care cannot operate without the dedicated allied health professionals working today, and we must take the actions necessary to ensure that there is a strong workforce that can serve in the future.

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. 605

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 ''Allied Health Reinvestment Act''.

SEC. 2. FINDINGS AND PURPOSE.

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

(1) The United States Census Bureau and other reports highlight the increased demand for acute and chronic health care services among both the general population and a rapidly growing aging portion of the population.

(2) The calls for reduction in medical errors, increased patient safety, and quality of care have resulted in an amplified call for allied health professionals to provide health care services.

(3) Several allied health professions are characterized by workforce shortages, declining enrollments in allied health education programs, or a combination of both factors, and hospital officials have reported vacancy rates in positions occupied by allied health professionals.

(4) Many allied health education programs are facing significant economic pressure that could force their closure due to an insufficient number of students.

(b) PURPOSE.—It is the purpose of this Act to provide incentives for individuals to seek

and complete high quality allied health education and training and provide additional funding to ensure that such education and training can be provided to allied health students so that the United States health care industry with have a supply of allied health professionals needed to support the health care system of the United States in this decade and beyond.

SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) is amended by adding at the end the following:

"PART G—ALLIED HEALTH PROFESSIONALS

"SEC. 799C. DEFINITIONS.

''In this part:

''(1) ALLIED HEALTH EDUCATION PROGRAM.—The term 'allied health education program' means any postsecondary educational program offered by an institution accredited by an agency or commission recognized by the Department of Education, or leading to a State certificate or license or any other educational program approved by the Secretary. Such term includes colleges, universities, or schools of allied health and equivalent entities that include programs leading to a certificate, associate, baccalaureate, or graduate level degree in an allied health profession.

''(2) ALLIED HEALTH PROFESSIONS.—The term 'allied health professions' includes professions in the following areas at the certificate, associate, baccalaureate, or graduate level:

''(A) Dental hygiene.

''(B) Dietetics or nutrition.

''(C) Emergency medical services.

''(D) Health information management.

''(E) Clinical laboratory sciences and medical technology.

''(F) Cytotechnology.

''(G) Occupational therapy.

''(H) Physical therapy.

''(I) Radiologic technology.

''(J) Nuclear medical technology.

''(K) Rehabilitation counseling.

''(L) Respiratory therapy.

''(M) Speech-language pathology and audiology.

''(N) Any other profession determined appropriate by the Secretary.

''(3) HEALTH CARE FACILITY.—The term 'health care facility' means an outpatient health care facility, hospital, nursing home, home health care agency, hospice, federally qualified health center, nurse managed health center, rural health clinic, public health clinic, or any similar health care facility or practice that employs allied health professionals.

"SEC. 799C–1. PUBLIC SERVICE ANNOUNCEMENTS.

''The Secretary shall develop and issue public service announcements that shall—

''(1) advertise and promote the allied health professions;

''(2) highlight the advantages and rewards of the allied health professions; and

''(3) encourage individuals from diverse communities and backgrounds to enter the allied health professions.

"SEC. 799C–2. STATE AND LOCAL PUBLIC SERVICE ANNOUNCEMENTS.

''(a) IN GENERAL.—The Secretary shall award grants to designated eligible entities to support State and local advertising campaigns that are conducted through appropriate media outlets (as determined by the Secretary) to—

''(1) promote the allied health professions;

''(2) highlight the advantages and rewards of the allied health professions; and

''(3) encourage individuals from disadvantaged communities and backgrounds to enter the allied health professions.

''(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) be a professional, national, or State allied health association, State health care provider, or association of one or more health care facilities, allied health education programs, or other entities that provides similar services or serves a like function; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"SEC. 799C–3. ALLIED HEALTH RECRUITMENT GRANT PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Secretary shall award grants to eligible entities to increase allied health professions education opportunities.

''(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) be a professional, national, or State allied health association, State health care provider, or association of one or more health care facilities, allied health education programs, or other eligible entities that provides similar services or serves a like function; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An entity shall use amounts received under a grant under subsection (a) to—

''(1) support outreach programs at elementary and secondary schools that inform guidance counselors and students of education opportunities regarding the allied health professions;

''(2) carry out special projects to increase allied health education opportunities for individuals who are from disadvantaged backgrounds (including racial and ethnic minorities that are underrepresented among the allied health professions) by providing student scholarships or stipends, pre-entry preparation, and retention activities;

''(3) provide assistance to public and nonprofit private educational institutions to support remedial education programs for allied health students who require assistance with math, science, English, and medical terminology;

''(4) meet the costs of child care and transportation for individuals who are taking part in an allied health education program at any level; and

''(5) support community-based partnerships seeking to recruit allied health professionals in rural communities and medically underserved urban communities, and other communities experiencing an allied health professions shortage.

"SEC. 799C–4. GRANTS FOR HEALTH CAREER ACADEMIES.

''(a) IN GENERAL.—The Secretary shall award grants to eligible entities to assist such entities in collaborating to carry out programs that form education pipelines to facilitate the entry of students of secondary educational institutions, especially underrepresented racial and ethnic minorities, into careers in the allied health professions.

''(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) be an institution that offers allied health education programs, a health care facility, or a secondary educational institution; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"SEC. 799C–5. ALLIED HEALTH EDUCATION, PRACTICE, AND RETENTION GRANTS.

''(a) EDUCATION PRIORITY AREAS.—The Secretary may award grants to or enter into contracts with eligible entities to—

''(1) expand the enrollment of individuals in allied health education programs, especially the enrollment of underrepresented racial and ethnic minority students; and

''(2) provide education through new technologies and methods, including distance-learning methodologies.

''(b) PRACTICE PRIORITY AREAS.—The Secretary may award grants to or enter into contracts with eligible entities to—

''(1) establish or expand allied health practice arrangements in noninstitutional settings to demonstrate methods to improve access to primary health care in rural areas and other medically underserved communities;

''(2) provide care for underserved populations and other high-risk groups such as the elderly, individuals with HIV/AIDS, substance abusers, the homeless, and victims of domestic violence;

''(3) provide managed care, information management, quality improvement, and other skills needed to practice in existing and emerging organized health care systems; or

''(4) develop generational and cultural competencies among allied health professionals.

''(c) RETENTION PRIORITY AREAS.—

''(1) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to enhance the allied health professions workforce by initiating and maintaining allied health retention programs described in paragraph (2) or (3).

''(2) GRANTS FOR CAREER LADDER PROGRAMS.—The Secretary may award grants to and enter into contracts with eligible entities for programs—

''(A) to promote career advancement for allied health personnel in a variety of training settings, cross training or specialty training among diverse population groups, and the advancement of individuals; and

''(B) to assist individuals in obtaining the education and training required to enter the allied health professions and advance within such professions, such as by providing career counseling and mentoring.

''(3) ENHANCING PATIENT CARE DELIVERY SYSTEMS.—

''(A) GRANTS.—The Secretary may award grants to eligible entities to improve the retention of allied health professionals and to enhance patient care that is directly related to allied health activities by enhancing collaboration and communication among allied health professionals and other health care professionals, and by promoting allied health involvement in the organizational and clinical decision-making processes of a health care facility.

''(B) PREFERENCE.—In making awards of grants under this paragraph, the Secretary shall give preferences to applicants that have not previously received an award under this paragraph and to applicants from rural, underserved areas.

''(C) CONTINUATION OF AN AWARD.—The Secretary shall make continuation of any award under this paragraph beyond the second year of such award contingent on the recipient of such award having demonstrated to the Secretary measurable and substantive improvement in allied health personnel retention or patient care.

''(d) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, an entity shall—

''(1) be a health care facility, or any partnership or coalition containing a health care

facility or allied health education program; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''SEC. 799C–6. DEVELOPING MODELS AND BEST PRACTICES PROGRAM.

''(a) AUTHORIZED.—The Secretary shall award grants to eligible entities to enable such entities to carry out demonstration programs using models and best practices in allied health for the purpose of developing innovative strategies or approaches for the retention of allied health professionals.

''(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, an entity shall—

''(1) be a health care facility, or any partnership or coalition containing a health care facility or allied health education program; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) DISTRIBUTION OF GRANTS.—In awarding grants under this section, the Secretary shall ensure that grantees represent a variety of geographic regions and a range of different types and sizes of facilities, including facilities located in rural, urban, and suburban areas.

''(d) USE OF FUNDS.—An entity shall use amounts received under a grant under this section to carry out demonstration programs of models and best practices in allied health for the purpose of—

''(1) promoting retention and satisfaction of allied health professionals;

''(2) promoting opportunities for allied health professionals to pursue education, career advancement, and organizational recognition; and

''(3) developing continuing education programs that instruct allied health professionals in how to use emerging medical technologies and how to address current and future health care needs.

''(e) AREA HEALTH EDUCATION CENTERS.—The Secretary shall award grants to area health education centers to enable such centers to enter into contracts with allied health education programs to expand the operation of area health education centers to work in communities to develop models of excellence for allied health professionals or to expand any junior and senior high school mentoring programs to include an allied health professions mentoring program.

''SEC. 799C–7. ALLIED HEALTH FACULTY LOAN PROGRAM.

''(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may enter into an agreement with any institution offering an eligible allied health education program for the establishment and operation of a faculty loan fund in accordance with this section (referred to in this section as the 'loan fund'), to increase the number of qualified allied health faculty.

''(b) AGREEMENTS.—Each agreement entered into under this section shall—

''(1) provide for the establishment of a loan fund by the institution offering the allied health education program involved;

''(2) provide for deposit in the loan fund of—

''(A) the Federal capital contributions to the fund;

''(B) an amount provided by the institution involved which shall be equal to not less than one-ninth of the amount of the Federal capital contribution under subparagraph (A);

''(C) any collections of principal and interest on loans made from the fund; and

''(D) any other earnings of the fund;

''(3) provide that the loan fund will be used only for the provision of loans to faculty of the allied health education program in accordance with subsection (c) and for the costs of the collection of such loans and the interest thereon;

''(4) provide that loans may be made from such fund only to faculty who are pursuing a full-time course of study or, at the discretion of the Secretary, a part-time course of study in an advanced degree program; and

''(5) contain such other provisions determined appropriate by the Secretary to protect the financial interests of the United States.

''(c) LOAN PROVISIONS.—Loans from any faculty loan fund established pursuant to an agreement under this section shall be made to an individual on such terms and conditions as the allied health education program may determine, except that—

''(1) such terms and conditions are subject to any conditions, limitations, and requirements prescribed by the Secretary;

''(2) in the case of any individual, the total of the loans for any academic year made by an allied health education program from loan funds established pursuant to agreements under this section may not exceed $30,000, plus any amount determined by the Secretary on an annual basis to reflect inflation;

''(3) upon completion by the individual of each of the first, second, and third year of full-time employment, as required under the loan agreement, as a faculty member in an allied health education program, the program shall cancel 20 percent of the principal and interest due on the amount of the unpaid portion of the loan on the first day of such employment;

''(4) upon completion by the individual of the fourth year of full-time employment, as required under the loan agreement, as a faculty member in an allied health education program, the program shall cancel 25 percent of the principal and interest due on the amount of the unpaid portion of the loan on the first day of such employment;

''(5) the loan may be used to pay the cost of tuition, fees, books, laboratory expenses, and other reasonable education expenses;

''(6) the loan shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the 10-year period that begins 9 months after the individual ceases to pursue a course of study in an allied health education program; and

''(7) such loan shall—

''(A) beginning on the date that is 3 months after the individual ceases to pursue a course of study in an allied health education program, bear interest on the unpaid balance of the loan at the rate of 3 percent per year; or

''(B) subject to subsection (e), if the allied health education program determines that the individual will not complete such course of study or serve as a faculty member as required under the loan agreement under this subsection, bear interest on the unpaid balance of the loan at the prevailing market rate.

''(d) PAYMENT OF PROPORTIONATE SHARE.—Where all or any part of a loan (including interest thereon) is canceled under this section, the Secretary shall pay to the allied health education program involved an amount equal to the program's proportionate share of the canceled portion, as determined by the Secretary.

''(e) REVIEW BY SECRETARY.—At the request of the individual involved, the Secretary may review any determination by an allied health education program under this section.

''SEC. 799C–8. SCHOLARSHIP PROGRAM FOR SERVICE IN RURAL AND OTHER MEDICALLY UNDERSERVED AREAS.

''(a) PROGRAM AUTHORIZED.—The Secretary shall establish a scholarship program (referred to in this section as the 'program') to provide scholarships to individuals seeking allied health education who agree to provide service in rural and other medically underserved areas with allied health personnel shortages.

''(b) PREFERENCE.—In awarding scholarships under this section, the Secretary shall give preference to—

''(1) applicants who demonstrate the greatest financial need;

''(2) applicants who agree to serve in health care facilities experiencing allied health shortages in rural and other medically underserved areas;

''(3) applicants who are currently working in a health care facility who agree to serve the period of obligated service at such facility;

''(4) minority applicants; and

''(5) applicants with an interest in a practice area of allied health that has unmet needs.

''(c) PROGRAM REQUIREMENTS.—

''(1) CONTRACTS.—Under the program, the Secretary shall enter into contracts with eligible individuals under which such individuals agree to serve as allied health professionals for a period of not less than 2 years at a health care facility with a critical shortage of allied health professionals in consideration of the Federal Government agreeing to provide to the individuals scholarships for attendance in an allied health education program.

''(2) ELIGIBLE INDIVIDUALS.—In this subsection, the term 'eligible individual' means an individual who is enrolled or accepted for enrollment as a full-time or part-time student in an allied health education program.

''(3) SERVICE REQUIREMENT.—

''(A) IN GENERAL.—The Secretary may not enter into a contract with an eligible individual under this section unless the individual agrees to serve as an allied health professional at a health care facility with a critical shortage of allied health professionals for a period of full-time service of not less than 2 years, or for a period of part-time service in accordance with subparagraph (B).

''(B) PART-TIME SERVICE.—An individual may complete the period of service described in subparagraph (A) on a part-time basis if the individual has a written agreement that—

''(i) is entered into by the facility and the individual and is approved by the Secretary; and

''(ii) provides that the period of obligated service will be extended so that the aggregate amount of service performed will equal the amount of service that would be performed through a period of full-time service of not less than 2 years.

''(d) REPORTS.—Not later than 18 months after the date of enactment of this part, and annually thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report describing the program carried out under this section, including statements regarding—

''(1) the number of enrollees by specialty or discipline, scholarships, and grant recipients;

''(2) the number of graduates;

''(3) the amount of scholarship payments made;

''(4) which educational institution the recipients attended;

''(5) the number and placement location of the scholarship recipients at health care facilities with a critical shortage of allied health professionals;

''(6) the default rate and actions required;

''(7) the amount of outstanding default funds of the scholarship program;

''(8) to the extent that it can be determined, the reason for the default;

''(9) the demographics of the individuals participating in the scholarship program; and

''(10) an evaluation of the overall costs and benefits of the program.

''SEC. 799C–9. GRANTS FOR CLINICAL EDUCATION, INTERNSHIP, AND RESIDENCY PROGRAMS.

''(a) PROGRAM AUTHORIZED.—The Secretary shall award grants to eligible entities to develop clinical education, internship, and residency programs that encourage mentoring and the development of specialties.

''(b) ELIGIBLE ENTITIES.—To be eligible for a grant under this section an entity shall—

''(1) be a partnership of an allied health education program and a health care facility; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An eligible entity shall use amounts received under a grant under this section to—

''(1) develop clinical education, internship, and residency programs and curriculum and training programs for graduates of an allied health education program;

''(2) provide support for faculty and mentors; and

''(3) provide support for allied health professionals participating in clinical education, internship, and residency programs on both a full-time and part-time basis.

''SEC. 799C–10. GRANTS FOR PARTNERSHIPS.

''(a) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to form partnerships to carry out the activities described in this section.

''(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, and entity shall—

''(1) be a partnership between an allied health education program and a health care facility; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An eligible entity shall use amounts received under a grant under this section to—

''(1) provide employees of the health care facility that is a member of the partnership involved advanced training and education in a allied health education program;

''(2) establish or expand allied health practice arrangements in non-institutional settings to demonstrate methods to improve access to health care in rural and other medically underserved communities;

''(3) purchase distance learning technology to extend general education and training programs to rural areas, and to extend specialty education and training programs to all areas; and

''(4) establish or expand mentoring, clinical education, and internship programs for training in specialty care areas.

''SEC. 799C–11. ALLIED HEALTH PROFESSIONS TRAINING FOR DIVERSITY.

''The Secretary, acting in conjunction with allied health professional associations, shall develop a system for collecting and analyzing allied health workforce data gathered by the Bureau of Labor Statistics, the Health Resources and Services Administration, other entities within the Department of Health and Human Services, the Department of Veterans Affairs, the Centers for Medicare & Medicaid Services, the Department of Defense, allied health professional associations, and regional centers for health workforce studies to determine educational pipeline and practitioner shortages, and project future needs for such a workforce.

''SEC. 799C–12. ALLIED HEALTH PROFESSIONS TRAINING FOR DIVERSITY.

''The Secretary shall include schools of allied health among the health professions schools that are eligible to receive grants under this part for the purpose of assisting such schools in supporting Centers of Excellence in health professions education for under-represented minority individuals.

''SEC. 799C–13. REPORTS BY GENERAL ACCOUNTING OFFICE.

''Not later than 4 years after the date of enactment of this part, the Comptroller General of the United States shall conduct an evaluation of whether the programs carried out under this part have demonstrably increased the number of applicants to allied health education programs and prepare and submit to the appropriate committees of Congress a report concerning the results of such evaluation.

''SEC. 799C–14. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this part, such sums as may be necessary for each of fiscal years 2008 through 2013.''.

By Mr. DORGAN (for himself, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mrs. CLINTON, Mr. CONRAD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. MENENDEZ, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. OBAMA, Mr. PRYOR, Mr. REID, and Mr. WYDEN):

S. 606. A bill to improve Federal contracting and procurement by eliminating fraud and abuse and improving competition in contracting and procurement and by enhancing administration of Federal contracting personnel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LEAHY. I am proud to cosponsor this bill, which will create new and better tools to combat fraud, waste, and abuse in government contracting. I commend our chief sponsor, Senator BYRON DORGAN, for his leadership on this.

Waste, fraud, and abuse in the name of defense is destructive and offensive, and it should never be tolerated. It saps critical resources needed by our troops, and it plays the taxpayers for fools, all the while hiding under the cover of national defense.

Within the last few weeks, the Special Inspector General for Iraq Reconstruction has reported that the problems of waste, fraud, and abuse continue to plague our reconstruction efforts in Iraq, and billions of dollars are unaccounted for, and possibly lost, to fraud and waste. So far, the Inspector General has initiated more than 100 investigations into this fraud and abuse, but to date the Department of Justice has prosecuted just a few individuals for wrongdoing. The Department has yet to prosecute any of the contracting companies or their senior officials for fraud.

This legislative reform package establishes new criminal penalties for war profiteers and cheats who, for ill-gotten gain, would exploit the chaos of war. I recently introduced the War Profiteering Prevention Act of 2007, and I am pleased that Senator DORGAN has included this legislation in the Honest Leadership and Accountability in Contracting Act.

This legislation also promotes openness and fairness in contracting, and it includes safeguards to end cronyism and eliminate conflicts of interest in contracting decisions. It also strengthens the Federal protections afforded to whistleblowers who alert the public to contract fraud and misconduct.

We have introduced antiwar profiteering legislation in the past, but the Republican-led Congress has repeatedly refused to pass it. While Congress has waited to act, we have learned that private contractors have stolen and defrauded, by some estimates, hundreds of millions of dollars from money that should have supported our troops in Iraq and Afghanistan. The time to stop these shameful acts is now, and Congress should act swiftly to enact this vital legislation.

I will continue my efforts on this issue as chairman of the Judiciary Committee. In particular, I plan to hold a hearing next month on the war profiteering bill.

Every penny of our taxpayers' money must be protected from waste, and Federal contracts—which are paid for with taxpayer funds—should be open and transparent. This is an accountability bill, and taxpayers deserve this to be one of our highest priorities.

By Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mrs. BOXER, Mrs. HUTCHISON, Mr. LAUTENBERG, Mr. SCHUMER, Mrs. CLINTON, Mr. MENENDEZ, and Mr. OBAMA):

S. 608. A bill to improve the allocation of grants through the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation that ensures our Nation's homeland security grant resources are allocated in the most effective manner possible. I am pleased to be joined by my colleague from Texas, Senator JOHN CORNYN, as well as Senators BOXER, HUTCHISON, LAUTENBERG, SCHUMER, CLINTON, MENENDEZ, and OBAMA.

Simply put, the current system for allocating homeland security grants to States is fundamentally flawed. Proportionate funding is not allotted to regions which face the highest risk of a terrorist attack, and adequate assessment of threats is not calculated.

The ''Risk-Based Homeland Security Grants Act of 2007'' addresses these

concerns with a common-sense approach that responsibly directs taxpayer dollars to protect our Nation's vital interests.

The methodology is straightforward and spelled out in the language at the beginning of the bill:

The Secretary of Homeland Security shall ensure that homeland security grants are allocated based on an assessment of threat, vulnerability, and consequence to the maximum extent practicable.

This direction would apply to the four major first-responder grant programs administered by the Department of Homeland Security: the State Homeland Security Grant Program; the Urban Area Security Initiative; the Law Enforcement Terrorism Prevention Program; and the Citizens Corps Program.

The primary objective of the legislation is accomplished by reducing the amount of funding that each State is guaranteed. Current practice requires a ''small state minimum,'' giving each State at least 0.75 percent of much of the grant funding.

The result is that roughly 38 percent of the funds are marked for distribution before any substantive risk analysis has been performed. That sends disproportionate money to low-risk, rural areas and territories.

For most, this outcome is not acceptable. Funding to bolster the security of our country should go to where the threat is greatest—such as seaports, airports, and national landmarks.

This bill lowers the ''small state minimum'' to 0.25 percent per State. A Homeland Security Grants Board, comprised of seven top Department of Homeland Security officials, including the Secretary of Homeland Security and the Undersecretary of Information Analysis and Infrastructure Protection, is established to rank grant applications based upon risk. Three factors guide this evaluation: threat, vulnerability, and consequence.

The current system, by contrast, allocates a significant amount of funding to states based upon their population.

To ensure that grant funds are properly accounted for, and utilized within an integrated framework to enhance domestic security, grants must be designed to meet ''essential'' capabilities.

''Essential capabilities'' refers to the ability of regions to address risks by reducing vulnerability to attacks and diminishing the consequences of such attacks by effective response.

This legislation assures that States must demonstrate that they have a detailed, prioritized plan for emergency preparedness and resource allocation, so that Federal funds are assigned to the most effective uses.

States must then quickly distribute the Federal funds to regions and localities.

The notion of risk-based allocation of homeland security grants is not novel. This is a bipartisan approach advocated by both the Bush Administration and the 9/11 Commission.

The 9/11 Commission report said: ''Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities.''

Four years ago, President Bush signed Homeland Security Presidential Directive 8, which required the Department of Homeland Security to allocate grant funding ''based on national priorities.''

In April 2005, Representatives Cox and TURNER, the Chair and Ranking Member of the House Homeland Security Committee at the time, offered similar legislation to reform the grant process by reducing State minimums and allocating funds based upon risk assessments.

That effort, the ''Faster and Smarter Funding for First Responders Act of 2005,'' passed the House of Representatives as part of the Intelligence Reform bill, but was dropped in conference. This bill is based on the House efforts, and closely tracks the previous bill.

Again, the House has acted, passing legislation last month, by an overwhelming vote of 299–128, to implement the recommendations of the 9/11 Committee. A key component is the risk-based allocation of homeland security resources.

This bill, though updated to reflect recent changes at the Department of Homeland Security, marks the continuation of a legislation effort we began last session, with the FORWARD Funding Act. That bill was unsuccessful. Hopefully, this time will be different.

In the post-Cold War world, America needs the flexibility to defend against a different type of enemy. The amorphous nature of the threat and likelihood of asymmetric attacks demands a robust approach.

But our resources are limited, and difficult choices must be made.

We will never know exactly how, when or where the next major attack may occur. But we can refine our risk-assessment capabilities, and make objective analyses and predictions. It follows that our resources should be directed based upon our best estimate of where the next strike might take place.

Two guiding principles—the ability to predict future attacks, coupled with the necessity of utilizing finite resources effectively—form the backbone of a comprehensive strategy to make our Nation more secure.

The approach is three-pronged: risks of potential terrorist attacks must be accurately assessed; the vulnerability of critical infrastructure and potential targets must be measured; and, resources should be dispersed based upon these assessments.

The Department of Homeland Security was created to accomplish these goals. Yet we find again and again that scarce resources are allocated based on factors unrelated to real security.

For example, last year California's Urban Area Security Initiative grants totaled only $6.81 per capita. Hawaii received $11.55 per capita, and Wyoming, $18.06 per capita.

I recognize the environment in which we are operating, and understand this bill is not a panacea. This bill is a first step towards reducing the threat of terrorist attacks.

Congress should not act alone. The Department of Homeland Security must embrace the concept of risk-based allocation of resources. And it must act on these principles. Slow progress has been made, but the Department's intelligence analysis and vulnerability assessment capabilities must be improved.

We can do better. We must put aside pork-barrel politics and take action to protect all Americans. The security of our Nation hangs in the balance and we cannot afford to wait until it is too late.

This bill was conceived and put forth in the spirit of bipartisanship. I hope that Senators LIEBERMAN and COLLINS will accept this legislation, which is a reasoned alternative to their approach and a starting point for continued discussion.

I ask my colleagues to join me in supporting this simple, straightforward approach to effectively distribute our Nation's resources and make America secure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 608

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 ''Risk-Based Homeland Security Grants 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. Risk-based funding for homeland security.
Sec. 3. Essential capabilities, task forces, and standards.
Sec. 4. Effective administration of homeland security grants.
Sec. 5. Implementation and definitions.

SEC. 2. RISK-BASED FUNDING FOR HOMELAND SECURITY.

(a) RISK-BASED FUNDING IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is amended by adding at the end the following:

''TITLE XX—RISK-BASED FUNDING FOR HOMELAND SECURITY

''SEC. 2001. RISK-BASED FUNDING FOR HOMELAND SECURITY.

''(a) RISK-BASED FUNDING.—The Secretary shall ensure that homeland security grants are allocated based on an assessment of threat, vulnerability, and consequence to the maximum extent practicable.

''(b) COVERED GRANTS.—This title applies to grants provided by the Department to States, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, or mitigate threatened or actual terrorist attacks, especially those involving weapons of mass destruction, and grants provided by the Department for improving homeland security, including the following:

''(1) STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

''(2) URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

''(3) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

''(4) CITIZEN CORPS PROGRAM.—The Citizen Corps Program of the Department, or any successor to such grant program.

''(c) EXCLUDED PROGRAMS.—This title does not apply to or otherwise affect the following Federal grant programs or any grant under such a program:

''(1) NONDEPARTMENT PROGRAMS.—Any Federal grant program that is not administered by the Department.

''(2) FIRE GRANT PROGRAMS.—The fire grant programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229, 2229a).

''(3) EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE ACCOUNT GRANTS.—The Emergency Management Performance Grant program and the Urban Search and Rescue Grants program authorized by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.), the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (113 Stat. 1047 et seq.), and the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

''(d) EFFECT ON COVERED GRANTS.—Nothing in this Act shall be construed to require the elimination of a covered grant program.''.

(b) COVERED GRANT ELIGIBILITY AND CRITERIA.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by subsection (a), is amended by adding at the end the following:

''SEC. 2002. COVERED GRANT ELIGIBILITY AND CRITERIA.

''(a) GRANT ELIGIBILITY.—

''(1) IN GENERAL.—

''(A) GENERAL ELIGIBILITY.—Except as provided in subparagraphs (B) and (C), any State, region, or directly eligible tribe shall be eligible to apply for a covered grant.

''(B) URBAN AREA SECURITY INITIATIVE.—Only a region shall be eligible to apply for a grant under the Urban Area Security Initiative of the Department, or any successor to such grant program.

''(C) STATE HOMELAND SECURITY GRANT PROGRAM.—Only a State shall be eligible to apply for a grant under the State Homeland Security Grant Program of the Department, or any successor to such grant program.

''(2) OTHER GRANT APPLICANTS.—

''(A) IN GENERAL.—Grants provided by the Department for improving homeland security, including to seaports, airports, and other transportation facilities, shall be allocated as described in section 2001(a).

''(B) CONSIDERATION.—Such grants shall be considered, to the extent determined appropriate by the Secretary, pursuant to the procedures and criteria established in this title, except that the eligibility requirements of paragraph (1) shall not apply.

''(3) CERTIFICATION OF REGIONS.—

''(A) IN GENERAL.—The Secretary shall certify a geographic area as a region if—

''(i) the geographic area meets the criteria under section 2007(10)(B) and (C); and

''(ii) the Secretary determines, based on an assessment of threat, vulnerability, and consequence, that certifying the geographic area as a region under this title is in the interest of national homeland security.

''(B) EXISTING URBAN AREA SECURITY INITIATIVE AREAS.—Notwithstanding subparagraphs (B) and (C) of section 2007(10), a geographic area that, on or before the date of enactment of the Risk-Based Homeland Security Grants Act of 2007, was designated as a high-threat urban area for purposes of the Urban Area Security Initiative, shall be certified by the Secretary as a region unless the Secretary determines, based on an assessment of threat, vulnerability, and consequence, that certifying the geographic area as a region is not in the interest of national homeland security.

''(b) GRANT CRITERIA.—In awarding covered grants, the Secretary shall assist States, local governments, and operators of airports, ports, or similar facilities in achieving, maintaining, and enhancing the essential capabilities established by the Secretary under section 2003.

''(c) STATE HOMELAND SECURITY PLANS.—

''(1) SUBMISSION OF PLANS.—The Secretary shall require that any State applying to the Secretary for a covered grant shall submit to the Secretary a 3-year State homeland security plan that—

''(A) demonstrates the extent to which the State has achieved the essential capabilities that apply to the State;

''(B) demonstrates the needs of the State necessary to achieve, maintain, or enhance the essential capabilities that apply to the State;

''(C) includes a prioritization of such needs based on threat, vulnerability, and consequence assessment factors applicable to the State;

''(D) describes how the State intends—

''(i) to address such needs at the city, county, regional, tribal, State, and interstate level, including a precise description of any regional structure the State has established for the purpose of organizing homeland security preparedness activities funded by covered grants;

''(ii) to use all Federal, State, and local resources available for the purpose of addressing such needs; and

''(iii) to give particular emphasis to regional planning and cooperation, including the activities of multijurisdictional planning agencies governed by local officials, both within its jurisdictional borders and with neighboring States;

''(E) is developed in consultation with and subject to appropriate comment by local governments within the State; and

''(F) with respect to the emergency preparedness of first responders, addresses the unique aspects of terrorism as part of a comprehensive State emergency management plan.

''(2) APPROVAL BY SECRETARY.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

''(d) CONSISTENCY WITH STATE PLANS.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated manner, the applicable State homeland security plan or plans.

''(e) APPLICATION FOR GRANT.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, any State, region, directly eligible tribe, or operator of an airport, port, or similar facility may apply for a covered grant by submitting to the Secretary an application at such time, in such manner, and containing such information as is required under this subsection, or as the Secretary may reasonably require.

''(2) DEADLINES FOR APPLICATIONS AND AWARDS.—All applications for covered grants shall be submitted at such time as the Secretary may reasonably require for the fiscal year for which they are submitted. The Secretary shall award covered grants pursuant to all approved applications for such fiscal year as soon as practicable, but not later than March 1 of such year.

''(3) AVAILABILITY OF FUNDS.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the second subsequent fiscal year.

''(4) MINIMUM CONTENTS OF APPLICATION.—The Secretary shall require that each applicant include in its application, at a minimum—

''(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the essential capabilities for terrorism preparedness within the State, region, or directly eligible tribe or at the airport, port, or similar facility to which the application pertains;

''(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 2006(g)(1), would assist in fulfilling the essential capabilities specified in such plan or plans;

''(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

''(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to regions, local governments, and Indian tribes;

''(E) if the applicant is a region—

''(i) a precise geographical description of the region and a specification of all participating and nonparticipating local governments within the geographical area comprising that region;

''(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant;

''(iii) a designation of a specific individual to serve as regional liaison; and

''(iv) a description of how the governmental entity administering the expenditure of funds under the covered grant plans to allocate the covered grant funds to States, local governments, and Indian tribes;

''(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds; and

''(G) if the applicant is a directly eligible tribe, a designation of a specific individual to serve as the tribal liaison.

''(5) REGIONAL APPLICATIONS.—

''(A) RELATIONSHIP TO STATE APPLICATIONS.—A regional application—

''(i) shall be coordinated with an application submitted by the State or States of which such region is a part;

''(ii) shall supplement and avoid duplication with such State application; and

''(iii) shall address the unique regional aspects of such region's terrorism preparedness needs beyond those provided for in the application of such State or States.

''(B) STATE REVIEW AND SUBMISSION.—To ensure the consistency required under subsection (d) and the coordination required under subparagraph (A) of this paragraph, an applicant that is a region shall submit its application to each State of which any part is included in the region for review and concurrence before the submission of such application to the Secretary. The regional application shall be transmitted to the Secretary through each such State within 30 days after receipt of the application by that State, unless the Governor of such a State notifies the Secretary, in writing, that such regional application is inconsistent with the State's homeland security plan and provides an explanation of the reasons therefor.

''(C) DISTRIBUTION OF REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting the applicable regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award, pass through to the region all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application; *Provided* That, in no such case shall the State or States pass through to the region less than 80 percent of the regional award.

''(D) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO REGIONS.—Any State that receives a regional award under subparagraph (C) shall certify to the Secretary, by not later than 30 days after the expiration of the period described in subparagraph (C) with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

''(E) DIRECT PAYMENTS TO REGIONS.—If any State fails to pass through a regional award to a region as required by subparagraph (C) within 45 days after receiving such award and does not request or receive an extension of such period under section 2006(h)(2), the region may petition the Secretary to receive directly the portion of the regional award that is required to be passed through to such region under subparagraph (C).

''(F) REGIONAL LIAISONS.—A regional liaison designated under paragraph (4)(E)(iii) shall—

''(i) coordinate with Federal, State, local, regional, and private officials within the region concerning terrorism preparedness;

''(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region's access to covered grants; and

''(iii) administer, in consultation with State, local, regional, and private officials within the region, covered grants awarded to the region.

''(6) TRIBAL APPLICATIONS.—

''(A) SUBMISSION TO THE STATE OR STATES.—To ensure the consistency required under subsection (d), an applicant that is a directly eligible tribe shall submit its application to each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the application of such State or States.

''(B) OPPORTUNITY FOR STATE COMMENT.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the consistency of the tribe's application with the State's homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the State and tribal applications.

''(C) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

''(D) TRIBAL LIAISON.—A tribal liaison designated under paragraph (4)(G) shall—

''(i) coordinate with Federal, State, and private sector officials to assist in the development of the application of such tribe and to improve the tribe's access to covered grants; and

''(ii) administer, in consultation with State, local, regional, and private officials, covered grants awarded to such tribe.

''(E) LIMITATION ON THE NUMBER OF DIRECT GRANTS.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

''(F) TRIBES NOT RECEIVING DIRECT GRANTS.—An Indian tribe that does not receive a grant directly under this section is eligible to receive funds under a covered grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 2006(g)(1), the tribe may request payment under section 2006(h)(3) in the same manner as a local government.

''(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary under section 2005(a), the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

''(f) HOMELAND SECURITY GRANTS BOARD.—

''(1) ESTABLISHMENT OF BOARD.—The Secretary shall establish a Homeland Security Grants Board, consisting of—

''(A) the Secretary;

''(B) the Deputy Secretary of Homeland Security;

''(C) the Under Secretary for Emergency Preparedness and Response;

''(D) the Under Secretary for Border and Transportation Security;

''(E) the Under Secretary for Information Analysis and Infrastructure Protection;

''(F) the Under Secretary for Science and Technology; and

''(G) the Director of the Office of State and Local Government Coordination.

''(2) CHAIRMAN.—

''(A) IN GENERAL.—The Secretary shall be the Chairman of the Board.

''(B) EXERCISE OF AUTHORITIES BY DEPUTY SECRETARY.—The Deputy Secretary of Homeland Security may exercise the authorities of the Chairman, if the Secretary so directs.

''(3) RISK-BASED RANKING OF GRANT APPLICATIONS.—

''(A) PRIORITIZATION OF GRANTS.—The Board—

''(i) shall evaluate and annually prioritize all pending applications for covered grants based upon the degree to which they would, by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons and critical infrastructure; and

''(ii) in evaluating the threat to persons and critical infrastructure for purposes of prioritizing covered grants, shall give greater weight to threats of terrorism based on their specificity and credibility, including any pattern of repetition.

''(B) MINIMUM AMOUNTS.—

''(i) IN GENERAL.—After evaluating and prioritizing grant applications under subparagraph (A), the Board shall ensure that, for each fiscal year, each State that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for the State Homeland Security Grant Program, as described in section 2001(b)(1), for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of additional needs under subsection (c)(1)(C).

''(ii) OTHER ENTITIES.—Notwithstanding clause (i), the Board shall ensure that, for each fiscal year, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive 0.08 percent of the funds available for the State Homeland Security Grant Program, as described in section 2001(b)(1), for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of additional needs under subsection (c)(1)(C).

''(4) FUNCTIONS OF UNDER SECRETARIES.—The Under Secretaries referred to in paragraph (1) shall seek to ensure that the relevant expertise and input of the staff of their directorates are available to and considered by the Board.''.

SEC. 3. ESSENTIAL CAPABILITIES, TASK FORCES, AND STANDARDS.

The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by section 2, is amended by adding at the end the following:

''SEC. 2003. ESSENTIAL CAPABILITIES FOR HOMELAND SECURITY.

''(a) ESTABLISHMENT OF ESSENTIAL CAPABILITIES.—

''(1) IN GENERAL.—For purposes of covered grants, the Secretary shall establish clearly defined essential capabilities for State and local government preparedness for terrorism, in consultation with—

''(A) the Task Force on Essential Capabilities established under section 2004;

''(B) the Under Secretaries for Emergency Preparedness and Response, Border and Transportation Security, Information Analysis and Infrastructure Protection, and Science and Technology, and the Director of the Office of State and Local Government Coordination;

''(C) the Secretary of Health and Human Services;

''(D) other appropriate Federal agencies;

''(E) State and local first responder agencies and officials; and

''(F) consensus-based standard making organizations responsible for setting standards relevant to the first responder community.

''(2) DEADLINES.—The Secretary shall—

''(A) establish essential capabilities under paragraph (1) within 30 days after receipt of the report under section 2004(b); and

''(B) regularly update such essential capabilities as necessary, but not less than every 3 years.

''(3) PROVISION OF ESSENTIAL CAPABILITIES.—The Secretary shall ensure that a detailed description of the essential capabilities established under paragraph (1) is provided promptly to the States and to Congress. The States shall make the essential capabilities available as necessary and appropriate to local governments and operators of airports, ports, and other similar facilities within their jurisdictions.

''(b) OBJECTIVES.—The Secretary shall ensure that essential capabilities established under subsection (a)(1) meet the following objectives:

''(1) SPECIFICITY.—The determination of essential capabilities specifically shall describe the training, planning, personnel, and equipment that different types of communities in the Nation should possess, or to which they should have access, in order to meet the Department's goals for terrorism preparedness based upon—

''(A) the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States;

''(B) the types of threats, vulnerabilities, geography, size, and other factors that the Secretary has determined to be applicable to each different type of community; and

''(C) the principles of regional coordination and mutual aid among State and local governments.

''(2) FLEXIBILITY.—The establishment of essential capabilities shall be sufficiently flexible to allow State and local government officials to set priorities based on particular needs, while reaching nationally determined terrorism preparedness levels within a specified time period.

''(3) MEASURABILITY.—The establishment of essential capabilities shall be designed to enable measurement of progress toward specific terrorism preparedness goals.

''(4) COMPREHENSIVENESS.—The determination of essential capabilities for terrorism preparedness shall be made within the context of a comprehensive State emergency management system.

''(c) FACTORS TO BE CONSIDERED.—

''(1) IN GENERAL.—In establishing essential capabilities under subsection (a)(1), the Secretary specifically shall consider the variables of threat, vulnerability, and consequences with respect to the Nation's population (including transient commuting and tourist populations) and critical infrastructure. Such consideration shall be based upon the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States.

''(2) CRITICAL INFRASTRUCTURE SECTORS.—The Secretary specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the Nation, urban and rural:

''(A) Agriculture.

''(B) Banking and finance.

''(C) Chemical industries.

''(D) The defense industrial base.

''(E) Emergency services.

''(F) Energy.

''(G) Food.

''(H) Government.

''(I) Postal and shipping.

''(J) Public health.

''(K) Information and telecommunications networks.

''(L) Transportation.

''(M) Water.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such sectors.

''(3) TYPES OF THREAT.—The Secretary specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the Nation, urban and rural:

''(A) Biological threats.

''(B) Nuclear threats.

''(C) Radiological threats.

''(D) Incendiary threats.

''(E) Chemical threats.

''(F) Explosives.

''(G) Suicide bombers.

''(H) Cyber threats.

''(I) Any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

''(4) CONSIDERATION OF ADDITIONAL FACTORS.—In establishing essential capabilities under subsection (a)(1), the Secretary shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Secretary has determined to exist.

''SEC. 2004. TASK FORCE ON ESSENTIAL CAPABILITIES.

''(a) ESTABLISHMENT.—To assist the Secretary in establishing essential capabilities under section 2003(a)(1), the Secretary shall establish an advisory body pursuant to section 871(a) not later than 60 days after the date of the enactment of this section, which shall be known as the Task Force on Essential Capabilities.

''(b) REPORT.—

''(1) IN GENERAL.—The Task Force shall submit to the Secretary, not later than 9 months after its establishment by the Secretary under subsection (a) and every 3 years thereafter, a report on its recommendations for essential capabilities for preparedness for terrorism.

''(2) CONTENTS.—The report shall—

''(A) include a priority ranking of essential capabilities in order to provide guidance to the Secretary and to Congress on determining the appropriate allocation of, and funding levels for, first responder needs;

''(B) set forth a methodology by which any State or local government will be able to determine the extent to which it possesses or has access to the essential capabilities that States and local governments having similar risks should obtain;

''(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment;

''(D) include such additional matters as the Secretary may specify in order to further the terrorism preparedness capabilities of first responders; and

''(E) include such revisions to the contents of past reports as are necessary to take into account changes in the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection or other relevant information as determined by the Secretary.

''(3) CONSISTENCY WITH FEDERAL WORKING GROUP.—The Task Force shall ensure that its recommendations for essential capabilities are, to the extent feasible, consistent with any preparedness goals or recommendations of the Federal working group established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)).

''(4) COMPREHENSIVENESS.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness are made within the context of a comprehensive State emergency management system.

''(5) PRIOR MEASURES.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness take into account any capabilities that State or local officials have determined to be essential and have undertaken since September 11, 2001, to prevent or prepare for terrorist attacks.

''(c) MEMBERSHIP.—

''(1) IN GENERAL.—The Task Force shall consist of 35 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic and substantive cross section of governmental and nongovernmental first responder disciplines from the State and local levels, including as appropriate—

''(A) members selected from the emergency response field, including fire service and law enforcement, hazardous materials response, emergency medical services, and emergency management personnel (including public works personnel routinely engaged in emergency response);

''(B) health scientists, emergency and inpatient medical providers, and public health professionals, including experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism, and experts in providing mental health care during emergency response operations;

''(C) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including representation from the voluntary consensus codes and standards development community, particularly those with expertise in first responder disciplines; and

''(D) State and local officials with expertise in terrorism preparedness, subject to the condition that if any such official is an elected official representing 1 of the 2 major political parties, an equal number of elected officials shall be selected from each such party.

''(2) COORDINATION WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—In the selection of members of the Task Force who are health professionals, including emergency medical professionals, the Secretary shall coordinate the selection with the Secretary of Health and Human Services.

''(3) EX OFFICIO MEMBERS.—The Secretary and the Secretary of Health and Human Services shall each designate 1 or more officers of their respective Departments to serve as ex officio members of the Task Force. One of the ex officio members from the Department of Homeland Security shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 App. U.S.C.).

''(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding section 871(a), the Federal Advisory Committee Act (5 U.S.C. App.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the Task Force.

''SEC. 2005. NATIONAL STANDARDS FOR FIRST RESPONDER EQUIPMENT AND TRAINING.

''(a) EQUIPMENT STANDARDS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office of State and Local Government Coordination, shall, not later than 6 months after the date of enactment of this section, support the development of, promulgate, and update as necessary national voluntary consensus standards for the performance, use, and validation of first responder equipment for purposes of section 2002(e)(7). Such standards—

''(A) shall be, to the maximum extent practicable, consistent with any existing voluntary consensus standards;

''(B) shall take into account, as appropriate, new types of terrorism threats that may not have been contemplated when such existing standards were developed;

''(C) shall be focused on maximizing interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety; and

''(D) shall cover all appropriate uses of the equipment.

''(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary shall specifically consider the following categories of first responder equipment:

''(A) Thermal imaging equipment.

''(B) Radiation detection and analysis equipment.

''(C) Biological detection and analysis equipment.

''(D) Chemical detection and analysis equipment.

''(E) Decontamination and sterilization equipment.

''(F) Personal protective equipment, including garments, boots, gloves, and hoods, and other protective clothing.

''(G) Respiratory protection equipment.

''(H) Interoperable communications, including wireless and wireline voice, video, and data networks.

''(I) Explosive mitigation devices and explosive detection and analysis equipment.

''(J) Containment vessels.

''(K) Contaminant-resistant vehicles.

''(L) Such other equipment for which the Secretary determines that national voluntary consensus standards would be appropriate.

''(b) TRAINING STANDARDS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office of State and Local Government Coordination, shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for first responder training carried out with amounts provided under covered grant programs, that will enable State and local government first responders to achieve optimal levels of terrorism preparedness as quickly as practicable. Such standards shall give priority to providing training to—

''(A) enable first responders to prevent, prepare for, respond to, and mitigate terrorist threats, including threats from chemical, biological, nuclear, and radiological weapons and explosive devices capable of inflicting significant human casualties; and

''(B) familiarize first responders with the proper use of equipment, including software, developed pursuant to the standards established under subsection (a).

''(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary specifically shall include the following categories of first responder activities:

''(A) Regional planning.

''(B) Joint exercises.

''(C) Intelligence collection, analysis, and sharing.

''(D) Emergency notification of affected populations.

''(E) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction.

''(F) Such other activities for which the Secretary determines that national voluntary consensus training standards would be appropriate.

''(3) CONSISTENCY.—In carrying out this subsection, the Secretary shall ensure that such training standards are consistent with the principles of emergency preparedness for all hazards.

''(c) CONSULTATION WITH STANDARDS ORGANIZATIONS.—In establishing national voluntary consensus standards for first responder equipment and training under this section, the Secretary shall consult with relevant public and private sector groups, including—

''(1) the National Institute of Standards and Technology;

''(2) the National Fire Protection Association;

''(3) the National Association of County and City Health Officials;

''(4) the Association of State and Territorial Health Officials;

''(5) the American National Standards Institute;

''(6) the National Institute of Justice;

''(7) the Inter-Agency Board for Equipment Standardization and Interoperability;

''(8) the National Public Health Performance Standards Program;

''(9) the National Institute for Occupational Safety and Health;

''(10) ASTM International;

''(11) the International Safety Equipment Association;

''(12) the Emergency Management Accreditation Program;

''(13) the National Domestic Preparedness Consortium; and

''(14) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and other interested persons.

''(d) COORDINATION WITH SECRETARY OF HHS.—In establishing any national voluntary consensus standards under this section for first responder equipment or training that involve or relate to health professionals, including emergency medical professionals, the Secretary shall coordinate activities under this section with the Secretary of Health and Human Services.''.

SEC. 4. EFFECTIVE ADMINISTRATION OF HOMELAND SECURITY GRANTS.

(a) USE OF GRANT FUNDS AND ACCOUNTABILITY.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by sections 2 and 3, is amended by adding at the end the following:

''SEC. 2006. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

''(a) IN GENERAL.—A covered grant may be used for—

''(1) purchasing, upgrading, or maintaining equipment, including computer software, to enhance terrorism preparedness and response;

''(2) exercises to strengthen terrorism preparedness and response;

''(3) training for prevention (including detection) of, preparedness for, or response to attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

''(4) developing or updating response plans;

''(5) establishing or enhancing mechanisms for sharing terrorism threat information;

''(6) systems architecture and engineering, program planning and management, strategy formulation and strategic planning, lifecycle systems design, product and technology evaluation, and prototype development for terrorism preparedness and response purposes;

''(7) additional personnel costs resulting from—

''(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert level issued by a State, region, or local government with the approval of the Secretary;

''(B) travel to and participation in exercises and training in the use of equipment and on prevention activities;

''(C) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities; and

''(D) participation in information, investigative, and intelligence-sharing activities specifically related to terrorism prevention;

''(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

''(9) target hardening to reduce the vulnerability of high-value targets, as determined by the Secretary;

''(10) protecting critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices, except that the cost of such measures may not exceed the greater of—

''(A) $1,000,000 per project; or

''(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the covered grant;

''(11) the costs of commercially available interoperable communications equipment (which, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Chairman of the Federal Communications Commission, deems best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with prevailing grant guidance of the Department for interoperable communications;

''(12) educational curricula development for first responders to ensure that they are prepared for terrorist attacks;

''(13) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prepare for and respond to an act of terrorism;

''(14) paying of administrative expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant; and

''(15) other appropriate activities as determined by the Secretary.

''(b) PROHIBITED USES.—Funds provided as a covered grant may not be used—

''(1) to supplant State or local funds that have been obligated for a homeland security or other first responder-related project;

''(2) to construct buildings or other physical facilities, except for—

''(A) activities under section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196); and

''(B) upgrading facilities to protect against, test for, and treat the effects of biological agents, which shall be included in the homeland security plan approved by the Secretary under section 2002(c);

''(3) to acquire land; or

''(4) for any State or local government cost-sharing contribution.

''(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving essential capabilities for terrorism preparedness established by the Secretary under section 2003.

''(d) REIMBURSEMENT OF COSTS.—In addition to the activities described in subsection (a), a covered grant may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in training covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

''(e) ASSISTANCE REQUIREMENT.—The Secretary may not request that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary undertakes to pay the costs directly attributable to transporting and operating such equipment during such response.

''(f) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

''(g) STATE, REGIONAL, AND TRIBAL RESPONSIBILITIES.—

''(1) PASS-THROUGH.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders,

and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a combination thereof, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

''(2) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—Any State that receives a covered grant shall certify to the Secretary, by not later than 30 days after the expiration of the period described in paragraph (1) with respect to the grant, that the State has made available for expenditure by local governments, first responders, and other local groups the required amount of grant funds pursuant to paragraph (1).

''(3) QUARTERLY REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit a quarterly report to the Secretary not later than 30 days after the end of each fiscal quarter. Each such report shall include, for each recipient of a covered grant or a pass-through under paragraph (1)—

''(A) the amount obligated to that recipient in that quarter;

''(B) the amount expended by that recipient in that quarter; and

''(C) a summary description of the items purchased by such recipient with such amount.

''(4) ANNUAL REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each fiscal year. Each recipient of a covered grant that is a region shall simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe shall simultaneously submit its report to each State within the boundaries of which any part of such tribe is located. Each report shall include the following:

''(A) The amount, ultimate recipients, and dates of receipt of all funds received under the grant during the previous fiscal year.

''(B) The amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements that apply within the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

''(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

''(D) The extent to which essential capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced as the result of the expenditure of grant funds during the preceding fiscal year.

''(E) The extent to which essential capabilities identified in the applicable State homeland security plan or plans remain unmet.

''(5) INCLUSION OF RESTRICTED ANNEXES.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (4) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

''(6) PROVISION OF REPORTS.—The Secretary shall ensure that each annual report under paragraph (4) is provided to the Under Secretary for Emergency Preparedness and Response and the Director of the Office of State and Local Government Coordination.

''(h) INCENTIVES TO EFFICIENT ADMINISTRATION OF HOMELAND SECURITY GRANTS.—

''(1) PENALTIES FOR DELAY IN PASSING THROUGH LOCAL SHARE.—If a recipient of a covered grant that is a State fails to pass through to local governments, first responders, and other local groups funds or resources required by subsection (g)(1) within 45 days after receiving funds under the grant, the Secretary may—

''(A) reduce grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1);

''(B) terminate payment of funds under the grant to the recipient, and transfer the appropriate portion of those funds directly to local first responders that were intended to receive funding under that grant; or

''(C) impose additional restrictions or burdens on the recipient's use of funds under the grant, which may include—

''(i) prohibiting use of such funds to pay the grant recipient's grant-related overtime or other expenses;

''(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or

''(iii) for each day that the grant recipient fails to pass through funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except that the total amount of such reduction may not exceed 20 percent of the total amount of the grant.

''(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Secretary extend the 45-day period under section 2002(e)(5)(E) or paragraph (1) for an additional 15-day period. The Secretary may approve such a request, and may extend such period for additional 15-day periods, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funding under the grant will not have a significant detrimental impact on such entities' terrorism preparedness efforts.

''(3) PROVISION OF NON-LOCAL SHARE TO LOCAL GOVERNMENT.—

''(A) IN GENERAL.—The Secretary may upon request by a local government pay to the local government a portion of the amount of a covered grant awarded to a State in which the local government is located, if—

''(i) the local government will use the amount paid to expedite planned enhancements to its terrorism preparedness as described in any applicable State homeland security plan or plans;

''(ii) the State has failed to pass through funds or resources in accordance with subsection (g)(1); and

''(iii) the local government complies with subparagraph (B).

''(B) SHOWING REQUIRED.—To receive a payment under this paragraph, a local government must demonstrate that—

''(i) it is identified explicitly as an ultimate recipient or intended beneficiary in the approved grant application;

''(ii) it was intended by the grantee to receive a severable portion of the overall grant for a specific purpose that is identified in the grant application;

''(iii) it petitioned the grantee for the funds or resources after expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

''(iv) it did not receive the portion of the overall grant that was earmarked or designated for its use or benefit.

''(C) EFFECT OF PAYMENT.—Payment of grant funds to a local government under this paragraph—

''(i) shall not affect any payment to another local government under this paragraph; and

''(ii) shall not prejudice consideration of a request for payment under this paragraph that is submitted by another local government.

''(D) DEADLINE FOR ACTION BY SECRETARY.—The Secretary shall approve or disapprove each request for payment under this paragraph by not later than 15 days after the date the request is received by the Department.

''(i) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to Congress by December 31 of each year—

''(1) describing in detail the amount of Federal funds provided as covered grants that were directed to each State, region, and directly eligible tribe in the preceding fiscal year;

''(2) containing information on the use of such grant funds by grantees; and

''(3) describing—

''(A) the Nation's progress in achieving, maintaining, and enhancing the essential capabilities established under section 2003(a) as a result of the expenditure of covered grant funds during the preceding fiscal year; and

''(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established under section 2003(a).''.

(b) SENSE OF CONGRESS REGARDING INTEROPERABLE COMMUNICATIONS.—

(1) FINDING.—Congress finds that—

(A) many emergency response providers (as defined under section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as amended by this Act) working in the same jurisdiction or in different jurisdictions cannot effectively and efficiently communicate with one another; and

(B) their inability to do so threatens the public's safety and may result in unnecessary loss of lives and property.

(2) SENSE OF CONGRESS.—It is the sense of Congress that interoperable emergency communications systems and radios should continue to be deployed as soon as practicable for use by the emergency response provider community, and that upgraded and new digital communications systems and new digital radios should meet prevailing national voluntary consensus standards for interoperability.

(c) SENSE OF CONGRESS REGARDING CITIZEN CORPS COUNCILS.—

(1) FINDING.—Congress finds that Citizen Corps councils help to enhance local citizen participation in terrorism preparedness by coordinating multiple Citizen Corps programs, developing community action plans, assessing possible threats, and identifying local resources.

(2) SENSE OF CONGRESS.—It is the sense of Congress that individual Citizen Corps councils should seek to enhance the preparedness and response capabilities of all organizations participating in the councils, including by providing funding to as many of their participating organizations as practicable to promote local terrorism preparedness programs.

(d) REQUIRED COORDINATION.—The Secretary of Homeland Security shall ensure that there is effective and ongoing coordination of Federal efforts to prevent, prepare for, and respond to acts of terrorism and other major disasters and emergencies among the divisions of the Department of Homeland Security, including the Directorate of Emergency Preparedness and Response and the Office for State and Local Government Coordination and Preparedness.

(e) COORDINATION OF INDUSTRY EFFORTS.—Section 102(f) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)) is amended—

(1) in paragraph (9), by striking ''and'' after the semicolon;

(2) in paragraph (10), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(11) coordinating industry efforts, with respect to functions of the Department of Homeland Security, to identify private sector resources and capabilities that could be effective in supplementing Federal, State, and local government agency efforts to prevent or respond to a terrorist attack.''.

(f) STUDY REGARDING NATIONWIDE EMERGENCY NOTIFICATION SYSTEM.—

(1) STUDY.—The Secretary of Homeland Security, in consultation with the heads of other appropriate Federal agencies and representatives of providers and participants in the telecommunications industry, shall conduct a study to determine whether it is cost effective, efficient, and feasible to establish and implement an emergency telephonic alert notification system that will—

(A) alert persons in the United States of imminent or current hazardous events caused by acts of terrorism; and

(B) provide information to individuals regarding appropriate measures that may be undertaken to alleviate or minimize threats to their safety and welfare posed by such events.

(2) TECHNOLOGIES TO CONSIDER.—In conducting the study under paragraph (1), the Secretary shall consider the use of the telephone, wireless communications, and other existing communications networks to provide such notification.

(3) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to Congress a report regarding the conclusions of the study conducted under paragraph (1).

(g) STUDY OF EXPANSION OF AREA OF JURISDICTION OF OFFICE OF NATIONAL CAPITAL REGION COORDINATION.—

(1) STUDY.—The Secretary of Homeland Security, acting through the Director of the Office of National Capital Region Coordination, shall conduct a study of the feasibility and desirability of modifying the definition of ''National Capital Region'' applicable under section 882 of the Homeland Security Act of 2002 (6 U.S.C. 462) to expand the geographic area under the jurisdiction of the Office of National Capital Region Coordination.

(2) FACTORS.—In conducting the study under paragraph (1), the Secretary shall analyze whether expanding the geographic area under the jurisdiction of the Office of National Region Coordination will—

(A) promote coordination among State and local governments within the Region, including regional governing bodies, and coordination of the efforts of first responders; and

(B) enhance the ability of such State and local governments and the Federal Government to prevent and respond to a terrorist attack within the Region.

(3) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the study conducted under paragraph (1), and shall include in the report such recommendations (including recommendations for legislation to amend section 882 of the Homeland Security Act of 2002 (6 U.S.C. 462)) as the Secretary considers appropriate.

(h) STUDY OF RISK ALLOCATION FOR PORT SECURITY GRANTS.—

(1) STUDY.—The Secretary of Homeland Security shall conduct a study of the factors to be used for the allocation of funds based on risk for port security grants made under section 70107 of title 46, United States Code.

(2) FACTORS.—In conducting the study, the Secretary shall analyze the volume of international trade and economic significance of each port.

(3) REPORT.—Not later than 90 days after the enactment of the Act, the Secretary shall submit a report to Congress on the study and shall include recommendations for using such factors in allocating grant funds to ports.

(i) STUDY OF ALLOCATION OF ASSISTANCE TO FIREFIGHTER GRANTS.—

(1) STUDY.—The Secretary of Homeland Security shall conduct a study of the allocation of grant fund awards made under the Assistance to Firefighter Grants program and shall analyze the distribution of awards by State.

(2) FACTORS.—In conducting the study, the Secretary shall analyze the number of awards and the per capita amount of grant funds awarded to each State and the level of unmet firefighting equipment needs in each State. The study shall also analyze whether allowing local departments to submit more than 1 annual application and expanding the list of eligible applicants for such grants to include States will enhance the ability of State and local governments to respond to fires.

(3) REPORT.—Not later than 90 days after the date of enactment of the Act, the Secretary shall submit a report to Congress on the study and shall include recommendations for legislation amending the factors used in allocating grant funds to insure that critical firefighting needs are addressed by the program in all areas of the Nation.

SEC. 5. IMPLEMENTATION; DEFINITIONS; TABLE OF CONTENTS.

(a) TECHNICAL AND CONFORMING AMENDMENT.—Section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714) is amended—

(1) by striking subsection (c)(3);

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

''(c) ADMINISTRATION.—Grants under this section shall be administered in accordance with title XX of the Homeland Security Act of 2002.''.

(b) TEMPORARY LIMITATIONS ON APPLICATION.—

(1) 1-YEAR DELAY IN APPLICATION.—The following provisions of title XX of the Homeland Security Act of 2002, as added by this Act, shall not apply during the 1-year period beginning on the date of enactment of this Act—

(A) Subsections (b), (c), and (e)(4) (A) and (B) of section 2002; and

(B) In section 2002(f)(3)(A)(i), the phrase ''by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis,''.

(2) 2-YEAR DELAY IN APPLICATION.—The following provisions of title XX of the Homeland Security Act of 2002, as added by this Act, shall not apply during the 2-year period beginning on the date of enactment of this Act—

(A) Subparagraphs (D) and (E) of section 2006(g)(4); and

(B) Section 2006(i)(3).

(c) DEFINITIONS.—

(1) TITLE XX.—Title XX of the Homeland Security Act of 2002, as amended by sections 2, 3, and 4, is amended by adding at the end the following:

''SEC. 2007. DEFINITIONS.

''In this title:

''(1) BOARD.—The term 'Board' means the Homeland Security Grants Board established under section 2002(f).

''(2) CONSEQUENCE.—The term 'consequence' means the assessment of the effect of a completed attack.

''(3) COVERED GRANT.—The term 'covered grant' means any grant to which this title applies under section 2001(b).

''(4) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means any Indian tribe or consortium of Indian tribes that—

''(A) meets the criteria for inclusion in the qualified applicant pool for self-governance that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

''(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services; and

''(C)(i) is located on, or within 5 miles of, an international border or waterway;

''(ii) is located within 5 miles of a facility designated as high-risk critical infrastructure by the Secretary;

''(iii) is located within or contiguous to 1 of the 50 largest metropolitan statistical areas in the United States; or

''(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

''(5) ELEVATIONS IN THE THREAT ALERT LEVEL.—The term 'elevations in the threat alert level' means any designation (including those that are less than national in scope) that raises the homeland security threat level to either the highest or second-highest threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

''(6) EMERGENCY PREPAREDNESS.—The term 'emergency preparedness' shall have the same meaning that term has under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a).

''(7) ESSENTIAL CAPABILITIES.—The term 'essential capabilities' means the levels, availability, and competence of emergency personnel, planning, training, and equipment across a variety of disciplines needed to effectively and efficiently prevent, prepare for, and respond to acts of terrorism consistent with established practices.

''(8) FIRST RESPONDER.—The term 'first responder' shall have the same meaning as the term 'emergency response provider' under section 2.

''(9) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(10) REGION.—The term 'region' means any geographic area—

''(A) certified by the Secretary under section 2002(a)(3);

''(B) consisting of all or parts of 2 or more counties, municipalities, or other local governments and including a city with a core population exceeding 500,000 according to the most recent estimate available from the United States Census; and

''(C) that, for purposes of an application for a covered grant—

''(i) is represented by 1 or more local governments or governmental agencies within such geographic area; and

''(ii) is established by law or by agreement of 2 or more such local governments or governmental agencies, such as through a mutual aid agreement.

''(11) RISK-BASED FUNDING.—The term 'risk-based funding' means the allocation of funds based on an assessment of threat, vulnerability, and consequence.

''(12) TASK FORCE.—The term 'Task Force' means the Task Force on Essential Capabilities established under section 2004.

''(13) THREAT.—The term 'threat' means the assessment of the plans, intentions, and capability of an adversary to implement an identified attack scenario.

''(14) VULNERABILITY.—The term 'vulnerability' means the degree to which a facility is available or accessible to an attack, including the degree to which the facility is inherently secure or has been hardened against such an attack.''.

(2) DEFINITION OF EMERGENCY RESPONSE PROVIDERS.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101(6)) is amended by striking ''includes'' and all that follows and inserting ''includes Federal, State, and local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.''.

(d) TABLE OF CONTENTS.—Section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended in the table of contents by adding at the end the following:

''TITLE XX—RISK-BASED FUNDING FOR HOMELAND SECURITY

''Sec. 2001. Risk-based funding for homeland security
''Sec. 2002. Covered grant eligibility and criteria
''Sec. 2003. Essential capabilities for homeland security
''Sec. 2004. Task Force on Essential Capabilities
''Sec. 2005. National standards for first responder equipment and training
''Sec. 2006. Use of funds and accountability requirements
''Sec. 2007. Definitions''.

Mr. CORNYN. Mr. President, I rise today to join with my colleague, Sen. DIANNE FEINSTEIN of California, and several of our distinguished colleagues in introducing The Risk-Based Homeland Security Grants Act of 2007.

Senator FEINSTEIN, myself, and other Senators have been working now for several years on changing how our homeland security dollars are distributed throughout the country. Some have been talking about the need for a risk-based allocation of assistance as long as the Department of Homeland Security has been in existence. Throughout these debates, Senator FEINSTEIN has been a tireless advocate in this effort, and I would like to thank her for her fine leadership and collaboration in crafting this legislation.

The attacks on our country on September 11, 2001 were unprecedented in our history, and they brought with them the need for similarly unprecedented security measures. Our Nation needed to respond quickly to the devastation that day delivered to our country, so the Federal Government created a system that worked to raise overall national emergency preparedness to ensure we could better guard against another such terrorist attack.

And so, we embarked on the task of shoring up our airline, transportation, border, and port security. We worked to protect our critical infrastructure, to protect our cyber security, our agriculture and food-supply systems.

But taxpayer dollars are not limitless, and Congress must work to ensure every penny be directed where it will do the most good. It is imperative that we guard the places across our Nation where terrorists are most likely to strike, and where such strikes could do the most damage to our people, our government, and our national economy. We believe this is the most responsible way to prepare for any future attack.

We need to have a system that will protect our most vulnerable assets and populations—one that recognizes the need to protect the critical infrastructure and vital components of our national economy. I am reminded of this often when I travel around my home State of Texas. Recently, I met with officials and business leaders from Houston and Southeast Texas and discussed their homeland security needs. Their needs are enormous considering the vast amount of critical infrastructure and energy facilities in and among large population centers. The potential consequences of a terrorist attack on any of these facilities would be devastating, not only to the local communities, but to the economic engine of the whole country. Unfortunately, we got a small taste of effects of a disaster along America's energy coast during the storms of 2005—hurricanes Katrina and Rita.

The legislation that Senator FEINSTEIN and I are proposing would require that Federal Homeland Security funds be allocated to States according to a risk-based assessment. It is vital that we better allocate our limited resources to the vulnerable places in the country we most need to protect, and that that these funds are distributed in an efficient and timely manner.

Since we began this effort, I am pleased that there has been progress made. The considerations of threat, vulnerability, and consequence have been incorporated into more homeland security programs. But I'm concerned that we haven't done enough. And I'm concerned that our homeland security dollars are being treated as a pie in which all States get to claim a piece, regardless of risk.

This approach is inconsistent if we truly evaluate the 9/11 Commission recommendations. They clearly call for allocation of money based on an assessment of risks.

Our legislation provides for a distribution formula for homeland security grants based on risk, which considers three main criteria: threat, vulnerability, and consequence. It requires States to quickly pass on Federal funds to areas where they are most needed. It provides greater flexibility in using the funds, allowing a State to use them for other hazards consistent with federally established capability standards. And it allows States to retain authority to administer grant programs, but there are penalties for states that do not pass funds to local governments within 45 days, and if a State fails to pass the funds through, local governments may petition the Department of Homeland Security to receive the funds directly.

It is our hope and intent that, by introducing this bill, we can positively contribute and enrich the public discourse on this critical issue, and help move the Nation toward a more rational and effective distribution of our homeland security resources.

Continuing to spread Homeland Security funds throughout the Nation—irrespective of the actual risk to particular states and communities—would be to ignore much of what we have learned as part of our effort to assess our vulnerabilities since the attacks of September 11. So I would urge that we swiftly work to pass this legislation, to better ensure the safety of our citizens.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 609. A bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, today I join with my colleagues, Senator OLYMPIA SNOWE and Vice-Chairman TED STEVENS, to re-introduce the Antideficiency Act to protect the Universal Service Program.

This is a bipartisan effort to ensure that all of the fundamental universal service program can continue to operate smoothly and effectively. Last year, this legislation garnered the support of 55 members, and I hope that it will gain additional support in the 110th Congress. It is also important to note that the House also has a similar bipartisan legislation.

For many years, I have fought hard for universal service, including the E-Rate. It is essential for all of the universal service programs to operate in a timely manner.

The Universal Service Fund is accomplishing its mission. Our country has a strong telecommunications network, and rural customers are getting service at affordable rates. Lifeline and Linkup programs help the poorest of customers keep basic telephone access which is essential in our modern world. Rural health care is helping connect our rural clinics to modern medicine and specialists.

Over the past decade, the E-Rate discounts have helped to connect our classrooms and our libraries to the Internet and modern technology. In 1996, when the Telecommunications Act passed, only 14 percent of classrooms were connected, and just 5 percent of the poorest classrooms were connected. The latest data is encouraging with 93 percent of all classrooms connected and 89 percent of the poorest classrooms connected. Since 1998, West Virginia schools and libraries have received over $70 million in E-Rate discounts. While this is extraordinary success, the need for E-Rate discounts remains because schools and libraries

face monthly telecommunication costs and Internet access fees. Every school and library will periodically need to upgrade its internal connections.

This legislation gives the Universal Service Fund a permanent exemption from the Antideficiency Act. Over the last few years, we have done one year exemptions. It makes good sense to enact a long term solution for the Universal Service Fund.

By Mr. ROCKEFELLER:

S. 610. A bill to clarify the effective date of the modification of treatment for retirement annuity purposes of part-time service before April 7, 1986, of certain Department of Veterans Affairs health-care professionals; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, today, I am introducing a bill to change an unfair administrative decision that hurts aging, retired VA nurses. This bill is designed to correct a problem from legislation enacted in 2001, to help VA nurses' retirement. That legislation improved nurses' pensions, and Congress intended it to be retroactive. Unfortunately, administrative officials took a very narrow view of that law. Currently VA nurses, who retired between 1986 and 2002, do not get the full pension benefits as current retirees do.

In the 1980s, VA aggressively recruited nurses to fill a huge need at VA medical centers by promising full retirement for part-time work. At the time, nurses joined the VA, and they believed in the promise.

Sadly, the VA and the Office of Personnel Management (OPM) will not fulfill that promise. This legislation would explicitly require the Federal Government to honor its commitment to our retired VA nurses. Pension benefits are a vital promise. It is disturbing when we do not fulfill our obligations, and we simply must correct this error.

Nurses play a critical role in our health care system, including the VA. Recruiting and retaining nurses is important, and this pension shortfall does not help. It is time to deliver full pension benefits to the retired nurses who cared for our veterans, but sadly retired in the wrong years, between 1986 and 2002.

By Mr. LUGAR (for himself and Mr. BIDEN):

S. 613. A bill to enhance the overseas stabilization and reconstruction capabilities of the United States Government, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, this legislation authorizes the creation of a civilian readiness corps to address post-conflict situations and other emergencies overseas. The Senate already embraced the creation of such a corps when it unanimously passed S. 3322 last June. Unfortunately, that bill, introduced by Senator BIDEN and me and cosponsored by Senators HAGEL, ALEXANDER and WARNER languished in the House of Representatives. We have hopes that the 110th Congress will now bring this idea to fruition.

In his State of the Union address last month, the President endorsed the need for such a corps:

''A second task we can take on together is to design and establish a volunteer Civilian Reserve Corps. Such a corps would function much like our military reserve. It would ease the burden on the Armed Forces by allowing us to hire civilians with critical skills to serve on missions abroad when American needs them. It would give people across America who do not wear the uniform a chance to serve in the defining struggle of our time.'' President Bush, January 23, 2007, State of the Union speech, Washington, DC.

The legislation I am introducing today is an updated version of S. 3322. It is the result of a conversation begun in 2003 between Members of the Senate Foreign Relations Committee and the leadership of the State Department. The concept has gone through a number of evolutions and has passed the Committee unanimously both as a free-standing bill and as part of the State Department authorization bill. I am asking the Senate to pass it now again as a free-standing bill and send it to the House with our unanimous approval.

International crises are inevitable, and in most cases, U.S. national security interests will be threatened by sustained instability. The war on terrorism necessitates that we not leave nations crumbling and ungoverned. We have already seen how terrorists can exploit nations afflicted by lawlessness and desperate circumstances. They seek out such places to establish training camps, recruit new members, and tap into a global black market in weapons.

In this international atmosphere, the United States must have the right structures, personnel, and resources in place when an emergency occurs. A delay in our response of a few weeks, or even days, can mean the difference between success and failure. Clearly we need a full range of tools to prevail. Our Committee's focus has been on boosting the civilian side of our stabilization and reconstruction capabilities, while encouraging improved mechanisms for civilian and military agencies to work together on these missions.

Those who were once unconvinced of the need for such a corps have only to look at our experience in Iraq and Afghanistan to understand its value.

This legislation continues to build on the original legislation, S. 2127, that Senators BIDEN and HAGEL and I introduced in early 2004 to encourage and support a well-organized, sufficiently resourced and strongly led civilian counterpart to the military in post-conflict zones. It is our view that the civilian side needs both operational capability and a significant surge capacity. This legislation gives statutory status to the State Department's Office of the Coordinator of Reconstruction and Stabilization and makes the position of Coordinator subject to the advice and consent of the Senate. The legislation authorizes the establishment of a federal response capability with both active and standby components, as well as a civilian reserve that draws upon the talent and willingness to serve that resides among our people. It provides flexibility in personnel management, pay, and benefits to build the corps and create surge capacity in an emergency. Finally, it authorizes expenditures for a crisis response fund, for the civilian response corps, and for a substantial training, planning and operational capacity for the office.

The State Department has made progress through the Office of the Coordinator of Reconstruction and Stabilization that was established in July of 2004. The Office has already done a great deal of the preliminary work needed to build an effective corps. But now it is time for the Office to recruit, train, and organize the corps so that we have deployable units.

We need to have a 250-person active duty component made up of State Department and USAID employees. We need a 2,000 person standby component drawn from both State and USAID, but also from other Federal agencies that have employees who are willing to volunteer and have the necessary skill sets. And we need to begin building a civilian reserve, recruiting at least 500 highly skilled persons and eventually many more.

The 250-person active duty personnel should include people with skills that are more technical than the broader diplomatic requirements—civil engineering, police expertise, agricultural knowledge, health, education, and political organization. They should have experience in difficult situations overseas and be trained and available for rapid deployment with the military for both initial assessments and programming purposes. They would be the first civilian team on the ground in post-conflict situations, probably well in advance of the establishment of an embassy.

Such a 250-person corps would be no larger than a typical army company. But it would be a force multiplier. It would be equipped with the authority and training to take broad operational responsibility for stabilization missions. Establishment of such a corps is a modest investment when seen as part of the overall national security budget. Even in peace time, we maintain active duty military forces of almost 1.4 million men and women who train and plan for the possibility of war. Given how critical post conflict situations have been to American national security in the last decade, I believe it is reasonable to have a mere 250 civilians who are training for these situations and are capable of being deployed anywhere in the world, at any time they may be needed.

Congress must now be willing to provide the funding to make this corps a reality. This legislation authorizes a $75 million crisis response fund to be made available as a contingency for stabilization and reconstruction crises. Of this amount, the administration is authorized to spend $25 million for the organization, training, and emergency deployment of the response corps. This legislation authorizes the crisis response fund and $80 million for the operations of the new State Department office and the active duty component, including training, equipment, and travel.

We have a long way to go in creating the kind of robust civilian capacity that we need. Both the State Department and the Defense Department are keenly aware of the importance of this legislation. If we cannot plan better as a government, the United States may come to depend even more on our military for tasks and functions far beyond its current role. But I remain optimistic that we can build on the progress already made to create a strong and reliable civilian component that boosts our stabilization and reconstruction capabilities. Passing this legislation once again will demonstrate that there is a keen understanding in the Senate that we need to move forward. It will support executive branch actions already taken and encourage further progress. We hope that our friends in the House of Representatives, several of whom are considering introducing their own legislation, will move forward with the Senate in this endeavor. I urge adoption of this legislation.

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. 613

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 ''Reconstruction and Stabilization Civilian Management Act of 2007''.

SEC. 2. FINDING; PURPOSE.

(a) FINDING.—Congress finds that the resources of the United States Armed Forces have been burdened by having to undertake stabilization and reconstruction tasks in the Balkans, Afghanistan, Iraq, and other countries of the world that could have been performed by civilians, which has resulted in lengthy deployments for Armed Forces personnel.

(b) PURPOSE.—The purpose of this Act is to provide for the continued development, as a core mission of the Department of State and the United States Agency for International Development, of an effective expert civilian response capability to carry out reconstruction and stabilization activities in a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Agency for International Development.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate; and

(B) the Committee on Foreign Affairs of the House of Representatives.

(3) DEPARTMENT.—Except as otherwise provided in this Act, the term ''Department'' means the Department of State.

(4) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given that term in section 105 of title 5, United States Code.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of State.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the civilian element of United States joint civilian-military operations should be strengthened in order to enhance the execution of current and future reconstruction and stabilization activities in foreign countries or regions that are at risk of, in, or are in transition from, conflict or civil strife;

(2) the capability of civilian agencies of the United States Government to carry out reconstruction and stabilization activities in such countries or regions should also be enhanced through a new rapid response corps of civilian experts supported by the establishment of a new system of planning, organization, personnel policies, and education and training, and the provision of adequate resources;

(3) the international community, including nongovernmental organizations, and the United Nations and its specialized agencies, should be further encouraged to participate in planning and organizing reconstruction and stabilization activities in such countries or regions;

(4) the executive branch has taken a number of steps to strengthen civilian capability, including the establishment of an office headed by a Coordinator for Reconstruction and Stabilization in the Department, the Presidential designation of the Secretary as the interagency coordinator and leader of reconstruction and stabilization efforts, and Department of Defense directives to the military to support the Office of Reconstruction and Stabilization and to work closely with counterparts in the Department of State and other civilian agencies to develop and enhance personnel, training, planning, and analysis;

(5) the Secretary and the Administrator should work with the Secretary of Defense to augment existing personnel exchange programs among the Department, the United States Agency for International Development, and the Department of Defense, including the regional commands and the Joint Staff, to enhance the stabilization and reconstruction skills of military and civilian personnel and their ability to undertake joint operations; and

(6) the heads of other executive agencies should establish personnel exchange programs that are designed to enhance the stabilization and reconstruction skills of military and civilian personnel.

SEC. 5. AUTHORITY TO PROVIDE ASSISTANCE FOR RECONSTRUCTION AND STABILIZATION CRISES.

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 617 the following new section:

''SEC. 618. ASSISTANCE FOR A RECONSTRUCTION AND STABILIZATION CRISIS.

''(a) ASSISTANCE.—

''(1) IN GENERAL.—If the President determines that it is important to the national interests of the United States for United States civilian agencies or non-Federal employees to assist in stabilizing and reconstructing a country or region that is at risk of, in, or is in transition from, conflict or civil strife, the President may, in accordance with the provisions set forth in section 614(a)(3), notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to respond to the crisis using funds referred to in paragraph (2).

''(2) FUNDS.—The funds referred to in this paragraph are funds as follows:

''(A) Funds made available under this section, including funds authorized to be appropriated by subsection (d).

''(B) Funds made available under other provisions of this Act and transferred or reprogrammed for purposes of this section.

''(b) SPECIAL AUTHORITIES.—In furtherance of a determination made under subsection (a), the President may exercise the authorities contained in sections 552(c)(2) and 610 without regard to the percentage and aggregate dollar limitations contained in such sections.

''(c) AVAILABILITY OF FUNDS FOR RESPONSE READINESS CORPS.—Of the funds made available for this section in any fiscal year, including funds authorized to be appropriated by subsection (d) and funds made available under other provisions of this Act and transferred or reprogrammed for purposes of this section, $25,000,000 may be made available for expenses related to the development, training, and operations of the Response Readiness Corps established under section 61(c) of the State Department Basic Authorities Act of 1956.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) AUTHORIZATION.—There is authorized to be appropriated $75,000,000 to provide assistance authorized in subsection (a) and, to the extent authorized in subsection (c), for the purpose described in subsection (c). Such amount is in addition to amounts otherwise made available for purposes of this section, including funds made available under other provisions of this Act and transferred or reprogrammed for purposes of this section.

''(2) REPLENISHMENT.—There is authorized to be appropriated each fiscal year such sums as may be necessary to replenish funds expended under this section.

''(3) AVAILABILITY.—Funds authorized to be appropriated under this subsection shall be available without fiscal year limitation.''.

SEC. 6. OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651 et seq.) is amended by adding at the end the following new section:

''SEC. 61. RECONSTRUCTION AND STABILIZATION.

''(a) OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—

''(1) ESTABLISHMENT.—There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization.

''(2) COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—The head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary and shall have the rank and status of Ambassador at Large.

''(3) FUNCTIONS.—The functions of the Office of the Coordinator for Reconstruction and Stabilization include the following:

''(A) Monitoring, in coordination with relevant bureaus within the Department of State, political and economic instability

worldwide to anticipate the need for mobilizing United States and international assistance for the stabilization and reconstruction of countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

''(B) Assessing the various types of stabilization and reconstruction crises that could occur and cataloging and monitoring the non-military resources and capabilities of Executive agencies that are available to address such crises.

''(C) Planning to address requirements, such as demobilization, policing, human rights monitoring, and public information, that commonly arise in stabilization and reconstruction crises.

''(D) Coordinating with relevant Executive agencies (as that term is defined in section 105 of title 5, United States Code) to develop interagency contingency plans to mobilize and deploy civilian personnel to address the various types of such crises.

''(E) Entering into appropriate arrangements with other Executive agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2007.

''(F) Identifying personnel in State and local governments and in the private sector who are available to participate in the Response Readiness Corps established under subsection (c) or to otherwise participate in or contribute to stabilization and reconstruction activities.

''(G) Taking steps to ensure that training of civilian personnel to perform such stabilization and reconstruction activities is adequate and, as appropriate, includes security training that involves exercises and simulations with the Armed Forces, including the regional commands.

''(H) Sharing information and coordinating plans for stabilization and reconstruction activities, as appropriate, with the United Nations and its specialized agencies, the North Atlantic Treaty Organization, nongovernmental organizations, and other foreign national and international organizations.

''(I) Coordinating plans and procedures for joint civilian-military operations with respect to stabilization and reconstruction activities.

''(J) Maintaining the capacity to field on short notice an evaluation team to undertake on-site needs assessment.

''(b) RESPONSE TO STABILIZATION AND RECONSTRUCTION CRISIS.—If the President makes a determination regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961, the President may designate the Coordinator, or such other individual as the President may determine appropriate, as the Coordinator of the United States response. The individual so designated, or, in the event the President does not make such a designation, the Coordinator for Reconstruction and Stabilization, shall—

''(1) assess the immediate and long-term need for resources and civilian personnel;

''(2) identify and mobilize non-military resources to respond to the crisis; and

''(3) coordinate the activities of the other individuals or management team, if any, designated by the President to manage the United States response.''.

SEC. 7. RESPONSE READINESS CORPS.

(a) IN GENERAL.—Section 61 of the State Department Basic Authorities Act of 1956 (as added by section 6) is amended by adding at the end the following new subsection:

''(c) RESPONSE READINESS CORPS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the United States Agency for International Development and the heads of other appropriate departments and agencies of the United States Government, is authorized to establish and maintain a Response Readiness Corps (hereafter referred to in this subsection as the 'Corps') to provide assistance in support of stabilization and reconstruction activities in foreign countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

''(2) FEDERAL COMPONENTS.—

''(A) ACTIVE AND STANDBY COMPONENTS.—The Corps shall have active and standby components consisting of United States Government personnel as follows:

''(i) An active component, consisting of not more than 250 personnel who are recruited, employed, and trained in accordance with this paragraph.

''(ii) A standby component, consisting of not more than 2000 personnel who are recruited and trained in accordance with this paragraph.

''(B) AUTHORIZED MEMBERS OF STANDBY COMPONENT.—Personnel in the standby component of the Corps may include employees of the Department of State (including Foreign Service Nationals), employees of the United States Agency for International Development, employees of any other executive agency (as that term is defined in section 105 of title 5, United States Code), and employees of the legislative branch and judicial branch of Government—

''(i) who are assigned to the standby component by the Secretary following nomination for such assignment by the head of the department or agency of the United States Government concerned or by an appropriate official of the legislative or judicial branch of Government, as applicable; and

''(ii) who—

''(I) have the training and skills necessary to contribute to stabilization and reconstruction activities; and

''(II) have volunteered for deployment to carry out stabilization and reconstruction activities.

''(C) RECRUITMENT AND EMPLOYMENT.—The recruitment and employment of personnel to the Corps shall be carried out by the Secretary, the Administrator of the United States Agency for International Development, and the heads of the other departments and agencies of the United States Government participating in the establishment and maintenance of the Corps.

''(D) TRAINING.—The Secretary is authorized to train the members of the Corps under this paragraph to perform services necessary to carry out the purpose of the Corps under paragraph (1).

''(E) COMPENSATION.—Members of the active component of the Corps under subparagraph (A)(i) shall be compensated in accordance with the appropriate salary class for the Foreign Service, as set forth in sections 402 and 403 of the Foreign Service Act of 1980 (22 U.S.C. 3962, 3963), or in accordance with the relevant authority under sections 3101 and 3392 of title 5, United States Code.

''(3) CIVILIAN RESERVE.—

''(A) CIVILIAN RESERVE.—The Corps shall have a reserve (hereafter referred to in this subsection as the 'Civilian Reserve') of non-United States Government personnel who are trained and available as needed to perform services necessary to carry out the purpose of the Corps under paragraph (1). The Civilian Reserve shall be established by the Secretary, in consultation with the Administrator of the Unites States Agency for International Development and the heads of other appropriate departments and agencies of the United States Government.

''(B) COMPOSITION.—Beginning not later than one year after the date of the enactment of the Reconstruction and Stabilization Civilian Management Act of 2007, the Civilian Reserve shall include at least 500 personnel, who may include retired employees of the United States Government, contractor personnel, nongovernmental organization personnel, State and local government employees, and individuals from the private sector, who—

''(i) have the training and skills necessary to enable them to contribute to stabilization and reconstruction activities;

''(ii) have volunteered to carry out stabilization and reconstruction activities; and

''(iii) are available for training and deployment to carry out the purpose of the Corps under paragraph (1).

''(4) USE OF RESPONSE READINESS CORPS.—

''(A) FEDERAL ACTIVE COMPONENT.—Members of the active component of the Corps under paragraph (2)(A)(i) are authorized to be available—

''(i) for activities in direct support of stabilization and reconstruction activities; and

''(ii) if not engaged in activities described in clause (i), for assignment in the United States, United States diplomatic missions, and United States Agency for International Development missions.

''(B) FEDERAL STANDBY COMPONENT AND CIVILIAN RESERVE.—The Secretary may deploy members of the Federal standby component of the Corps under paragraph (2)(A)(ii), and members of the Civilian Reserve under paragraph (3), in support of stabilization and reconstruction activities in a foreign country or region if the President makes a determination regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961.''.

(b) EMPLOYMENT AUTHORITY.—The full-time personnel in the active component of the Response Readiness Corps under section 61(c)(2)(A)(i) of the State Department Basic Authorities Act of 1956 (as added by subsection (a)) are in addition to any other full-time personnel of the Department or the United States Agency for International Development authorized to be employed under any other provision of law.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the status of efforts to establish the Response Readiness Corps under this section. The report should include recommendations for any legislation necessary to implement section 61(c) of the State Department Basic Authorities Act of 1956 (as so added).

SEC. 8. STABILIZATION AND RECONSTRUCTION TRAINING AND EDUCATION.

Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

''(g) STABILIZATION AND RECONSTRUCTION CURRICULUM.—

''(1) ESTABLISHMENT AND MISSION.—The Secretary, in cooperation with the Secretary of Defense and the Secretary of the Army, is authorized to establish a stabilization and reconstruction curriculum for use in programs of the Foreign Service Institute, the National Defense University, and the United States Army War College.

''(2) CURRICULUM CONTENT.—The curriculum should include the following:

''(A) An overview of the global security environment, including an assessment of transnational threats and an analysis of United States policy options to address such threats.

''(B) A review of lessons learned from previous United States and international experiences in stabilization and reconstruction activities.

''(C) An overview of the relevant responsibilities, capabilities, and limitations of various Executive agencies (as that term is defined in section 105 of title 5, United States Code) and the interactions among them.

''(D) A discussion of the international resources available to address stabilization and reconstruction requirements, including resources of the United Nations and its specialized agencies, nongovernmental organizations, private and voluntary organizations, and foreign governments, together with an examination of the successes and failures experienced by the United States in working with such entities.

''(E) A study of the United States interagency system.

''(F) Foreign language training.

''(G) Training and simulation exercises for joint civilian-military emergency response operations.''.

SEC. 9. SERVICE RELATED TO STABILIZATION AND RECONSTRUCTION.

(a) PROMOTION PURPOSES.—Service in stabilization and reconstruction operations overseas, membership in the Response Readiness Corps under section 61(c) of the State Department Basic Authorities Act of 1956 (as added by section 7), and education and training in the stabilization and reconstruction curriculum established under section 701(g) of the Foreign Service Act of 1980 (as added by section 8) should be considered among the favorable factors for the promotion of employees of Executive agencies.

(b) PERSONNEL TRAINING AND PROMOTION.—The Secretary and the Administrator should take steps to ensure that, not later than 3 years after the date of the enactment of this Act, at least 10 percent of the employees of the Department and the United States Agency for International Development in the United States are members of the Response Readiness Corps or are trained in the activities of, or identified for potential deployment in support of, the Response Readiness Corps. The Secretary should provide such training as needed to Ambassadors and Deputy Chiefs of Mission.

(c) OTHER INCENTIVES AND BENEFITS.—The Secretary and the Administrator may establish and administer a system of awards and other incentives and benefits to confer appropriate recognition on and reward any individual who is assigned, detailed, or deployed to carry out stabilization or reconstruction activities in accordance with this Act.

SEC. 10. AUTHORITIES RELATED TO PERSONNEL.

(a) CONTRACTING AUTHORITY.—

(1) IN GENERAL.—The Secretary, or the Administrator with the concurrence of the Secretary, may enter into contracts to procure the services of nationals of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or aliens authorized to be employed in the United States as personal services contractors for the purpose of carrying out this Act, without regard to Civil Service or classification laws, for service in the Office of the Coordinator for Reconstruction and Stabilization or for service in foreign countries to assist in stabilizing and reconstructing a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

(2) NOT EMPLOYEES.—Individuals performing services under contracts described in paragraph (1) shall not by virtue of performing such services be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management (except that the Secretary or Administrator may determine the applicability to such individuals of any law administered by the Secretary or Administrator concerning the performance of such services by such individuals).

(b) EXPERTS AND CONSULTANTS.—The Secretary and the Administrator may, to the extent necessary to obtain services without delay, employ experts and consultants under section 3109 of title 5, United States Code, for the purpose of carrying out this Act, without requiring compliance with any otherwise applicable requirements for that employment as the Secretary or Administrator may determine, except that such employment shall be terminated after 60 days if by that time the applicable requirements are not complied with.

(c) AUTHORITY TO ACCEPT AND ASSIGN DETAILS.—The Secretary is authorized to accept details or assignments of employees of Executive agencies, members of the uniformed services, and employees of State or local governments on a reimbursable or nonreimbursable basis for the purpose of carrying out this Act. The assignment of an employee of a State or local government under this subsection shall be consistent with subchapter VI of chapter 33 of title 5, United States Code.

(d) DUAL COMPENSATION WAIVER.—

(1) ANNUITANTS UNDER CIVIL SERVICE RETIREMENT SYSTEM OR FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Notwithstanding sections 8344(i) and 8468(f) of title 5, United States Code, the Secretary or the head of another executive agency, as authorized by the Secretary, may waive the application of subsections (a) through (h) of such section 8344 and subsections (a) through (e) of such section 8468 with respect to annuitants under the Civil Service Retirement System or the Federal Employees Retirement System who are assigned, detailed, or deployed to assist in stabilizing and reconstructing a country or region that is at risk of, in, or is in transition from, conflict or civil strife during the period of their reemployment.

(2) ANNUITANTS UNDER FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM OR FOREIGN SERVICE PENSION SYSTEM.—The Secretary may waive the application of subsections (a) through (d) of section 824 of the Foreign Service Act (22 U.S.C. 4064) for annuitants under the Foreign Service Retirement and Disability System or the Foreign Service Pension System who are reemployed on a temporary basis in order to be assigned, detailed, or deployed to assist in stabilization and reconstruction activities under this Act.

(e) INCREASE IN PREMIUM PAY CAP.—The Secretary, or the head of another executive agency as authorized by the Secretary, may compensate an employee detailed, assigned, or deployed to assist in stabilizing and reconstructing a country or region that is at risk of, in, or is in transition from, conflict or civil strife, without regard to the limitations on premium pay set forth in section 5547 of title 5, United States Code, to the extent that the aggregate of the basic pay and premium pay of such employee for a year does not exceed the annual rate payable for level II of the Executive Schedule.

(f) EXTENSION OF CERTAIN FOREIGN SERVICE BENEFITS.—The Secretary, or the head of another executive agency as authorized by the Secretary, may extend to any individuals assigned, detailed, or deployed to carry out stabilization and reconstruction activities in accordance with this Act, the benefits or privileges set forth in sections 412, 413, 704, and 901 of the Foreign Service Act of 1980 (22 U.S.C. 972, 22 U.S.C. 3973, 22 U.S.C. 4024, and 22 U.S.C. 4081) to the same extent and manner that such benefits and privileges are extended to members of the Foreign Service.

(g) COMPENSATORY TIME.—Notwithstanding any other provision of law, the Secretary may, subject to the consent of an individual who is assigned, detailed, or deployed to carry out stabilization and reconstruction activities in accordance with this Act, grant such individual compensatory time off for an equal amount of time spent in regularly or irregularly scheduled overtime work. Credit for compensatory time off earned shall not form the basis for any additional compensation. Any such compensatory time not used within 26 pay periods shall be forfeited.

(h) ACCEPTANCE OF VOLUNTEER SERVICES.—

(1) IN GENERAL.—The Secretary may accept volunteer services for the purpose of carrying out this Act without regard to section 1342 of title 31, United States Code.

(2) TYPES OF VOLUNTEERS.—Donors of voluntary services accepted for purposes of this section may include—

(A) advisors;

(B) experts;

(C) consultants; and

(D) persons performing services in any other capacity determined appropriate by the Secretary.

(3) SUPERVISION.—The Secretary shall—

(A) ensure that each person performing voluntary services accepted under this section is notified of the scope of the voluntary services accepted;

(B) supervise the volunteer to the same extent as employees receiving compensation for similar services; and

(C) ensure that the volunteer has appropriate credentials or is otherwise qualified to perform in each capacity for which the volunteer's services are accepted.

(4) APPLICABILITY OF LAW RELATING TO FEDERAL GOVERNMENT EMPLOYEES.—A person providing volunteer services accepted under this section shall not be considered an employee of the Federal Government in the performance of those services, except for the purposes of the following provisions of law:

(A) Chapter 81 of title 5, United States Code, relating to compensation for work-related injuries.

(B) Chapter 11 of title 18, United States Code, relating to conflicts of interest.

(5) APPLICABILITY OF LAW RELATING TO VOLUNTEER LIABILITY PROTECTION.—

(A) IN GENERAL.—A person providing volunteer services accepted under this section shall be deemed to be a volunteer of a nonprofit organization or governmental entity, with respect to the accepted services, for purposes of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.).

(B) INAPPLICABILITY OF EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—Section 4(d) of such Act (42 U.S.C. 14503(d)) does not apply with respect to the liability of a person with respect to services of such person that are accepted under this section.

(i) AUTHORITY FOR OUTSIDE ADVISORS.—

(1) IN GENERAL.—The Secretary may establish temporary advisory commissions composed of individuals with appropriate expertise to facilitate the carrying out of this Act.

(2) INAPPLICABILITY OF FACA.—The requirements of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of a commission established under this subsection.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for each fiscal year, $80,000,000 for personnel, education and training, equipment, and travel costs for purposes of carrying out this Act and the amendments made by this Act (other than the amendment made by section 5).

By Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, Mr. REID, Mrs. CLINTON, Mr. KENNEDY, Mr. DODD, Mr. LIEBERMAN, Mr. FEINGOLD, and Mr. COLEMAN):

S. 615. A bill to provide the nonimmigrant spouses and children of nonimmigrant aliens who perished in the September 11, 2001, terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence, and for other purposes; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 615

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 ''September 11 Family Humanitarian Relief and Patriotism Act''.

SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN NONIMMIGRANT VICTIMS OF TERRORISM.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The status of any alien described in subsection (b) shall be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment not later than 2 years after the date on which the Secretary promulgates final regulations to implement this section; and

(B) is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) RULES IN APPLYING CERTAIN PROVISIONS.—

(A) IN GENERAL.—In the case of an alien described in subsection (b) who is applying for adjustment of status under this section—

(i) the provisions of section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) shall not apply; and

(ii) the Secretary of Homeland Security may grant the alien a waiver on the grounds of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(B) STANDARDS.—In granting waivers under subparagraph (A)(ii), the Secretary shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section 212(a)(9).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(A) APPLICATION PERMITTED.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may, notwithstanding such order, apply for adjustment of status under paragraph (1).

(B) MOTION NOT REQUIRED.—An alien described in subparagraph (A) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order.

(C) EFFECT OF DECISION.—If the Secretary of Homeland Security grants a request under subparagraph (A), the Secretary shall cancel the order. If the Secretary renders a final administrative decision to deny the request, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided by subsection (a) shall apply to any alien who—

(1) was lawfully present in the United States as a nonimmigrant alien described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) on September 10, 2001;

(2) was, on such date, the spouse, child, dependent son, or dependent daughter of an alien who—

(A) was lawfully present in the United States as a nonimmigrant alien described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) on such date; and

(B) died as a direct result of a specified terrorist activity; and

(3) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Homeland Security shall establish, by regulation, a process by which an alien subject to a final order of removal may seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary of Homeland Security shall not order any alien to be removed from the United States, if the alien is in removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Secretary has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION.—The Secretary of Homeland Security shall authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application.

(d) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary of Homeland Security shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); or

(2) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

SEC. 3. CANCELLATION OF REMOVAL FOR CERTAIN IMMIGRANT VICTIMS OF TERRORISM.

(a) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (8 U.S.C. 1229b), the Secretary of Homeland Security shall, under such section 240A, cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien described in subsection (b), if the alien applies for such relief.

(b) ALIENS ELIGIBLE FOR CANCELLATION OF REMOVAL.—The benefits provided by subsection (a) shall apply to any alien who—

(1) was, on September 10, 2001, the spouse, child, dependent son, or dependent daughter of an alien who died as a direct result of a specified terrorist activity; and

(2) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Homeland Security shall provide by regulation for an alien subject to a final order of removal to seek a stay of such order based on the filing of an application under subsection (a).

(2) WORK AUTHORIZATION.—The Secretary of Homeland Security shall authorize an alien who has applied for cancellation of removal under subsection (a) to engage in employment in the United States during the pendency of such application.

(d) MOTIONS TO REOPEN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Notwithstanding any limitation imposed by law on motions to reopen removal proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))), any alien who has become eligible for cancellation of removal as a result of the enactment of this section may file 1 motion to reopen removal proceedings to apply for such relief.

(2) FILING PERIOD.—The Secretary of Homeland Security shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of enactment of this Act and shall extend for a period not to exceed 240 days.

SEC. 4. EXCEPTIONS.

Notwithstanding any other provision of this Act, an alien may not be provided relief under this Act if the alien is—

(1) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or deportable under paragraph (2) or (4) of section 237(a) of such Act (8 U.S.C. 1227(a)), including any individual culpable for a specified terrorist activity; or

(2) a family member of an alien described in paragraph (1).

SEC. 5. EVIDENCE OF DEATH.

For purposes of this Act, the Secretary of Homeland Security shall use the standards established under section 426 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (115 Stat. 362) in determining whether death occurred as a direct result of a specified terrorist activity.

SEC. 6. DEFINITIONS.

(a) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this Act, the definitions used in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than the definitions applicable exclusively to title III of such Act, shall apply in the administration of this Act.

(b) SPECIFIED TERRORIST ACTIVITY.—For purposes of this Act, the term ''specified terrorist activity'' means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 616. A bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I am pleased to join with my colleague from Wisconsin, Senator FEINGOLD, in introducing legislation to prohibit health insurers from denying benefits to plan participants if they are injured while engaging in legal recreational activities like skiing, snowmobiling, or horseback riding.

Among the many rules that were issued at the end of the Clinton administration was one that was intended to

ensure non-discrimination in health coverage in the group market. This rule was issued jointly on January 8, 2001, by the Department of Labor, the Internal Revenue Service and the Health Care Financing Administration—now the Centers for Medicare and Medicaid Services—in accordance with the Health Insurance Portability and Accountability Act, HIPAA, of 1996.

While I was pleased that the rule prohibits health plans and issuers from denying coverage to individuals who engage in certain types of recreational activities, such as skiing, horseback riding, snowmobiling or motorcycling, I am concerned that it would allow insurers to deny health benefits for an otherwise covered injury that results from participation in these activities.

The rule states that ''While a person cannot be excluded from a plan for engaging in certain recreational activities, benefits for a particular injury can, in some cases, be excluded based on the source of the injury.'' A plan could, for example, include a general exclusion for injuries sustained while doing a specified list of recreational activities, even though treatment for those injuries—a broken arm, for instance—would have been covered under the plan if the individual had tripped and fallen.

Because of this loophole, an individual who was injured while skiing or running could be denied health care coverage, while someone who is injured while drinking and driving a car would be protected.

This clearly is contrary to Congressional intent. One of the purposes of HIPAA was to prohibit plans and issuers from establishing eligibility rules for health coverage based on certain health-related factors, including evidence of insurability. To underscore that point, the conference report language stated that ''the inclusion of evidence of insurability in the definition of health status is intended to ensure, among other things, that individuals are not excluded from health care coverage due to their participation in activities such as motorcycling, snowmobiling, all-terrain vehicle riding, horseback riding, skiing and other similar activities.'' The conference report also states that ''this provision is meant to prohibit insurers or employers from excluding employees in a group from coverage or charging them higher premiums based on their health status and other related factors that could lead to higher health costs.''

Mr. PRESIDENT, millions of Americans participate in these legal and common recreational activities which, if practiced with appropriate precautions, do not significantly increase the likelihood of serious injury. Moreover, in enacting HIPAA, Congress simply did not intend that people would be allowed to purchase health insurance only to find out, after the fact, that they have no coverage for an injury resulting from a common recreational activity. If this rule is allowed to stand, millions of Americans will be forced to forgo recreational activities that they currently enjoy lest they have an accident and find out that they are not covered for needed care resulting from that accident.

The legislation that we are introducing today will clarify that individuals participating in activities routinely enjoyed by millions of Americans cannot be denied access to health care coverage or health benefits as a result of their activities. The bill should not be controversial. In fact, it passed the Senate by unanimous consent at the end of the 108th Congress.

I am therefore hopeful that we will be able to move quickly on this legislation this year, and I urge all of my colleagues to join us as cosponsors.

By Mr. SMITH:

S. 617. A bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans; to the Committee on Energy and Natural Resources.

Mr. SMITH. Mr. President, I rise today to introduce the Veterans Eagle Parks Pass Act. This legislation would provide admission to any Federal park that charges an admissions fee by creating a ''Veterans Eagle Pass'' for honorably discharged veterans. I am pleased to continue the efforts of my colleague Congressman THOMAS REYNOLDS, who performed yeoman's work to introduce and push forward this legislation in the House of Representatives.

Currently, an annual America the Beautiful lands pass is available to anyone for eighty dollars. My legislation would allow honorably discharged veterans to buy an annual pass for only ten dollars. I feel very strongly that those who fought so hard to protect our great nation should have better and easier access to its public lands. It is only fitting to offer our veterans improved entrance to America's great public lands like Yosemite National Park in California, Fort Sumter National Monument in South Carolina, Arthur R. Marshall Loxahatchee National Wildlife Refuge in Florida, and Crater Lake National Park in my home State of Oregon.

America's terrain is diverse, from flat plains to high mountains, raging rivers to still lakes. Our country is truly bountiful. Many veterans are avid outdoorsmen and understand the value and quality of our land. In a time of such turmoil abroad, I see no more appropriate opportunity to reward our veterans for their commitment and service to our nation.

I am pleased that this legislation has received the support of the American Legion, AMVETS, and Veterans of Foreign Wars. We owe it to our veterans to provide them with this service.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. LOTT, Mr. REID, and Ms. LANDRIEU):

S. 618. A bill to further competition in the insurance industry; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, so people understand. I know the Senator from Pennsylvania has spoken briefly about this and had remarks on it printed in the RECORD.

Our Nation's competition laws are powerful tools to ensure that consumer welfare is the benchmark of fair and accountable industry practices. These competition laws are what make businesses work in America. The vast majority of the companies doing business in the United States are subject to our antitrust laws. Consumers benefit from lower prices, more choices, better services.

There are only a few industries that operate outside the Federal antitrust laws. The bipartisan measure I have introduced would end the insurance industry's exemption from the requirement of those laws. I am joined in this effort, as I said before, by the ranking member of the Senate Judiciary Committee. Senator SPECTER has a strong record of supporting effective competition in every industry through our antitrust laws. Of course, as I have also said, I am joined by the majority leader and by Senator LOTT, who is the deputy Republican leader.

Senator LOTT probably wishes he was not in this position, but he represents many of the gulf coast residents who can speak personally and painfully to the abuses that insurers can wreak on their policyholders. The insurance industry's practices affect us all. Perhaps nowhere has the industry and its practices come under as much scrutiny as along the gulf coast in the wake of hurricanes Katrina and Rita. Insurers have been too often denying claims and delaying payments to residents along the gulf coast instead of honoring their contractual commitments. The behavior of insurers in Mississippi has been so outrageous that the State's attorney general recently convened a grand jury to investigate some of the practices.

It seems to me, insurance companies are very eager to collect premiums when times are good but reluctant to compensate policyholders when tragedy strikes. Senator LOTT knows all too well the difficulties his constituents have had with insurers. His State was hit hard by Hurricane Katrina. I commend the Senator from Mississippi for his tireless efforts in trying to ensure resources are in place to rebuild. I know he is joined in that effort by his colleague from Mississippi, Senator COCHRAN.

I have worked with others to support efforts to rebuild the Gulf Coast. Most recently, I was pleased to assist Senator LANDRIEU in her successful efforts to convince the Attorney General to dispatch additional law enforcement to the New Orleans region. People in the gulf coast are Americans. They are our fellow citizens. They have been utterly failed by a woefully unprepared Government, and they should not also be bullied and neglected by insurance companies in their time of need.

The insurance industry has operated largely beyond the reach of Federal

antitrust laws for more than six decades. Assuming there ever was a justification to exempt insurers from Federal Government oversight, I find it hard to believe there is still a reason to exempt them—not in the age of instant communication, the age of the Internet, or the ability to compare not only risks but payments. In fact, we need real oversight, which can be brought about by removing them from the antitrust exemption. We deserve confidence that the industry is not engaging in the most egregious forms of anticompetitive conduct, such as price-fixing, agreements not to pay, or market allocation.

Antitrust laws are the beacon of good competition policy. Insurers may object to being subject to the same antitrust laws as everyone else, but why shouldn't they be subject to the same laws as every other company in this country? If they are operating in an honest and appropriate and open way, they have nothing to fear.

I have more on this, but I ask unanimous consent that my full statement be placed in the RECORD.

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

Mr. LEAHY. Mr. President, to reiterate, our Nation's competition laws are powerful tools to ensure that consumer welfare is the benchmark for fair and accountable industry practices. The vast majority of the companies doing business in the United States are subject to the strictures of the antitrust laws, and consumers benefit through lower prices, more choices, and better services. Only a few industries operate outside the federal antitrust laws, and I am pleased to introduce today a bipartisan measure that will end the insurance industry's exemption from the requirements of those laws.

I am joined in this effort by the ranking member of the Senate Judiciary Committee who has a strong record of supporting effective competition in every industry through our antitrust laws. I am joined as well by Senator REID and Senator LOTT. Senator LOTT represents many of the gulf coast residents who can speak personally, and painfully, to the abuses that insurers can wreak on their policy holders.

Insurance industry practices affect all of us. They affect each of our constituents; they affect every business in every state. But perhaps nowhere has the industry and its practices come under as much scrutiny as along the gulf coast in the wake of Hurricanes Katrina and Rita. Insurers have been too often denying claims and delaying payouts to residents along the gulf coast instead of honoring their contractual commitments to their customers, and thereby contributing to the rebuilding and rejuvenation of the area.

The behavior of insurers in Mississippi has been so outrageous that the state's attorney general recently convened a grand jury to investigate certain practices. Hundreds of policyholders had to go to court to force the insurance companies to fulfill their obligations.

It seems some insurance companies are eager to collect premiums when times are good, but reluctant to aid policyholders when tragedy strikes.

Senator LOTT knows all too well the difficulties his constituents have had with insurers. His state was hit hard by Hurricane Katrina, and I commend him on his tireless efforts to ensure that resources are in place to rebuild. I have worked with them in other contexts to support efforts to rebuild the gulf coast. Most recently, I was honored to have assisted Senator LANDRIEU in her successful efforts to convince the attorney general to dispatch additional law enforcement to the New Orleans region.

Our fellow citizens on the gulf coast who have had to cope with the devastation and destruction of the 2005 hurricanes, and who were utterly failed by their woefully unprepared government, should not also be bullied or neglected by insurance companies in their time of need—insurance companies whose business is based on compensating people after a tragic loss.

Unfortunately, the insurance industry has operated largely beyond the reach of federal antitrust laws for more than six decades. If there ever was, there is no longer any justification to exempt the insurance industry from federal government oversight.

Such oversight could provide confidence that the industry is not engaging in the most egregious forms of anticompetitive conduct—price fixing, agreements not to pay, and market allocations.

The Insurance Industry Competition Act we introduce today will simply give the Department of Justice and the Federal Trade Commission the authority to apply the antitrust laws to anticompetitive behavior by insurance companies. Our antitrust laws are the beacon of good competition policy. Competition is good for consumers and good for our economy.

Insurers may object to being subject to the same antitrust laws as everyone else, but if they are operating in an honest and appropriate way, they should have nothing to fear. American consumers and American businesses rely on insurance—it is a vital part of our economy—and they have the right to be confident that the cost of their insurance, and the decisions by their insurance carriers about which claims will be paid, reflect competitive market conditions, not collusive behavior.

I thank Senator REID and Senator SPECTER for joining me in this important effort. And I thank Senator LOTT for his support, and for using the lessons of his constituents' experiences to shed light on an industry that for too long, in too many ways, has been out of the reach of federal antitrust authorities.

Mr. LEAHY. Mr. President, I see the Senator from Mississippi on the floor and the Senator from Pennsylvania. If they are seeking time, I would ask how much time they need.

Mr. LOTT. Mr. President, I wish to withhold until the Senator from Pennsylvania makes his brief remarks.

Mr. LEAHY. How much time does the Senator from Pennsylvania want? Because this is coming out of time I had set aside for something else.

Mr. SPECTER. Less than 5 minutes.

Mr. LEAHY. I yield 5 minutes to the Senator from Pennsylvania.

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

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Vermont.

As noted earlier, legislation was introduced in the last Congress by Senator LEAHY and myself and others to deal with the problem of the McCarran-Ferguson Act. We held hearings on this matter in the Judiciary Committee. On recent matters which have evolved from Hurricane Katrina, which will be amplified by the distinguished Senator from Mississippi, Mr. LOTT, there is a more pressing need to enter into this arena.

There have been various attempts over the years to limit McCarran-Ferguson, and they have not succeeded because, as amplified in a more detailed statement which I will include for the RECORD, there were safe harbors proposed. They became very complicated. We have provided in this legislation that the Commission decide what is to be violative of the antitrust laws, a line which has been successful on the health industry.

The economy of the United States functions much better when the antitrust laws are available and enforceable. We see a great many problems at the present time with what is happening with the sports teams. The National Football League enjoys a limited antitrust exemption, and they are proposing the Sunday ticket to DIRECTV, which has a monopoly. Cable companies can't get the Sunday ticket. They now have the Thursday to Saturday ticket. It is only on the NFL channel. I had a talk with the commissioner of the NFL recently, who was living in New York City, and he couldn't get the Sunday ticket because his highrise wouldn't allow him to put a dish on top of the building.

May I note for the record the distinguished junior Senator from Montana is nodding in the affirmative. He lives in an area—now he is smiling. He lives in an area where you need a satellite, and his constituents do, and some of mine in Pennsylvania do, and in my home State of Kansas. Now baseball is coming along with extra innings and exclusive to DIRECTV.

The impact of the antitrust exemption on the insurance industry has been even more profound. But it is noted when we have the Federal Trade Commission authorized to issue guidelines in identifying joint practices where the antitrust concerns ought to be addressed, that is the way to approach it, as the Federal Trade Commission did in the health care industry.

I think this is a significant step forward, and I am glad to see that the majority leader, Senator REID, is behind this legislation. We can pass it out of committee, we can take it up on the Senate floor, and I think we can provide better protection for the American consumers.

Mr. President, I ask unanimous consent that the full text of my statement be included in the RECORD.

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

INSURANCE INDUSTRY ANTITRUST ENFORCEMENT ACT OF 2007

Mr. SPECTER. Mr. President, the Insurance Industry Antitrust Enforcement Act of 2007 would subject the insurance industry to the antitrust laws which apply to almost every other industry in America. Congress enacted the McCarran-Ferguson Act in 1945

in response to a controversial Supreme Court case in which the Court held that the business of insurance constituted interstate commerce. That ruling opened the door to federal regulation of insurance, a business that had historically been regulated and taxed by the states. McCarran-Ferguson reaffirmed the power of the states to regulate and tax insurance.

In doing so, Congress exempted the insurance industry practices from antitrust scrutiny to the extent that such practices are ''regulated by state law.'' Since then, the courts have liberally interpreted the phrase ''regulated by state law.'' They have held that insurance industry practices are exempt from the antitrust laws so long as regulators have been given jurisdiction over the challenged practices—regardless of whether the regulators ever exercise that jurisdiction.

Over the years, state regulators have either chosen not to regulate, or failed to regulate, practices that would have violated the antitrust laws absent McCarran-Ferguson. With McCarran-Ferguson, such practices escape both regulatory and federal antitrust oversight. The most notorious practices to come to light involved bid-rigging and customer allocation by insurance broker Marsh & McClennan and several of the nation's largest insurers. Under the scheme, Marsh steered unsuspecting clients to insurers with which it had lucrative payoff agreements. To make the scheme work, Marsh solicited fictitious bids from other complicit insurers to make the bid submitted by the selected insurer—the one that offered Marsh the highest payoff—seem competitive.

Even though the scheme eliminated competition among the insurance companies that were involved, those companies could not be prosecuted under federal antitrust law. Several states prosecuted the insurance companies under a variety of state laws, including antitrust laws, but federal prosecutors could not bring their significant resources to bear. There simply is no justification for that. Federal law enforcement should have the power to prosecute such blatant violations of the antitrust laws.

This is not the first attempt to subject the insurance industry to federal antitrust law. In the wake of numerous insolvencies, mismanagement and other misconduct by insurers in the late 1980s, legislation was introduced repealing the exemption. That legislation, introduced by Congressman Brooks, faced opposition from insurers who claimed that many industry practices engaged in jointly by insurance companies were procompetitive and necessary for smaller insurers. The legislation provided a safe harbor, specifically listing the practices of insurance companies that would be exempt from the antitrust laws. However, it proved impossible to craft a list of safe harbors for all the information that competing insurers claimed they needed to share with one another. This bill has avoided that problem.

More recently, some have argued that the answer to insurance industry ills is full federal regulation. I do not necessarily believe that stripping the states of their authority to regulate the insurance industry is the answer. This bill does not do that. It allows states to continue to regulate their insurance industries. However, the existence of state regulation is no reason to prevent federal prosecutors from going after antitrust violators. And, there is no reason to prevent federal prosecutors from going after antitrust violators just because those violators happen to work for insurance companies.

As I have said, allowing federal prosecutors to go after those who violate the antitrust laws will not prevent states from regulating the insurance industry. If a state is actively supervising practices by its insurance industry that might otherwise violate the antitrust laws, this legislation would exempt that practice from the antitrust laws. Antitrust law does not generally apply where a state is actively regulating an industry. This is as it should be and the legislation I introduce today, the Insurance Industry Antitrust Act of 2007, incorporates that standard.

The Judiciary Committee held a hearing on this issue in May. During the hearing, Marc Racicot, the President of the American Insurance Association, a trade association composed of the nation's largest insurers, acknowledged that ''every state provides some form of antitrust regulation of insurers.'' In other words, many states already enforce their state antitrust laws with respect to insurers. So, I have to ask, why have we tied the hands of federal antitrust enforcers?

The insurers will argue that repealing the antitrust exemption for insurers will create uncertainty by throwing into question the legality of every joint practice engaged in by insurers. They will argue that the legality of each joint practice will have to be litigated in court. However, this bill has been drafted to avoid such litigation. Rather than incorporating a laundry list of safe harbors, an approach that was taken in the past, the bill would allow the Federal Trade Commission to issue guidelines identifying joint practices that do not raise antitrust concerns and would therefore not face scrutiny from antitrust enforcers.

This is a job for which the Commission is well equipped. In the past, the Commission along with the Justice Department issued ''Statements of Antitrust Enforcement Policy in Health Care.'' The Health Care Statements identified joint conduct by health care providers that did not raise antitrust concerns and therefore would likely escape scrutiny by antitrust enforcers. The Health Care Statements were designed to give health care providers certainty about the legality of their joint conduct under the antitrust laws. Similar guidelines for the insurance industry would provide insurers with certainty, but at the same time, would ensure that joint practices that are anticompetitive receive scrutiny from the antitrust enforcement agencies.

Although many insurers oppose repeal of their antitrust exemption, others support a repeal. In particular, the Antitrust Section of the American Bar Association has long supported repeal. During the Judiciary Committee's hearing, the current head of the Antitrust Section, Donald Klawiter noted the Section's nearly 20-year history of supporting repeal. Klawiter testified that ''the benefits of antitrust exemptions almost never outweigh the potential harm imposed on society by the loss of competition.'' At the same hearing, Robert Hunter, testifying on behalf of the Consumer Federation of America, concluded that ''application of the antitrust laws to the insurance industry could result in double-digit savings for America's insurance consumers.''

It is my hope that this legislation will bring the benefits of competition to the insurance industry and to consumers. Too many consumers are paying too much for insurance due to the collusive atmosphere that exists in the insurance industry. This has become a particular problem along the Gulf Coast, where insurers have shared hurricane loss projections, which may result in double-digit premium increases for Gulf Coast homeowners.

I strongly urge Members who are concerned about industry exemption from the antitrust laws and collusive insurance industry practices to support this important piece of legislation.

Mr. LOTT. Mr. President, may I get some time under the agreement?

Mr. LEAHY. How much time would the distinguished Senator need?

Mr. LOTT. Probably 5 or 6 minutes. How much would you have left then? I don't want to eat up all your time.

Mr. LEAHY. Again, we are using time that I—Mr. President, I ask unanimous consent that my time be extended by 6 minutes, and that I be allowed to yield that 6 minutes to the Senator from Mississippi.

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

Mr. LOTT. Mr. President, let me say at the beginning, I appreciate the courtesy of the Senator from Vermont and his comments on our effort here; also, my colleague from Pennsylvania, Senator SPECTER, whom I have discussed this issue with several times over the past year.

Let me begin at the beginning of this effort. I thank my colleagues for this bipartisan effort. It shows what we can do when we work together. Now, we have a long road to go, but this is being introduced as a bipartisan measure with leaders from both sides and leaders of the Judiciary Committee joining in cosponsoring this legislation.

How did I get interested in this area? Well, it is like so many things in my life that go back only until August 29, 2005, when Hurricane Katrina devastated my hometown and the area of my State that I love so much, Mississippi and the gulf coast area. I had been active in years gone by actually in the insurance area. I had done some law practice in that area. I had done some defense work. But I never had become steeped in the laws that apply to the industry because most of the time I was dealing with an automobile accident case or something of that nature.

Well, after Hurricane Katrina we learned a lot of lessons, and we found a lot of new concerns in areas where we had to take action. One of the commitments I have made to the people—and to the Senate because the Senate has been so good in helping us in our recovery effort, in changing the laws where applicable, the Stafford Act, in providing funds. But one of the commitments I made as a result of that is to make sure we take a look at what happened to us. What did we learn from Katrina? What can we do to have more laws and the right things in place after the next natural disaster—and there will be one—or any kind of catastrophic disaster? We learned that the laws were not what they should be. They needed to be changed. We have changed them some and we need to change them some more. We learned the Federal agencies weren't necessarily set up properly to do what needed to be done in the aftermath of a disaster. We had questions about homeland security and the Federal Emergency Management Administration and how the military, the Coast Guard, and everybody interplayed together. So we have been trying to make those corrections.

We need to ask ourselves: Do we need to give some additional thought to how

we deal on a national level with the coverage of people or how we help them recover? Do we need a national catastrophic insurance program? I don't know that I am satisfied I know the answer yet, but I think we need to ask that question in advance.

I also found, to my absolute horror, something I should have known, which is that the insurance industry is not covered by antitrust laws. They have a waiver. I said: How could that be? I remember hearing discussion over the years about the McCarran-Ferguson Act, but I never focused on it. When I realized that ratesetting and actually policy actions by the industry were not covered by antitrust laws, I was stunned. I understand you need a lot of information to decide on rates, but that information can be used back and forth to in effect set rates as an industry without making sure that it is not done in an anticompetitive way. Do you mean that under this exemption, that companies could collude on what actions they take or, even worse, what actions they don't take, which is what we got into after Hurricane Katrina? We had companies basically saying: Oh, no, no, you are covered by Federal flood insurance. We don't have to pay under the household policies for wind damage.

So as I got into it, I found that this happened back in 1944. At that point, there was regulation of the insurance industry, but there was a case styled the United States v. South Eastern Underwriters Association which caused a change in how insurers were regulated. Then the Congress immediately acted and said: Oh, no, we are going to say that federal antitrust laws do not apply to this industry.

Soon the courts got into this issue and took a look at what happened. They looked at the record. There were no hearings in the Senate. It was passed quickly on a voice vote, and it went quickly through the House. The conference report was debated for 2 days by the Senate, and most of the debate, as I have looked at it, looks as though everybody thought this was going to be a temporary moratorium. However, that is not the way the courts have interpreted the laws.

Under the McCarran-Ferguson Act, insurers are exempt from antitrust scrutiny, so long as they are regulated by State law. Then you get into a patchwork of State laws: Do the States actively regulate them? Is there a process for antitrust activities to be considered?

Over the years, many have advocated the repeal of this antitrust exemption. The Judiciary Committee had hearings on this last summer. The American Bar Association's antitrust section noted that the organization for nearly 20 years has supported repeal of this exemption. Look, there is a unique role for States to deal with insurance questions and needs in those States, but my question beyond that is: Should the Federal Government have the right to make sure there are not anticompetitive activities, to make sure there is no colluding? I think we need to take a serious look at that. This legislation would do that. It would take away that exemption. It would make the insurance industry subject to the same coverage of almost every other corporation in America: antitrust legislation.

I know my time has expired. I thank the Chair for his leniency. I thank Senator LEAHY for doing this. I look forward to having the hearings and testifying. This is wrong, Mr. President, and the Senate in a bipartisan way should, and I believe will, correct it.

I yield the floor.

Mr. LEAHY. Mr. President, I thank my friend from Mississippi, and I am proud to be joining with him on this. He and I have discussed this several times over the past several months. I told him last fall I would join with him on such legislation, and I am proud to do so.

Mr. REID. Mr. President, I want to express my support for the ''Insurance Industry Competition Act of 2007,'' which repeals the well-known McCarran-Ferguson Act. McCarran-Ferguson gave States the authority to regulate the business of insurance and exempted insurance from the Federal antitrust laws. Unfortunately, McCarran-Ferguson came about as a result of a Senator from my State of Nevada, McCarran, and a Senator from Michigan, Ferguson. It was passed to give a few years of relief to the insurance industry. In 1944, the United States Supreme Court ruled against the industry-wide practice of cooperating to set premium prices in United States v. Southeastern Underwriters Association. Insurers argued that most companies were too small to rely solely on their own experience in setting premiums. As a result of these protests the McCarran-Ferguson Act was passed by Congress in 1945, exempting insurance-rate fixing from the Sherman Antitrust Act, and placing responsibility for industry regulation in the hands of state governments.

Now, some 60 plus years later, insurance companies are the only businesses—other than Major League Baseball—not subject to antitrust laws. Congress began investigating the effectiveness of State insurance regulation in 1958, under the oversight of Senator O'Mahoney, who had been a principal architect of the McCarran-Ferguson Act, and found State regulation lacking, incapable of dealing with interstate and international issues, and unwilling or unable to ''bring the blessings of competition'' to insurance ratemaking. The same thing is true today, and its time we take action to remedy this situation. The rationale for this exemption has long since passed. Insurance should be like any other business—subject to antitrust laws.

Senator LEAHY's bill would accomplish this. ''The Insurance Industry Competition Act of 2007'' would repeal the exemption and simply give the Department of Justice and the Federal Trade Commission the authority to apply the antitrust laws to anticompetitive behavior by insurance companies. Such oversight could ensure that the industry is not engaging in the most egregious forms of anticompetitive conduct—price fixing, agreements not to pay, and market allocations. This Act would not affect the ability of each State to regulate the business of insurance.

If insurers around the country are operating in an honest and appropriate way, they should not object to being answerable under the same Federal antitrust laws as virtually all other businesses. American consumers should be confident that the cost of their insurance reflects competitive market conditions, not collusive behavior, and they should benefit through lower prices, more choices, and better servvices.

Perhaps nowhere has the insurance industry and its practices come under as much scrutiny as along the Gulf Coast in the wake of Hurricanes Katrina and Rita. Just yesterday, the AP reported that ''State Farm Insurance Cos. is suspending sales of any new commercial or homeowner policies in Mississippi starting Friday.'' I ask Unanimous Consent that a news article dated February 14, 2007, from the Associated Press be printed in the RECORD. Insurers have been too often denying claims and delaying payouts to residents of New Orleans and all along the Gulf Coast instead of honoring their contractual commitments to their customers, and thereby contributing to the rebuilding and rejuvenation of the area. We need to act now to end this practice. I thank Senators LEAHY, SPECTER, and LOTT for their work on this important legislation.

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

STATE FARM: NO NEW POLICIES IN MISS.

(By Michael Kunzelman)

State Farm Insurance Cos. is suspending sales of any new commercial or homeowner policies in Mississippi starting Friday, citing in part a wave of litigation it has faced after Hurricane Katrina, a company official said Wednesday.

Mike Fernandez, vice president of public affairs for State Farm, said Mississippi's ''current legal and political environment is simply untenable. We're just not in a position to accept any additional risk in this homeowners' market.''

Fernandez said the action was not a direct response to any specific development in the litigation. That litigation has included a recent federal jury's $2.5 million punitive damage award to a policyholder who sued State Farm for refusing to cover the 2005 hurricane's storm surge damage.

State Farm, the largest homeowners insurer in Mississippi with more than 30 percent of the market, agreed to settle hundreds of lawsuits by policyholders and reopen and pay thousands of other disputed claims. The landmark deal is potentially worth hundreds of millions of dollars for Mississippi homeowners devastated by Katrina.

By Mr. FEINGOLD (for himself and Ms. MIKULSKI):

S. 620. A bill to establish a demonstration project to train unemployed workers for employment as health care professionals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, today I am introducing the third in a series of bills intended to support American companies and American workers. Earlier this week, I introduced a resolution which would set some minimum standards for future trade agreements into which our country enters, and legislation which would strengthen the Buy American Act. Today I am introducing legislation that would help workers who have lost their manufacturing or service sector jobs to be retrained for jobs in high-demand health care fields. I am pleased that my colleague, Senator MIKULSKI, is cosponsoring this important legislation and I look forward to working with her to advance it during the 110th Congress.

According to statistics from the Department of Labor, Wisconsin has lost over 90,000 manufacturing jobs between January 2000 and November 2006. Nationally, the country has lost around 3 million manufacturing jobs since January 2001, yet the administration has continued to support policies that lead to the outsourcing of American jobs. I continue to be deeply troubled by the Bush Administration's contention that the outsourcing of American service sector and other jobs is good for the economy. I am concerned about the message that this policy sends to Wisconsinites and all Americans who are currently employed in these sectors.

There is something of a silver lining to the looming cloud of manufacturing and other jobs loss: the country's workforce development system.

In spite of stretched resources and long waiting lists for services, our workforce development boards are making a tremendous effort to retrain laid-off workers and other job seekers for new jobs. And this effort is clearly evident in Wisconsin, where my State's workforce development boards—despite shoestring budgets—are leading the way in finding innovative solutions to retraining workers for new careers.

I strongly support the work of these agencies, and have urged the Administration and Senate appropriators to provide adequate funding for the job training programs authorized by the Workforce Investment Act. I look forward to the reauthorization of the Workforce Investment Act this year and I will continue to work to ensure that the workforce development boards in my state and across our country receive the resources that they need to help job seekers get the training they need to be successful.

I am committed to finding resources to retrain those who have been laid off from the manufacturing and service sectors and who wish to find new jobs in high-demand fields such as health care.

As most of my colleagues know all too well, we are facing a significant shortage of health care workers. Congress has made some progress in addressing the nursing shortage, but we need to expand our efforts. Shortages of health professionals pose a real threat to the health of our communities by impacting access to timely, high-quality health care. Studies have shown that shortages of nurses in our hospitals and health facilities increase medical errors, which directly affects patient health.

As our population ages, and the baby-boomers need more health care, our need for all types of health professionals is only going to increase. This is particularly true for the field of long-term care. According to the Bureau of Labor Statistics, we are going to need an additional 1.4 million nursing aides, home health aides, and other health professionals in long-term care before the year 2014. In total, there will be almost 1.7 million job openings in health care support occupations through 2012.

As our demand for health care workers grows, so does the number of jobs available within this sector. According to the Wisconsin Department of Workforce Development, the surging job growth in health care will translate into a real need for workers, and real opportunity. In Wisconsin alone, there will be an additional 61,910 health care positions by 2014. This represents a 27 percent increase in jobs in health care by 2014.

Workforce development agencies in my home State of Wisconsin are already working to support displaced workers in their communities by training them for health care jobs, since there is a real need for workers in these fields. These agencies are helping communities get and maintain access to high-quality health care by ensuring that there are enough health care workers to care for their communities.

As the executive director of one of the workforce development boards in my State put it, ''[t]here are simply not many good quality jobs to replace manufacturing jobs lost to rural communities. The medical professions, by offering a 'living wage' and good benefits, provide an excellent alternative to manufacturing for sustaining a higher, family-oriented standard of living.''

I believe we should support our communities in these efforts by providing them with the resources they need to establish, sustain, or expand these important programs. For that reason, today I am introducing the Community-Based Health Care Retraining Act. This bill would amend the Workforce Investment Act to authorize a demonstration project to provide grants to community-based coalitions, led by local workforce development boards, to create programs to retrain unemployed workers who wish to obtain new jobs in the health care professions. My bill would authorize a total of $25 million for grants between $100,000 and $500,000, and, in the interest of fiscal responsibility, my legislation is fully offset.

This bill will help provide communities with the resources they need to run retraining programs for the health professions. The funds could be used for a variety of purposes, from increasing the capacity of our schools and training facilities, to providing financial and social support for workers who are in retraining programs. This bill allows for flexibility in the use of grant funds because I believe that communities know best about the resources they need to run an efficient program.

This bill represents a nexus in my efforts to support workers whose jobs have been shipped overseas and to ensure that all Americans have access to the high-quality health care that they deserve. By providing targeted assistance to train laid-off workers who wish to obtain new jobs in the health care sector, we can both help unemployed Americans and improve the availability and quality of health care that is available in our communities.

I am pleased that this bill is supported by a variety of organizations that are committed to providing high-quality job training and health care services, including: the Wisconsin Association of Job Training Executives, the Wisconsin Hospital Association, Madison Area Technical College, the Northwest Wisconsin Concentrated Employment Program, the Workforce Development Board of South Central Wisconsin, the Bay Area Workforce Development Board, the Healthcare Workforce Network, the Southwest Wisconsin Workforce Development Board, Sauk County Development Corporation, the American Osteopathic Society, Umos, the Fox Valley Workforce Development Board, and the West Central Wisconsin Workforce Development Board.

In order to ensure that our workers are able to compete in the new economy, we must ensure that they have the tools they need to be trained or retrained for high-demand jobs such as those in the health care field. My bill is a small step toward providing the resources necessary to achieve this goal. I will continue to work to strengthen the American manufacturing sector and to support those workers who have been displaced due to bad trade agreements and other policies that have led to the loss of American jobs.

I ask unanimous consent that the text of this 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. 620

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 ''Community-Based Health Care Retraining Act''.

SEC. 2. HEALTH PROFESSIONS TRAINING DEMONSTRATION PROJECT.

Section 171 of the Workforce Investment Act of 1998 (29 U.S.C. 2916) is amended by adding at the end the following:

''(e) HEALTH PROFESSIONS TRAINING DEMONSTRATION PROJECT.—

''(1) DEFINITIONS.—In this subsection:

''(A) COVERED COMMUNITY.—The term 'covered community' means a community or region that—

''(i) has experienced a significant percentage decline in positions in the manufacturing or service sectors; and

''(ii) is determined by the Secretary of Health and Human Services (in consultation with the medical community) to be an area with a shortage of health care professionals described in clause (i) or (ii) of subparagraph (C).

''(B) COVERED WORKER.—The term 'covered worker' means an individual who—

''(i)(I) has been terminated or laid off, or who has received a notice of termination or layoff, from employment in a manufacturing or service sector;

''(II)(aa) is eligible for or has exhausted entitlement to unemployment compensation; or

''(bb) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 134(c), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and

''(III) is unlikely to return to a previous industry or occupation; or

''(ii)(I) has been terminated or laid off, or has received a notice of termination or layoff, from employment in a manufacturing or service sector as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise; or

''(II) is employed in a manufacturing or service sector at a facility at which the employer has made a general announcement that such facility will close within 180 days.

''(C) HEALTH CARE PROFESSIONAL.—The term 'health care professional'—

''(i) means an individual who is involved with—

''(I) the delivery of health care services, or related services, pertaining to—

''(aa) the identification, evaluation, and prevention of diseases, disorders, or injuries; or

''(bb) home-based or community-based long-term care;

''(II) the delivery of dietary and nutrition services; or

''(III) rehabilitation and health systems management; and

''(ii) with respect to a covered community to be served through a grant made under paragraph (3), includes individuals in health care professions and jobs for which there is a shortage in the community, as determined by the Secretary of Health and Human Services (in consultation with the medical community), giving consideration to the amount of training time required to retrain the covered workers for the health care professions and jobs.

''(D) TRIBAL COLLEGE OR UNIVERSITY.—The term 'tribal college or university' means—

''(i) a tribally controlled college or university, as defined in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801);

''(ii) Diné College, authorized in the Navajo Community College Act (25 U.S.C. 640a et seq.); and

''(iii) any of the 1994 Institutions, as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note).

''(2) ESTABLISHMENT OF PROJECT.—In accordance with subsection (b), the Secretary shall establish and carry out a health professions training demonstration project.

''(3) GRANTS.—In carrying out the project, the Secretary, after consultation with the Secretary of Health and Human Services, shall make grants to eligible entities to enable the entities to carry out programs in covered communities to train covered workers for employment as health care professionals. The Secretary shall make each grant in an amount of not less than $100,000 and not more than $500,000.

''(4) ELIGIBLE ENTITIES.—Notwithstanding subsection (b)(2)(B), to be eligible to receive a grant under this subsection to carry out a program in a covered community, an entity shall be a partnership that is—

''(A) under the direction of a local workforce investment board established under section 117 that is serving the covered community; and

''(B) composed of members serving the covered community, such as—

''(i) an institution of higher education that provides a 4-year program of instruction;

''(ii) an accredited community college;

''(iii) an accredited vocational or technical school;

''(iv) a tribal college or university;

''(v) a health clinic or hospital;

''(vi) a home-based or community-based long-term care facility or program; or

''(vii) a health care facility administered by the Secretary of Veterans Affairs.

''(5) APPLICATIONS.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including, at a minimum—

''(A) a proposal to use the grant funds to establish or expand a training program in order to train covered workers for employment as health care professionals (including paraprofessionals);

''(B) information demonstrating the need for the training and support services to be provided through the program;

''(C) information describing the manner in which the entity will expend the grant funds, and the activities to be carried out with the funds;

''(D) information demonstrating that the entity meets the requirements of paragraph (4); and

''(E) with respect to training programs carried out by the applicant, information—

''(i) on the graduation rates of the programs involved;

''(ii) on the retention measures carried out by the applicant;

''(iii) on the length of time necessary to complete the training programs of the applicant; and

''(iv) on the number of qualified covered workers that are refused admittance into the training programs because of lack of capacity.

''(6) SELECTION.—In making grants under paragraph (3), the Secretary, after consultation with the Secretary of Health and Human Services, shall—

''(A) consider the information submitted by the eligible entities under paragraph (5)(E); and

''(B) select—

''(i) eligible entities submitting applications that meet such criteria as the Secretary of Labor determines to be appropriate; and

''(ii) among such entities, the eligible entities serving the covered communities with the greatest need for the grants and the greatest potential to benefit from the grants.

''(7) USE OF FUNDS.—

''(A) IN GENERAL.—An entity that receives a grant under this subsection shall use the funds made available through the grant for training and support services that meet the needs described in the application submitted under paragraph (5), which may include—

''(i) increasing capacity, subject to subparagraph (B), at an educational institution or training center to train individuals for employment as health professionals, such as by—

''(I) expanding a facility, subject to subparagraph (B);

''(II) expanding course offerings;

''(III) hiring faculty;

''(IV) providing a student loan repayment program for the faculty;

''(V) establishing or expanding clinical education opportunities;

''(VI) purchasing equipment, such as computers, books, clinical supplies, or a patient simulator; or

''(VII) conducting recruitment; or

''(ii) providing support services for covered workers participating in the training, such as—

''(I) providing tuition assistance;

''(II) establishing or expanding distance education programs;

''(III) providing transportation assistance; or

''(IV) providing child care.

''(B) LIMITATION.—To be eligible to use the funds to expand a facility, the eligible entity shall demonstrate to the Secretary in an application submitted under paragraph (5) that the entity can increase the capacity described in subparagraph (A)(i) of such facility only by expanding the facility.

''(8) FUNDING.—Of the amounts appropriated to, and available at the discretion of, the Secretary or the Secretary of Health and Human Services for programmatic and administrative expenditures, a total of $25,000,000 shall be used to establish and carry out the demonstration project described in paragraph (2) in accordance with this subsection.''.

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, Mr. KENNEDY, Mr. LIEBERMAN, and Mr. INOUYE):

S. 621. A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I introduce the Wartime Treatment Study Act. This bill would create two fact-finding commissions: one commission to review the U.S. government's treatment of German Americans, Italian Americans, and European Latin Americans during World War II, and another commission to review the U.S. government's treatment of Jewish refugees fleeing Nazi persecution during World War II. This bill is long overdue.

I am very pleased that my colleagues Senators GRASSLEY, KENNEDY, LIEBERMAN and INOUYE have joined me as cosponsors of this important bill. I thank them for their support. And I thank Congressman WEXLER, who has been the unflagging champion of this legislation in the House of Representatives.

The victory of America and its allies in the Second World War was a triumph for freedom, justice, and human rights. The courage displayed by so many Americans, of all ethnic origins, should be a source of great pride for all Americans.

But, at the same time that so many brave Americans fought for freedom in

Europe and the Pacific, the U.S. government was curtailing the freedom of people here at home. While, it is, of course, the right of every nation to protect itself during wartime, the U.S. Government must respect the basic freedoms for which so many Americans have given their lives to defend. War tests our principles and our values. And as our Nation's recent experience has shown, it is during times of war and conflict, when our fears are high and our principles are tested most, that we must be even more vigilant to guard against violations of the basic freedoms guaranteed by the Constitution.

Many Americans are aware that during World War II, under the authority of Executive Order 9066, our government forced more than 100,000 ethnic Japanese from their homes and ultimately into internment camps. Japanese Americans were forced to leave their homes, their livelihoods, and their communities and were held behind barbed wire and military guard by their own government. Through the work of the Commission on Wartime Relocation and Internment of Civilians, created by Congress in 1980, this shameful event finally received the official acknowledgement and condemnation it deserved. Under the Civil Liberties Act of 1988, people of Japanese ancestry who were subjected to relocation or internment later received an apology and reparations on behalf of the people of the United States.

February 19, 2007, is the ''Day of Remembrance,'' the 65th anniversary of the signing of Executive Order 9066. On this day, we should remember the freedoms all of these individuals were forced to give up, and resolve never to make these mistakes again.

While I commend our government for finally recognizing and apologizing for the mistreatment of Japanese Americans during World War II, I believe that it is time that the government also acknowledge the mistreatment experienced by many German Americans, Italian Americans, and European Latin Americans, as well as Jewish refugees.

The Wartime Treatment Study Act would create two independent, fact-finding commissions to review this unfortunate history, so that Americans can understand why it happened and work to ensure that it never happens again. One commission will review the treatment by the U.S. government of German Americans, Italian Americans, and other European Americans, as well as European Latin Americans, during World War II.

I believe that most Americans are unaware that, as was the case with Japanese Americans, approximately 11,000 ethnic Germans, 3,200 ethnic Italians, and scores of Bulgarians, Hungarians, Romanians or other European Americans living in America were taken from their homes and placed in internment camps during World War II. We must learn from this history and explore why we turned on our fellow Americans and failed to protect their basic freedoms.

A second commission created by this bill will review the treatment by the U.S. government of Jewish refugees who were fleeing Nazi persecution and genocide. We must review the facts here as well and determine how restrictive immigration policies failed to provide adequate safe harbor to Jewish refugees fleeing the persecution of Nazi Germany. It is a horrible truth that the United States turned away thousands of refugees, delivering many refugees to their deaths at the hands of the Nazi regime.

As I mentioned earlier, there has been a measure of justice for Japanese Americans who were denied their liberty and property. It is now time for the U.S. government to complete the accounting of this period in our nation's history. It is time to create independent, fact-finding commissions to conduct a full and through review of the treatment of all European Americans, European Latin Americans, and Jewish refugees during World War II.

Up to this point, there has been no justice for the thousands of German Americans, Italian Americans, and other European Americans who were branded ''enemy aliens'' and then taken from their homes, subjected to curfews, limited in their travel, deprived of their personal property, and, in the worst cases, placed in internment camps.

There has been no justice for Latin Americans of European descent who were shipped to the United States and sometimes repatriated or deported to hostile, war-torn European Axis powers, often in exchange for Americans being held in those countries.

Finally, there has been no justice for the thousands of Jews, like those aboard the German vessel the *St. Louis*, who sought refuge from hostile Nazi treatment but were callously turned away at America's shores.

The injustices to European Americans, European Latin Americans, and Jewish refugees occurred more than fifty years ago. Americans can learn from these tragedies now, while the people who survived these injustices are still with us, and are still here to teach us. We cannot put this off any longer. If we wait, the people who were affected will no longer be here to know that Congress has at last recognized their sacrifice and resolved to learn from the mistakes of the past.

We should never allow this part of our Nation's history to repeat itself. And, while we should be proud of our Nation's triumph in World War II, we should not let that justifiable pride blind us to the treatment of some Americans by their own government.

As the Day of Remembrance approaches, I urge my colleagues to join me in supporting the Wartime Treatment Study Act, and to allow this bill to become law as soon as possible. I have been seeking to enact this legislation for six years. It is time for a full accounting of this tragic chapter in our Nation's history.

I ask unanimous consent that the text of the Wartime Treatment Study Act 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. 621

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 ''Wartime Treatment Study Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States Government deemed as ''enemy aliens'' more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification and limited their travel and personal property rights. At that time, these groups were the 2 largest foreign-born groups in the United States.

(2) During World War II, the United States Government arrested, interned, or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to European Axis nations, many to be exchanged for Americans held in those nations.

(3) Pursuant to a policy coordinated by the United States with Latin American nations, many European Latin Americans, including German and Austrian Jews, were arrested, brought to the United States, and interned. Many were later expatriated, repatriated, or deported to European Axis nations during World War II, many to be exchanged for Americans and Latin Americans held in those nations.

(4) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(5) The wartime policies of the United States Government were devastating to the Italian American and German American communities, individuals, and their families. The detrimental effects are still being experienced.

(6) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution or genocide and sought safety in the United States. During the 1930's and 1940's, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(7) The United States Government should conduct an independent review to fully assess and acknowledge these actions. Congress has previously reviewed the United States Government's wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(8) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. 3. DEFINITIONS.

In this Act:

(1) DURING WORLD WAR II.—The term ''during World War II'' refers to the period between September 1, 1939, through December 31, 1948.

(2) EUROPEAN AMERICANS.—

(A) IN GENERAL.—The term ''European Americans'' refers to United States citizens and resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) ITALIAN AMERICANS.—The term ''Italian Americans'' refers to United States citizens and resident aliens of Italian ancestry.

(C) GERMAN AMERICANS.—The term ''German Americans'' refers to United States citizens and resident aliens of German ancestry.

(3) EUROPEAN LATIN AMERICANS.—The term ''European Latin Americans'' refers to persons of European ancestry, including Italian or German ancestry, residing in a Latin American nation during World War II.

(4) LATIN AMERICAN NATION.—The term ''Latin American nation'' refers to any nation in Central America, South America, or the Carribean.

TITLE I—COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS

SEC. 101. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans (referred to in this title as the ''European American Commission'').

(b) MEMBERSHIP.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian Americans and 2 members representing the interests of German Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 102. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) SCOPE OF REVIEW.—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II with respect to European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders respecting the registration, arrest, exclusion, internment, exchange, or deportation of European Americans and European Latin Americans. This review shall include an assessment of the underlying rationale of the United States Government's decision to develop related programs and policies, the information the United States Government received or acquired suggesting the related programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(2) A comprehensive review of United States Government action during World War II with respect to European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludees and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportation, and the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall include a list of—

(A) all temporary detention and long-term internment facilities in the United States and Latin American nations that were used to detain or intern European Americans and European Latin Americans during World War II (in this paragraph referred to as ''World War II detention facilities'');

(B) the names of European Americans and European Latin Americans who died while in World War II detention facilities and where they were buried;

(C) the names of children of European Americans and European Latin Americans who were born in World War II detention facilities and where they were born; and

(D) the nations from which European Latin Americans were brought to the United States, the ships that transported them to the United States and their departure and disembarkation ports, the locations where European Americans and European Latin Americans were exchanged for persons held in European Axis nations, and the ships that transported them to Europe and their departure and disembarkation ports.

(3) A brief review of the participation by European Americans in the United States Armed Forces including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including how civil liberties can be protected during war, or an actual, attempted, or threatened invasion or incursion, an assessment of the continued viability of the Alien Enemies Acts (50 U.S.C. 21 et seq.), and public education programs related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) FIELD HEARINGS.—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 101(e).

SEC. 103. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected under the Commission on Wartime and Internment of Civilians Act (Public Law 96–317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106–451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the ''Privacy Act of 1974''), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. 104. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement

of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 105. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $600,000 shall be available to carry out this title.

SEC. 106. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

TITLE II—COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES

SEC. 201. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this title as the ''Jewish Refugee Commission'').

(b) MEMBERSHIP.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The Jewish Refugee Commission shall include 2 members representing the interests of Jewish refugees.

(e) MEETINGS.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the Jewish Refugee Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 202. DUTIES OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Jewish Refugee Commission to review the United States Government's refusal to allow Jewish and other refugees fleeing persecution or genocide in Europe entry to the United States as provided in subsection (b).

(b) SCOPE OF REVIEW.—The Jewish Refugee Commission's review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government's decision to deny Jewish and other refugees fleeing persecution or genocide entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee law and policy relating to those fleeing persecution or genocide, including recommendations for making it easier in the future for victims of persecution or genocide to obtain refuge in the United States.

(c) FIELD HEARINGS.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 201(e).

SEC. 203. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law, including information collected as a result of the Commission on Wartime and Internment of Civilians Act (Public Law 96–317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106–451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the ''Privacy Act of 1974''), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. 204. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 205. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $600,000 shall be available to carry out this title.

SEC. 206. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

By Mr. HARKIN (for himself, Mr. ENZI, Mr. FEINGOLD, Mr. THOMAS, Mr. DORGAN, Mr. BAUCUS, and Mrs. MCCASKILL):

S. 622. A bill to enhance fair and open competition in the production and sale of agricultural commodities; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, today I am introducing the ''Competitive and Fair Agricultural Markets Act of 2007.'' Cosponsors joining me in introducing this legislation are: Senators ENZI, FEINGOLD, THOMAS, DORGAN, BAUCUS and MCCASKILL. This legislation seeks to level the playing field for agricultural producers by strengthening and clarifying the Packers and Stockyards Act of 1921 and the Agricultural Fair Practices Act of 1967 and strengthening enforcement of both laws by USDA. I intend to use this legislation as the basis for developing a proposed competition title in the new farm bill this year.

Consolidation is happening in all sectors of agriculture and having a negative effect on producers and consumers across the Nation. Consolidation in itself is not a violation of the Packers and Stockyards Act, but when some entities become larger and more powerful that makes enforcement of the Packers and Stockyards Act absolutely critical for independent livestock and poultry

producers. The statistics speak for themselves. For example, today, only four firms control 84 percent of the procurement of cattle and 64 percent of the procurement of hogs. Economists have stated that when four firms control over 40 percent of the industry, marketplace competitiveness begins to decline. Taken together with fewer buyers of livestock, highly integrated firms can exert tremendous power over the industry.

The Grain Inspection, Packers and Stockyards Administration, GIPSA, at USDA has the responsibility to enforce the Packers and Stockyards Act. This Act is critical, and protects livestock producers from unfair, unjustly discriminatory and anti-competitive practices in the marketplace. For years I have had my doubts about whether USDA was serious about enforcing the Packers and Stockyards Act. In 2005, I requested an audit by USDA's Inspector General to investigate USDA's oversight, and enforcement of the law. Last year, the Inspector General confirmed the concerns I had and uncovered even more systemic problems. The report described widespread inaction, management of the agency actively blocking employees from conducting investigations into anti-competitive behavior and a scheme to cover up the lack of enforcement by inflating the reported number of investigations conducted.

That is why today, the legislation I introduce will reorganize the structure in how USDA enforces the Packers and Stockyards Act and create an office of special counsel on competition matters. The special counsel would be appointed by the President with advice and consent from the U.S. Senate. Some would argue that Senate advice and consent is not needed. However, for over five years, GIPSA failed to move competition investigations forward and no one above the level of deputy administrator at GIPSA seemed to have any idea that any problems were going on, despite the fact I was sending letters to the Secretary of Agriculture pointing out that USDA was failing to enforce the law.

In the past year, GIPSA has worked in good faith to improve its enforcement activities. However, GIPSA only investigates potential violations of the law, they do not litigate and follow-through with the investigation to the end. Litigating cases is reserved only for USDA's Office of General Counsel, OGC, unless they refer it to the Department of Justice.

USDA's Office of General Counsel has not been active on cases involving anti-competitive practices in recent years since GIPSA was not referring cases to them. To be sure, only two cases involving anti-competitive practices were referred to OGC in 5 years. But there are concerns that OGC is not as committed to enforcing competition investigations as they should be. This lack of commitment was clearly evident last year in testimony provided by OGC Assistant General Counsel in the Trade Practices Division at a hearing by the Senate Committee on Agriculture, Nutrition, and Forestry.

Concerns about OGC's attitude toward enforcing the Packers and Stockyards Act are not new. USDA's Inspector General stated in its 1997 audit that Packers and Stockyards program officials were concerned that OGC did not want to litigate competition cases ''because they are complicated and time consuming'' and OGC had ''limited expertise'' with them. In 2000, the Government Accountability Office found ''disagreements'' between OGC and GIPSA regarding the interpretation of the Act's competition provisions. By combining investigation and prosecution activities into the proposed special counsel office, designated to handle competition issues, it reduces the ability for investigations to be batted back and forth within USDA.

This legislation also makes many important clarifications to the Packers and Stockyards Act. The Packers and Stockyards Act prohibits unfair, unjustly discriminatory and anti-competitive practices, but some courts have ruled that producers need to prove an impact on competition in the market in order to prevail in such cases involving unfair or deceptive practices. For example, the United States Eleventh Circuit Court of Appeals ruled that a poultry grower operation failed to prove how its case involving an unfair termination of its contract adversely affected competition. The court indicated that the grower had to prove that their unfair treatment affected competition in the relevant market. That is very difficult to prove and was never the intent of the Packers and Stockyards Act.

This legislation also modifies the Packers and Stockyards Act so that poultry growers have the same enforcement protections by USDA as livestock. Currently, it is unlawful for a livestock packer or live poultry dealer to engage in any unfair, unjustly discriminatory or deceptive practice, but USDA does not have the authority to enforce violations because the enforcement section of the law is absent of any reference to poultry. This important statutory change is long overdue. In addition, to better reflect the integrated nature of the poultry industry, this legislation also ensures that protections under the law extend to all poultry growers, such as breeder hen and pullet operations, not just those who raise broilers.

The Agricultural Fair Practices Act of 1967 was passed by Congress to ensure that producers are allowed to join together as an association to strengthen their position in the marketplace without being discriminated against by handlers. Unfortunately, this act was passed with a clause that essentially abolishes the actual intent of the law. The act states that ''nothing in this Act shall prevent handlers and producers from selecting their customers'' and it also states that it does not ''require a handler to deal with an association of producers.'' This clause in effect allows handlers to think of any reason possible to not do business with certain producers, as long as the stated reason is not because they belong to an association.

I propose to expand the Agricultural Fair Practices Act to provide new needed protections for agricultural contracts. As I have mentioned earlier, consolidation in all sectors of agriculture is reducing the number of buyers of commodities and for the very few who are left, many require contracts to conduct business. With so few buyers, it increases the chances that some firms will force unfair contracts upon producers. As a result, some producers have little or no choice but to contract with a firm with questionable practices or face leaving the industry they have known for their whole lives.

This amendment to the Agricultural Fair Practices Act requires that the contract spell out in clear language what is required by the producer. This legislation prohibits confidentiality clauses, ensuring producers the ability to share the contract with family members or a lawyer to help them make an informed decision on whether or not to sign it. This legislation also prevents companies from prematurely terminating contracts without notice when producers have made large capital investments as a condition of signing the contract. And it only allows mandatory arbitration after a dispute arises and both parties agree to it in writing. Producers should not be forced to sign contracts with arbitration clauses thereby preventing them from seeking legal remedy in the courts.

Mr. President, producers deserve to have a fair and evenhanded market in which to conduct business. This legislation won't be able to turn back the clock, but it will strengthen laws and enforcement of them so that markets operate more fairly.

By Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. VITTER, Ms. COLLINS, Mr. LEAHY, and Ms. STABENOW):

S. 623. A bill to amend the Public Health Service Act to provide for the licensing of comparable and interchangeable biological products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SCHUMER. Mr. President, I rise today to introduce the Access to Life-Saving Medicine Act with my colleague, Senator CLINTON. Recognizing the promise of generic drugs as safe and effective treatments at greatly reduced prices, I have worked for years with my colleagues in the House and the Senate to increase generic drug availability and accessibility, most notably with Senator MCCAIN on a 2003 law. This legislation represents the next step in the availability of generic drugs for American consumers by creating a statutory pathway for generic

versions of biotech drugs to enter the market.

While generic drugs save American consumers an estimated eight to ten billion dollars each year, American consumers have not yet reaped the full potential savings from the generic drug market. Under current law, there is no generic approval process at the Food and Drug Administration, FDA, for an entire category of drugs, even once the patents have expired. These biologic drugs, which are an expensive and growing sector of the pharmaceutical market, will obtain monopoly pricing on the market indefinitely without the possibility of generic competitors.

Drug companies that invest in the research and development of life-saving drugs, whether biological or chemical in nature, deserve to be rewarded for their work. At the same time, patients need the ability to access affordable drugs. We have created a statutory framework for chemical drugs that balances incentives for continued innovations with access to affordable drugs for patients. But, this framework has not yet expanded to biotech drugs, which are on the cutting edge of science but for which the laws are hopelessly out of date.

Now is the time to ensure that American consumers have the same access to life-saving biotech drugs that consumers have to well-known, widely used chemical drugs. Patients need to be able to afford and access their medications, and they don't care what kind of drug they have. Patients rely on biotech drugs to treat a wide array of diseases, ranging from diabetes to cancer to AIDS, but with no generic versions of biotech drugs available, these drugs can cost tens of thousands of dollars a year—too expensive for many patients to afford. Introducing fair competition for biotech drugs is essential to make life-saving biotech treatments affordable.

The Access to Life-Saving Medicine Act will allow the FDA to approve generic versions of biologic drugs that have been determined to be both safe and effective. The FDA is not required to approve any generic biologics, but if the data is there, they will now have the ability to do so.

A report released earlier this year by Pharmaceutical Care Management Association estimated that the introduction of generic biotech drugs into the market could save Medicare Part B $14 billion over the next ten years. We need to embrace those potential savings and provide American consumers access to affordable biotech drugs.

Moving this legislation forward and creating a statutory pathway for generic versions of biotech drugs to enter the market is one of my highest priorities in the 110th Congress. I look forward to working with my colleagues, especially Senator CLINTON, to accomplish this goal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

Ms. CLINTON. Mr. President, I am pleased today to join with Senator SCHUMER to introduce the Access of Life-Saving Medicine Act. This legislation will have a dramatic impact on the rising costs of prescription drugs, which puts the squeeze on employers trying to provide health coverage for employees while turning a profit, on families struggling to make ends meet, and on our economy. We spend 16 percent of our national income on health care and prescription drugs and that number is on the climb.

In 2005, the cost of biologics grew 17.5 percent compared to the cost of traditional drugs, which increased 10 percent. According to CMS, the top 2 anemia drugs—both biologics—accounted for 17 percent of all Medicare Part B carrier drug spending, while two other biologics for rheumatoid arthritis and cancer accounted for an additional 13 percent. In 2006, the Medicare Part B program spent more than $5 billion on biologic drugs.

More than $10 billion worth of biopharmaceuticals will come off patent in the next 5 years but will continue to cost on-patent prices unless we act. Our legislation creates a pipeline for approval of safe, cost effective generic versions of these biologic drugs. Without action, the manufacturers of these biotech drugs can continue to charge monopoly prices indefinitely.

This is a perfect example of skyrocketing costs in health care—and a perfect opportunity to put the brakes on this overspending, which is bad for patients, businesses, and our country.

According to a report released in January by Engel & Novitt to the Pharmaceutical Care Management Association, passage of this bill could save, by conservative estimates, $14 billion over the next 10 years in Medicare Part B alone.

Scientific advances over the past 20 years have made the biotechnology industry an integral part of the pharmaceutical industry, but our health care system has not kept pace. Our laws need to be updated to reflect the critical role biologics now play in treatment.

The Access to Life-Saving Medicine Act amends the Public Health Service Act to authorize the FDA to approve abbreviated applications for biological products that are ''comparable'' to and ''interchangeable'' with previously approved biological products. And because biological products are very diverse, the Secretary has discretion on a case-by-case basis to determine what studies are necessary to establish comparability and interchangeability, and may require a clinical study or studies if necessary.

To encourage the development of substitutable products, the legislation gives the first applicant to obtain approval of an interchangeable product a period of exclusive marketing during which no other interchangeable version of the product may be approved. In order to facilitate timely access to these products, an approval may, however, be granted for a comparable version of the brand name product if it is not interchangeable.

Finally, to encourage early resolution of patent disputes which might otherwise delay competition, a patent holder must disclose relevant patents in response to a request and bring a patent infringement suit within 45 days of notice of a challenge or lose the right to certain remedies in court.

Biotech drugs hold great promise, but we break that promise when costs push treatment out of reach for American families and employers. We should bring safe, effective and affordable generic versions of these medicines to patients through passage of the Access to Life-Saving Medicine Act, saving money and lives.

This issue is part of a larger challenge. It is time to develop a health care system that reflects and responds to how people are living today, that addresses the critical problems in cost, quality, and coverage.

We can use what is right in health care—incredible ingenuity, leaders at the forefront of medical research, advances in technology, the best medical professionals in the world—to fix what is wrong.

Smart solutions to the vexing problems plaguing our health care system will require evidence-based—not ideologically-based—decision making.

My wonderful predecessor, Senator Moynihan, memorably said, ''Everyone is entitled to his own opinion, but no one is entitled to his own facts.'' Well, right now, we see a lot of people who have their own facts that are not based on the evidence.

The fact is, building a pipeline for generic biologics is long overdue. Achieving this goal is a top priority for me in the HELP Committee when we consider FDA-related legislation this spring and I look forward to working with Senator SCHUMER and my other colleagues to get it done.

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

S. 623

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 ''Access to Life-Saving Medicine Act''.

SEC. 2. DEFINITIONS.

(a) AMENDMENTS.—Section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)) is amended—

(1) by striking ''In this section, the term 'biological product' means'' and inserting the following: ''In this section:

''(1) The term 'biological product' means''; and

(2) by adding at the end the following:

''(2) The term 'abbreviated biological product application' means an abbreviated application for a license of a biological product containing the same, or similar, active ingredient as a reference product.

''(3) The term 'reference product' means the single licensed biological product, approved under subsection (a) or subsection

(k), against which a biological product is evaluated for demonstration of safety, potency, or purity.

''(4) The term 'comparable' or 'comparability' in reference to a biological product means the absence of clinically meaningful differences between the biological product and the reference product in terms of the safety, purity, and potency of the product based upon—

''(A) data derived from chemical, physical, and biological assays, and other non-clinical laboratory studies; and

''(B) data from any necessary clinical study or studies sufficient to confirm safety, purity, and potency in one or more appropriate conditions of use for which the reference product is licensed and intended to be used.

Any studies under subparagraph (B) shall be designed to avoid duplicative and unethical clinical testing.

''(5) The terms 'interchangeable' and 'interchangeability' mean, with respect to the condition of use involved, that the biological product—

''(A) is comparable to the reference product; and

''(B) can be expected to produce the same clinical result as the reference product in any given patient.

''(6) The term 'thorough characterization' means an analysis of structural features based upon appropriate analytical and functional testing sufficient to identify differences between a biological product and reference product relevant to safety, purity or potency.

''(7) The term 'final action' means, with respect to an abbreviated biological product application, the Secretary's issuance of a final action letter to the sponsor of an abbreviated biological product application which—

''(A) approves the application; or

''(B) disapproves the application and sets forth in detail an enumeration of the specific deficiencies in the particular application and of the specific, enumerated actions the sponsor would be required to take in order for the sponsor to receive a final action letter that approves such application.

''(8) The term 'final action date' means, with respect to an abbreviated biological product application, the date by which the Secretary must take a final action on the application pursuant to subsection (k)(11).

''(9) The term 'reviewing division' means the division responsible for the review of an application for approval of a biological product (including all scientific and medical matters, chemistry, manufacturing, and controls).''.

(b) RULE OF CONSTRUCTION.—Nothing in this Act or the amendments made by this Act shall be construed to exclude an application for licensure of a biological product under section 351(k) from the definition of a human drug application in section 735(1)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g(1)(C)).

SEC. 3. REGULATION OF COMPARABLE AND INTERCHANGEABLE BIOLOGICAL PRODUCTS.

(a) IN GENERAL.—Section 351 of the Public Health Service Act (42 U.S.C. 262) is amended—

(1) in subsection (a)(1)(A), by inserting ''under this subsection or subsection (k)'' after ''biologics license''; and

(2) by adding at the end the following subsection:

''(k) REGULATION OF COMPARABLE AND INTERCHANGEABLE BIOLOGICAL PRODUCTS.—

''(1) SUBMISSION OF AN ABBREVIATED BIOLOGICAL PRODUCT APPLICATION.—Any person may file with the Secretary an abbreviated biological product application. Any such application shall include the following:

''(A) Data demonstrating that the biological product is comparable to or interchangeable with the reference product.

''(B) Data demonstrating that the biological product and reference product contain highly similar principal molecular structural features, notwithstanding minor differences in heterogeneity profile, impurities, or degradation patterns. The Secretary shall find the following types of products to contain highly similar principal molecular structural features:

''(i) Two protein biological products with differences in structure between them solely due to post-translational events, infidelity of translation or transcription, or minor differences in amino acid sequence.

''(ii) Two polysaccharide biological products with similar saccharide repeating units, even if the number of units differ and even if there are differences in post-polymerization modifications.

''(iii) Two glycosylated protein products with differences in structure between them solely due to post-translational events, infidelity of translation or transcription, or minor differences in amino acid sequence, and if they had similar saccharide repeating units, even if the number of units differ and even if there were differences in post-polymerization modifications.

''(iv) Two polynucleotide biological products with identical sequence of purine and pyrimidine bases (or their derivatives) bound to an identical sugar backbone (ribose, deoxyribose, or modifications of these sugars).

''(v) Closely related, complex partly definable biological products with similar therapeutic intent, such as two live viral products for the same indication.

Two biological products not enumerated in the foregoing clauses may be demonstrated to contain highly similar principal molecular structural features based upon such data and other information characterizing the two products as the Secretary determines to be necessary.

''(C) Data demonstrating that the biological product and reference product utilize the same mechanism or mechanisms of action for the condition or conditions of use prescribed, recommended, or suggested in the proposed labeling, but only to the extent the mechanism or mechanisms of action are known for the reference product.

''(D) Information to show that the condition or conditions of use prescribed, recommended, or suggested in the labeling proposed for the biological product have been previously approved for the reference product.

''(E) Information to show that the route of administration, the dosage form, and the strength of the biological product are the same as those of the reference product.

''(F) Data demonstrating that the facility in which the biological product is manufactured, processed, packed, or held meets standards designed to assure that the biological product continues to be safe, pure, and potent.

''(G) At the applicant's option, publicly-available information regarding the Secretary's previous determination that the reference product is safe, pure, and potent.

''(H) Any additional data and information in support of the application, including publicly-available information with respect to the reference product or another biological product.

''(2) OTHER APPLICATIONS.—Any person, including a person who has not conducted and does not have a right of reference to the studies in the application for a reference product, may submit an application under this paragraph for a biological product that differs from, or incorporates a change to, the reference product with respect to one or more characteristics described in subparagraphs (A) through (E) of paragraph (1), including a difference in safety, purity, or potency, so long as the application contains sufficient information to establish the safety, purity, and potency of the biological product relative to the reference product for its proposed condition or conditions of use.

''(3) FDA REVIEW OF ABBREVIATED BIOLOGICAL PRODUCT APPLICATIONS.—

''(A) GUIDANCE REGARDING REVIEW OF APPLICATIONS.—The Secretary shall issue guidance for the individuals who review applications submitted under paragraph (1) or (2), which shall relate to promptness in conducting the review, technical excellence, lack of bias and conflict of interest, and knowledge of regulatory and scientific standards, and which shall apply equally to all individuals who review such applications.

''(B) MEETINGS WITH SPONSORS AND APPLICANTS.—The Secretary shall meet with a sponsor of an investigation or an applicant for approval of a comparable or interchangeable biological product under this subsection if the sponsor or applicant makes a reasonable written request for a meeting for the purpose of reaching agreement on the design and size of studies needed for approval of the application. The sponsor or applicant shall provide information necessary for discussion and agreement on the design and size of such studies. Minutes of any such meeting shall be prepared by the Secretary and made available to the sponsor or applicant.

''(C) AGREEMENTS.—Any agreement regarding the parameters of design and size of the studies of a biological product under this paragraph that is reached between the Secretary and a sponsor or applicant shall be reduced to writing and made part of the administrative record by the Secretary. Such agreement shall not be changed after the testing begins, except—

''(i) with the written agreement of the sponsor or applicant; or

''(ii) pursuant to a decision, made in accordance with subparagraph (D) by the director of the reviewing division, that a substantial scientific issue essential to determining the safety, purity, and potency of the biological product has been identified after the testing has begun.

''(D) PROCEDURE REGARDING CERTAIN DECISIONS.—A decision under subparagraph (C)(ii) by the director shall be in writing and the Secretary shall provide to the sponsor or applicant an opportunity for a meeting at which the director and the sponsor or applicant will be present and at which the director will document the scientific issue involved.

''(E) EFFECT OF DECISIONS.—The written decisions of the reviewing division shall be binding upon, and may not directly or indirectly be changed by, the field or compliance office personnel unless such field or compliance office personnel demonstrate to the reviewing division why such decision should be modified.

''(F) DELAYS BY REVIEWING DIVISIONS.—No action by the reviewing division may be delayed because of the unavailability of information from or action by field personnel unless the reviewing division determines that a delay is necessary to assure the marketing of a safe, pure, and potent biological product.

''(4) APPROVAL OF COMPARABLE OR INTERCHANGEABLE BIOLOGICAL PRODUCTS.—

''(A) DETERMINATION OF COMPARABILITY.—Upon review of an application submitted under paragraph (1) or (2) for a biological

product, the Secretary shall issue a comparable biological product license for all conditions of use of the reference product sharing the same mechanism or mechanisms of action for which the applicant has demonstrated comparability for a single condition of use, or, if the mechanism or mechanisms of action are unknown, for the condition or conditions of use for which the data submitted establishes comparability, unless the Secretary finds and informs the applicant that—

''(i) information submitted in the application or any other information available to the Secretary is insufficient to show that the biological product is comparable to the reference product for the condition or conditions of use prescribed, recommended, or suggested in the labeling proposed in the application;

''(ii) information submitted in the application or any other information available to the Secretary is insufficient to show that the biological product and the reference product contain highly similar principal molecular structural features, notwithstanding minor differences in heterogeneity profile, impurities, or degradation patterns;

''(iii) information submitted in the application or any other information available to the Secretary is insufficient to show that the biological product and reference product utilize the same mechanism or mechanisms of action for the conditions of use prescribed, recommended, or suggested in the labeling proposed for the biological product, unless the mechanism or mechanisms of action are not known for the reference product for such condition or conditions;

''(iv) information submitted in the application or any other information available to the Secretary is insufficient to show that the route of administration, the dosage form, and the strength of the biological product are the same as those of the reference product;

''(v) information submitted in the application or any other information available to the Secretary is insufficient to show that the condition or conditions of use prescribed, recommended, or suggested in the labeling proposed for the biological product are limited to one or more of the same use or uses as have been previously approved for the reference product;

''(vi) information submitted in the application or any other information available to the Secretary shows (I) the inactive ingredients of the biological product are unsafe for use under the conditions prescribed, recommended, or suggested in the labeling proposed for the biological product, or (II) the composition of the biological product is unsafe under such conditions because of the type or quantity of inactive ingredients included or the manner in which the inactive ingredients are included;

''(vii) information submitted in the application or any other information available to the Secretary fails to demonstrate that the facility in which the biological product is manufactured, processed, packed, or held meets standards designed to assure that the biological product continues to be safe, pure, and potent;

''(viii) the Secretary has withdrawn or suspended the license of the reference product, for safety or effectiveness reasons, or has published a notice of opportunity for hearing to withdraw such license for safety or effectiveness reasons, or the Secretary has determined that the reference product has been withdrawn from sale for safety or effectiveness reasons; or

''(ix) the application contains an untrue statement of material fact; and

provides the applicant with a detailed explanation for the decision.

''(B) DETERMINATIONS ON INTERCHANGEABILITY.—Subject to subparagraph (C) and paragraph (10), upon issuing a product license for a biological product under subparagraph (A), the Secretary shall make and publish one of the following determinations:

''(i) Such product is interchangeable with the reference product for one or more specified conditions of use prescribed, recommended, or suggested in the labeling of the biological product.

''(ii) Interchangeability has not been established.

''(C) DETERMINATION OF INTERCHANGEABILITY OF SUBSEQUENT BIOLOGICAL PRODUCT.—If the Secretary determines that an application meets the approval requirements of subparagraph (A), and, prior to the issuance of a product license, the Secretary has made a determination of interchangeability of another biological product and the reference product for which the exclusivity period under paragraph (10) has not expired, the Secretary shall—

''(i) issue the product license for the subsequent biological product; and

''(ii) defer issuing any determination of interchangeability as to the subsequent biological product and the reference product until the exclusivity period under paragraph (10) has expired.

''(5) POSTMARKETING STUDIES FOR APPLICATIONS SUBMITTED UNDER PARAGRAPH (1).—If the Secretary has agreed with the sponsor of the reference product, at the time of approval or any time thereafter, that the sponsor shall conduct one or more postmarketing safety studies, a person submitting an application for a biological product under paragraph (1) may agree with the Secretary to conduct a similar postmarketing safety study or studies upon a reasonable showing that such study or studies would provide relevant information not available from the studies on the reference product. The Secretary shall not, as a condition of approval, propose any additional postmarketing studies for such biological product.

''(6) DESIGNATION OF OFFICIAL NAME.—If, pursuant to section 508 of the Federal Food, Drug, and Cosmetic Act, the Secretary determines that designation of an official name for a comparable biological product is necessary or desirable in the interests of usefulness or simplicity, the Secretary shall designate the same official name for the comparable biological product as the Secretary designated for the reference product. This paragraph shall not apply to products approved under paragraph (7).

''(7) OTHER APPROVAL PROVISIONS.—The Secretary shall approve, under the provisions of paragraph (4)(A), an application for a license submitted under paragraph (2), except that the Secretary shall approve such an application that would otherwise be disapproved by reason of one or more of subparagraphs (A) through (E) of paragraph (4)(A), if the application and any other information available to the Secretary are sufficient to establish the safety, purity, and potency of the comparable biological product relative to the reference product for the proposed condition or conditions of use for such product.

''(8) ESTABLISHING INTERCHANGEABILITY FOR COMPARABLE BIOLOGICAL PRODUCTS.—

''(A) IN GENERAL.—In an original application or a supplement to an application under this subsection, an applicant may submit information to the Secretary to demonstrate the interchangeability of a comparable biological product and the reference product. An applicant may withdraw an interchangeability submission at any time. A request for an interchangeability determination submitted after the filing of an application shall be considered a major amendment to the application. Nothing in this subsection shall be construed to prohibit the Secretary from making a determination of interchangeability at any time after approval.

''(B) GUIDANCE.—Within one year after enactment of the Access to Life-Saving Medicine Act, the Secretary shall issue guidance regarding standards and requirements for interchangeability. The Secretary may make determinations of interchangeability under paragraph (4)(B) prior to issuing guidance under this subparagraph.

''(9) INTERCHANGEABILITY LABELING FOR COMPARABLE BIOLOGICAL PRODUCTS.—Upon a determination of interchangeability, the Secretary, if requested by the applicant, shall provide for the label of the comparable biological product to include a statement that the biological product is interchangeable with the reference product for the conditions of use prescribed, recommended, or suggested in the labeling for which interchangeability has been established.

''(10) EXCLUSIVITY.—

''(A) IN GENERAL.—Upon review of an abbreviated biological product application relying on the same reference product for which a prior biological product has received a determination of interchangeability for any condition of use, the Secretary shall not make a determination under paragraph (4)(B) that the second or subsequent biological product is interchangeable for any condition of use, and no holder of a biological product license approved under subsection (a) shall manufacture, market, sell, or distribute a rebranded interchangeable biological product, directly or indirectly, or authorize any other person to manufacture, market, sell, or distribute a rebranded interchangeable biological product, for any condition of use, until the earlier of—

''(i) 180 days after the first commercial marketing of the first interchangeable comparable biological product to be approved as interchangeable for that reference product;

''(ii) one year after—

''(I) a final court decision on all patents in suit in an action instituted under paragraph (17)(C) against the applicant that submitted the application for the first approved interchangeable comparable biological product; or

''(II) the dismissal with or without prejudice of an action instituted under paragraph (17)(C) against the applicant that submitted the application for the first approved interchangeable comparable biological product; or

''(iii)(I) 36 months after approval of the first interchangeable comparable biological product if the applicant has been sued under paragraph (17)(C) and such litigation is still ongoing within such 36-month period; or

''(II) one year after approval in the event that the first approved interchangeable comparable applicant has not been sued under paragraph (17)(C).

For purposes of this subparagraph, the term 'final court decision' means a final decision of a court from which no appeal (other than a petition to the United States Supreme Court for a writ of certiorari) has been or can be taken.

''(B) REBRANDED INTERCHANGEABLE BIOLOGICAL PRODUCT.—For purposes of this subsection, the term 'rebranded interchangeable biological product'—

''(i) means any rebranded interchangeable version of the reference product involved that the holder of the biological product license approved under subsection (a) for that reference product seeks to commence marketing, selling, or distributing, directly or indirectly; and

''(ii) does not include any product to be marketed, sold, or distributed—

''(I) by an entity eligible for exclusivity with respect to such product under this paragraph; or

''(II) after expiration of any exclusivity with respect to such product under this paragraph.

''(11) HEARING.—If the Secretary decides to disapprove an abbreviated biological product application, the Secretary shall give the applicant notice of an opportunity for a hearing before the Secretary on the question of whether such application is approvable. If the applicant elects to accept the opportunity for hearing by written request within thirty days after such notice, such hearing shall commence not more than ninety days after the expiration of such thirty days unless the Secretary and the applicant otherwise agree. Any such hearing shall thereafter be conducted on an expedited basis, and the Secretary's order thereon shall be issued within ninety days after the date fixed by the Secretary for filing final briefs.

''(12) FINAL ACTION DATE.—

''(A) IN GENERAL.—The Secretary shall take a final action on an abbreviated biological product application by the date that is 8 calendar months following the sponsor's submission of such application, or 180 days following the Secretary's notification to the applicant that its application has been accepted for filing, whichever is earlier.

''(B) EXTENSION.—The final action date provided by subparagraph (A) with respect to an application may be extended for such period of time as is agreed to by the Secretary and the applicant in a jointly executed written agreement that is counter-signed by the Secretary and the applicant no later than 30 days prior to such date.

''(13) REQUEST FOR DELAY OF FINAL ACTION.—Notwithstanding paragraph (18) or any other provision of law, the Secretary shall not fail or refuse to take a final action on an abbreviated biological product application by the final action date on the basis that a person, other than the comparable biological product applicant, has requested (in a petition or otherwise) that the Secretary refuse to take or otherwise defer such final action, and no court shall enjoin the Secretary from taking final action or stay the effect of final action previously taken by the Secretary, except by issuance of a permanent injunction based upon an express finding of clear and convincing evidence that the person seeking to have the Secretary refuse to take or otherwise to defer final action by the final action date—

''(A) has prevailed on the merits of the person's complaint against the Secretary;

''(B) will suffer imminent and actual irreparable injury, constituting more than irrecoverable economic loss, and that also will threaten imminent destruction of such person's business; and

''(C) has an interest that outweighs the overwhelming interest that the public has in obtaining prompt access to a comparable biological product.

''(14) REPORT ON EXTENSIONS OF FINAL ACTION DATE.—The Secretary shall prepare and submit to the President, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate a report regarding any jointly executed written agreement to extend the final action date under this Act within 15 calendar days after the joint execution of any such written agreement.

''(15) REPORT ON FAILURE TO TAKE FINAL ACTION.—The Secretary shall prepare and submit annually to the President, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate a report detailing the specific and particularized reasons enumerated by the reviewing division for each instance of the Secretary's failure to take final action by the final action date in the previous year.

''(16) REGULATIONS.—The Secretary shall establish, by regulation within 2 years after the date of the enactment of this subsection, requirements for the efficient review, approval, suspension, and revocation of abbreviated biological product applications under this subsection.

''(17) PATENTS.—

''(A) REQUEST FOR PATENT INFORMATION.—

''(i) IN GENERAL.—At any time, including at the initial stages of development, an applicant or a prospective applicant under this subsection may send a written request for patent information to the holder of the approved application for the reference product. The holder of the approved application for the reference product shall, not later than 60 days after the date on which the holder receives the request, provide to the applicant or prospective applicant a list of all those patents owned by, or licensed to, the holder of the approved application that the holder believes in good faith relate to the reference product, including patents that claim the approved biological product, any method of using such product, any component of such product, or any method or process of manufacturing such product or component.

''(ii) COSTS OF COMPLYING WITH REQUEST.—The application holder may demand payment of not more than $1,000 to offset the cost of responding to the request for information.

''(iii) UPDATES.—For a period of two years beginning on the date on which the holder of the approved application for the reference product receives the request for information, the holder shall send to the applicant or prospective applicant updates of its response to the request for information by identifying all relevant patents issued or licensed to the holder after the initial response under clause (i). Any such update must be provided, in the case of a new patent, not later than 30 days after the date on which the patent is issued and, in the case of a license, not later than 30 days after the date on which the holder obtains the license.

''(iv) ADDITIONAL REQUESTS.—The applicant may submit additional requests for patent information, subject to the requirements of this paragraph, at any time.

''(B) PATENT NOTIFICATIONS.—At any time after submitting an application under this subsection, the applicant may provide a notice of the application with respect to any one or more patents identified by the holder of the reference product pursuant to subparagraph (A). An applicant may submit additional notices at any time, and each notice shall be subject to the provisions of this subparagraph. Each notice shall—

''(i) be sent to the holder of the approved application for the reference product and to the owner of any patent identified by the holder pursuant to subparagraph (A);

''(ii) include a detailed statement of the factual and legal bases for the applicant's belief that the patents included in the notice are invalid, are unenforceable, or will not be infringed by the commercial sale of the product for which approval is being sought under this subsection; and

''(iii) identify 1 or more judicial districts in which the applicant consents to such suit being brought.

''(C) ACTION FOR INFRINGEMENT.—Within 45 days after the date on which the holder of the approved application for the reference product, or the owner of a patent, receives a notice under subparagraph (B), the holder or patent owner may bring an action for infringement only with respect to the patent or patents included in the notice, and only in a judicial district identified pursuant to subparagraph (B)(iii).

''(D) LIMITATION ON DECLARATORY JUDGMENT ACTIONS.—With respect to any patent relating to a product that is the subject of an application under this subsection, the recipient of a notice under subparagraph (B) with respect to that application may not, prior to the commercial marketing of the product, bring any action under section 2201 of title 28, United States Code, for a declaration of infringement, validity, or enforceability of any such patent that was not identified in the notice. With respect to any such patent identified in the notice, any such action may, notwithstanding chapter 87 of title 28, United States Code, be brought only in a judicial district identified in the notice.

''(E) DISCRETION OF APPLICANTS.—An applicant or prospective applicant for a comparable biological product under this subsection may not be compelled, by court order or otherwise, to initiate the procedures set forth in this paragraph. Nothing in this paragraph requires an applicant or a prospective applicant to invoke the procedures set forth in this paragraph.

''(18) PETITIONS AND CIVIL ACTIONS REGARDING APPROVAL OF CERTAIN APPLICATIONS.—

''(A) IN GENERAL.—With respect to a pending application submitted under paragraph (1) or (2), if a petition is submitted to the Secretary that seeks to have the Secretary take, or refrain from taking, any form of action relating to the approval of the application, including a delay in the effective date of the application, the following applies, subject to subparagraph (E):

''(i)(I) The Secretary may not, on the basis of the petition, delay approval of the application unless the Secretary determines, within 30 days after receiving the petition, that a delay is necessary to protect the public health. Consideration of a petition shall be separate and apart from the review and approval of the application.

''(II) With respect to a determination by the Secretary under subclause (I) that a delay is necessary to protect the public health:

''(aa) The Secretary shall publish on the Internet site of the Food and Drug Administration a statement providing the reasons underlying the determination.

''(bb) Not later than 10 days after making the determination, the Secretary shall provide notice to the sponsor of the application and an opportunity for a meeting with the Commissioner to discuss the determination.

''(ii) The Secretary shall take final agency action on the petition not later than 180 days after the date on which the petition is submitted. The Secretary shall not extend such period, even with the consent of the petitioner, for any reason, including based upon the submission of comments relating to the petition or supplemental information supplied by the petitioner.

''(iii) The Secretary may not consider the petition for review unless it is signed and contains the following verification: 'I certify that, to my best knowledge and belief: (a) this petition includes all information and views upon which the petition relies; (b) this petition includes representative data and/or information known to the petitioner which are unfavorable to the petition; and (c) I have taken reasonable steps to ensure that any representative data and/or information which are unfavorable to the petition were disclosed to me. I further certify that the information upon which I have based the action requested herein first became known to the party on whose behalf this petition is submitted on or about the following date: _____. I received or expect to receive payments, including cash and other forms of

consideration, from the following persons or organizations to file this petition: _____. I verify under penalty of perjury that the foregoing is true and correct.'.

''(B) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—

''(i) FINAL AGENCY ACTION WITHIN 180 DAYS.—The Secretary shall be considered to have taken final agency action on a petition referred to in subparagraph (A) if—

''(I) during the 180-day period referred to in clause (ii) of such subparagraph, the Secretary makes a final decision within the meaning of section 10.45(d) of title 21, Code of Federal Regulations (or any successor regulations); or

''(II) such period expires without the Secretary having made such a final decision.

''(ii) DISMISSAL OF CERTAIN CIVIL ACTIONS.—If a civil action is filed with respect to a petition referred to in subparagraph (A) before final agency action within the meaning of clause (i) has occurred, the court shall dismiss the action for failure to exhaust administrative remedies.

''(C) APPLICABILITY OF CERTAIN REGULATIONS.—The provisions of this section are in addition to the requirements for the submission of a petition to the Secretary that apply under section 10.30 or 10.35 of title 21, Code of Federal Regulations (or any successor regulations).

''(D) ANNUAL REPORT ON DELAYS IN APPROVALS PER PETITIONS.—The Secretary shall annually submit to the Congress a report that specifies—

''(i) the number of applications under this subsection that were approved during the preceding 12-month period;

''(ii) the number of such applications whose effective dates were delayed by petitions referred to in subparagraph (A) during such period; and

''(iii) the number of days by which the applications were so delayed.

''(E) EXCEPTION.—This paragraph does not apply to a petition that is made by the sponsor of an application under this subsection and that seeks only to have the Secretary take or refrain from taking any form of action with respect to that application.

''(F) DEFINITION.—For purposes of this paragraph, the term 'petition' includes any request to the Secretary, without regard to whether the request is characterized as a petition.''.

(b) ADDITIONAL AMENDMENTS.—

(1) PATENTS.—Section 271(e) of title 35, United States Code, is amended—

(A) in paragraph (2)—

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

(ii) by adding ''or'' at the end of subparagraph (B);

(iii) by inserting after subparagraph (B) the following:

''(C) a notice described in section 351(k)(17)(B) of the Public Health Service Act, but only with respect to a patent identified in such notice,''; and

(iv) in the matter following subparagraph (C) (as inserted by clause (iii) of this subparagraph), by inserting before the period the following: '', or if the notice described in subparagraph (C) is provided in connection with an application to obtain a license to engage in the commercial manufacture, use, or sale of a biological product claimed in a patent or the use of which is claimed in a patent before the expiration of such patent''; and

(B) by adding at the end the following paragraph:

''(6)(A) This paragraph applies, in lieu of paragraph (4), in the case of a patent—

''(i) which is disclosed in a response to a request for patent information pursuant to subparagraph (A) of section 351(k)(17) of the Public Health Service Act;

''(ii) with respect to which a notice was provided pursuant to subparagraph (B) of such section; and

''(iii) for which an action for infringement of the patent—

''(I) was brought after the expiration of the 45-day period described in subparagraph (C) of such section; or

''(II) was brought before the expiration of the 45-day period described in subclause (I), but which was dismissed without prejudice or was not prosecuted to judgment in good faith.

''(B) In an action for infringement of a patent described in subparagraph (A), the sole and exclusive remedy that may be granted by a court, upon a finding that the person who submitted the notice described in subparagraph (A)(ii) infringed the patent, or that any person induced or contributed to infringement of the patent, shall be a reasonable royalty.

''(C) The owner of a patent that should have been disclosed in response to a request for patent information made by an applicant pursuant to subparagraph (A)(i) of section 351(k)(17) of the Public Health Service Act, but that was not timely disclosed under that subparagraph, may not bring an action under this section for infringement of that patent.''.

(2) CONFORMING AMENDMENTS.—

(A) TITLE 28.—Section 2201(b) of title 28, United States Code, is amended by inserting before the period the following: '', or section 351 of the Public Health Service Act''.

(B) PUBLIC HEALTH SERVICE ACT.—Subjection (j) of section 351 of the Public Health Service Act (42 U.S.C. 262) is amended by inserting ''or subsection (k)'' after ''subsection (a)''.

By Mr. KENNEDY (for himself, Mr. CORNYN, Mr. HARKIN, Mr. MCCAIN, Mr. DURBIN, Mr. LUGAR, Mr. DODD, Mr. SMITH, Mr. REED, Ms. SNOWE, Mr. LAUTENBERG, Ms. MURKOWSKI, Mr. BINGAMAN, Ms. COLLINS, Ms. MIKULSKI, Mr. STEVENS, Mrs. MURRAY, Mr. DOMENICI, Mrs. CLINTON, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. LEAHY, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. SCHUMER, Mr. AKAKA, Mr. KOHL, Ms. CANTWELL, Mr. CARPER, and Mr. NELSON of Florida):

S. 625. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, today, we are introducing legislation to give the Food and Drug Administration broad authority to regulate tobacco products. Congress cannot in good conscience allow the Federal agency most responsible for protecting the public health to remain powerless to deal with the enormous risks of tobacco, the most deadly of all consumer products. Health experts believe this legislation is the most important action Congress could take to protect children from this deadly addiction.

This is a bipartisan, bicameral initiative. The bill that Senator CORNYN and I are introducing already has over 25 cosponsors. Congressman WAXMAN and DAVIS will introduce identical legislation in the House. Our bill has the support of a broad coalition of public health organizations led by the Campaign for Tobacco-Free Kids, the American Cancer Society, the American Heart Association and the American Lung Association. They all recognize the importance of enacting this bill this year.

The legislation we are introducing today is well known. It is the same bill that passed the Senate in 2004, and that we introduced in the last Congress. However, in this new Congress, the likelihood of passage is greatly enhanced. Last November's election swept away many of the barriers to passage from prior years. We believe 2007 is the year that legislation empowering the FDA to regulate tobacco products will finally become law.

We intend to move forward on the legislation quickly. I have already scheduled a hearing in the HELP Committee for February 27, and a markup is planned soon thereafter.

The stakes are vast. Four thousand children have their first cigarette every day, and one thousand become daily smokers. More than one-third of them will die prematurely from tobacco-induced diseases. Cigarettes kill well over 400,000 Americans each year. That is more lives lost than from automobile accidents, alcohol abuse, illegal drugs, AIDS, murder, and suicide combined. Congress's response to a public health problem of this magnitude is long overdue.

Regulating the conduct of tobacco companies is as necessary today as it has been in years past. The facts presented in the Federal Government's landmark lawsuit against the tobacco industry demonstrate that the misconduct is substantial and ongoing. The decision of the court states: ''The evidence in this case clearly establishes that Defendants have not ceased engaging in unlawful activity . . . Defendants continue to engage in conduct that is materially indistinguishable from their previous actions, activity that continues to this day.''

We must deal firmly with tobacco company marketing practices that target children and mislead the public. The Food and Drug Administration needs broad authority to regulate the sale, distribution, and advertising of cigarettes and smokeless tobacco.

The tobacco industry currently spends over $15 billion a year to promote its products. Much of that money is spent in ways designed to tempt children to start smoking, before they are mature enough to appreciate the enormity of the health risk. The industry knows that nearly 90 percent of smokers begin as children and are addicted by the time they reach adulthood.

Documents obtained from tobacco companies prove, in the companies' own words, the magnitude of the industry's efforts to trap children into dependency on their deadly product. Studies by the Institute of Medicine and the Centers for Disease Control show the substantial role of industry

advertising in decisions by young people to use tobacco products.

If we are serious about reducing youth smoking, FDA must have the power to prevent industry advertising designed to appeal to children wherever it will be seen by children. This legislation will give FDA the authority to stop tobacco advertising that glamorizes smoking to kids. It grants FDA full authority to regulate tobacco advertising ''consistent with and to the full extent permitted by the First Amendment.''

FDA authority must also extend to the sale of tobacco products. Nearly every State makes it illegal to sell cigarettes to children under 18, but surveys show that those laws are rarely enforced and frequently violated. FDA must have the power to limit the sale of cigarettes to face-to-face transactions in which the age of the purchaser can be verified by identification. This means an end to self-service displays and vending machine sales. There must also be serious enforcement efforts with real penalties for those caught selling tobacco products to children. This is the only way to ensure that children under 18 are not able to buy cigarettes.

The FDA conducted the longest rulemaking proceeding in its history, studying which regulations would most effectively reduce the number of children who smoke. Seven hundred thousand public comments were received in the course of that rulemaking. At the conclusion of its proceeding, the agency promulgated rules on the manner in which cigarettes are advertised and sold. Due to litigation, most of those regulations were never implemented. If we are serious about curbing youth smoking as much as possible, as soon as possible; it makes no sense to require FDA to reinvent the wheel by conducting a new multi-year rulemaking process on the same issues. This legislation will give the youth access and advertising restrictions already developed by FDA the immediate force of law, as if they had been issued under the new statute.

The legislation also provides for stronger warnings on all cigarette and smokeless tobacco packages, and in all print advertisements. These warnings will be more explicit in their description of the medical problems which can result from tobacco use. The FDA is given the authority to change the text of these warning labels periodically, to keep their impact strong.

The nicotine in cigarettes is highly addictive. Medical experts say that it is as addictive as heroin or cocaine. Yet for decades, tobacco companies vehemently denied the addictiveness of their products. No one can forget the parade of tobacco executives who testified under oath before Congress that smoking cigarettes is not addictive. Overwhelming evidence in industry documents obtained through the discovery process proves that the companies not only knew of this addictiveness for decades, but actually relied on it as the basis for their marketing strategy. As we now know, cigarette manufacturers chemically manipulated the nicotine in their products to make it even more addictive.

A newly released analysis by the Harvard School of Public Health demonstrates that cigarette manufacturers are still manipulating nicotine levels. Between 1998 and 2005, they significantly increased the nicotine yield from major brand name cigarettes. The average increase in nicotine yield over the period was 11 percent.

The tobacco industry has a long, dishonorable history of providing misleading information about the health consequences of smoking. These companies have repeatedly sought to characterize their products as far less hazardous than they are. They made minor innovations in product design seem far more significant for the health of the user than they actually were. It is essential that FDA have clear and unambiguous authority to prevent such misrepresentations in the future. The largest disinformation campaign in the history of the corporate world must end.

Given the addictiveness of tobacco products, it is essential that the FDA regulate them for the protection of the public. Over 40 million Americans are currently addicted to cigarettes. No responsible public health official believes that cigarettes should be banned. A ban would leave 40 million people without a way to satisfy their drug dependency. FDA should be able to take the necessary steps to help addicted smokers overcome their addiction, and to make the product less toxic for smokers who are unable or unwilling to stop. To do so, FDA must have the authority to reduce or remove hazardous ingredients from cigarettes, to the extent that it becomes scientifically feasible. The inherent risk in smoking should not be unnecessarily compounded.

Recent statements by several tobacco companies make clear that they plan to develop what they characterize as ''reduced risk'' cigarettes. Some are already on the market making unsubstantiated claims. This legislation will require manufacturers to submit such ''reduced risk'' products to the FDA for analysis before they can be marketed. No health-related claims will be permitted until they have been verified to the FDA's satisfaction. These safeguards are essential to prevent deceptive industry marketing campaigns, which could lull the public into a false sense of health safety.

Smoking is the number one preventable cause of death in America. Congress must vest FDA not only with the responsibility for regulating tobacco products, but with full authority to do the job effectively.

This legislation will give the FDA the legal authority it needs to reduce youth smoking by preventing tobacco advertising which targets children, to prevent the sale of tobacco products to minors, to help smokers overcome their addiction, to make tobacco products less toxic for those who continue to use them, and to prevent the tobacco industry from misleading the public about the dangers of smoking.

Enacting this bill this year is the right thing to do for America's children. They are depending on us. By passing this legislation, we can help them live longer, healthier lives.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 625

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 ''Family Smoking Prevention and Tobacco Control Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purpose.
Sec. 4. Scope and effect.
Sec. 5. Severability.

TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION

Sec. 101. Amendment of Federal food, drug, and Cosmetic Act.
Sec. 102. Final rule.
Sec. 103. Conforming and other amendments to general provisions.

TITLE II—TOBACCO PRODUCT WARNINGS; CONSTITUENT AND SMOKE CONSTITUENT DISCLOSURE

Sec. 201. Cigarette label and advertising warnings.
Sec. 202. Authority to revise cigarette warning label statements.
Sec. 203. State regulation of cigarette advertising and promotion.
Sec. 204. Smokeless Tobacco labels and advertising warnings.
Sec. 205. Authority to revise Smokeless Tobacco product warning label statements.
Sec. 206. Tar, Nicotine, and other smoke constituent disclosure to the public.

TITLE III—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS

Sec. 301. Labeling, recordkeeping, records inspection.
Sec. 302. Study and report.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The use of tobacco products by the Nation's children is a pediatric disease of considerable proportions that results in new generations of tobacco-dependent children and adults.

(2) A consensus exists within the scientific and medical communities that tobacco products are inherently dangerous and cause cancer, heart disease, and other serious adverse health effects.

(3) Nicotine is an addictive drug.

(4) Virtually all new users of tobacco products are under the minimum legal age to purchase such products.

(5) Tobacco advertising and marketing contribute significantly to the use of nicotine-containing tobacco products by adolescents.

(6) Because past efforts to restrict advertising and marketing of tobacco products

have failed adequately to curb tobacco use by adolescents, comprehensive restrictions on the sale, promotion, and distribution of such products are needed.

(7) Federal and State governments have lacked the legal and regulatory authority and resources they need to address comprehensively the public health and societal problems caused by the use of tobacco products.

(8) Federal and State public health officials, the public health community, and the public at large recognize that the tobacco industry should be subject to ongoing oversight.

(9) Under article I, section 8 of the Constitution, the Congress is vested with the responsibility for regulating interstate commerce and commerce with Indian tribes.

(10) The sale, distribution, marketing, advertising, and use of tobacco products are activities in and substantially affecting interstate commerce because they are sold, marketed, advertised, and distributed in interstate commerce on a nationwide basis, and have a substantial effect on the Nation's economy.

(11) The sale, distribution, marketing, advertising, and use of such products substantially affect interstate commerce through the health care and other costs attributable to the use of tobacco products.

(12) It is in the public interest for Congress to enact legislation that provides the Food and Drug Administration with the authority to regulate tobacco products and the advertising and promotion of such products. The benefits to the American people from enacting such legislation would be significant in human and economic terms.

(13) Tobacco use is the foremost preventable cause of premature death in America. It causes over 400,000 deaths in the United States each year and approximately 8,600,000 Americans have chronic illnesses related to smoking.

(14) Reducing the use of tobacco by minors by 50 percent would prevent well over 10,000,000 of today's children from becoming regular, daily smokers, saving over 3,000,000 of them from premature death due to tobacco induced disease. Such a reduction in youth smoking would also result in approximately $75,000,000,000 in savings attributable to reduced health care costs.

(15) Advertising, marketing, and promotion of tobacco products have been especially directed to attract young persons to use tobacco products and these efforts have resulted in increased use of such products by youth. Past efforts to oversee these activities have not been successful in adequately preventing such increased use.

(16) In 2003, the cigarette manufacturers spent more than $15,000,000,000 to attract new users, retain current users, increase current consumption, and generate favorable long-term attitudes toward smoking and tobacco use.

(17) Tobacco product advertising often misleadingly portrays the use of tobacco as socially acceptable and healthful to minors.

(18) Tobacco product advertising is regularly seen by persons under the age of 18, and persons under the age of 18 are regularly exposed to tobacco product promotional efforts.

(19) Through advertisements during and sponsorship of sporting events, tobacco has become strongly associated with sports and has become portrayed as an integral part of sports and the healthy lifestyle associated with rigorous sporting activity.

(20) Children are exposed to substantial and unavoidable tobacco advertising that leads to favorable beliefs about tobacco use, plays a role in leading young people to overestimate the prevalence of tobacco use, and increases the number of young people who begin to use tobacco.

(21) The use of tobacco products in motion pictures and other mass media glamorizes its use for young people and encourages them to use tobacco products.

(22) Tobacco advertising expands the size of the tobacco market by increasing consumption of tobacco products including tobacco use by young people.

(23) Children are more influenced by tobacco marketing than adults: more than 80 percent of youth smoke three heavily marketed brands, while only 54 percent of adults, 26 and older, smoke these same brands.

(24) Tobacco company documents indicate that young people are an important and often crucial segment of the tobacco market. Children, who tend to be more price-sensitive than adults, are influenced by advertising and promotion practices that result in drastically reduced cigarette prices.

(25) Comprehensive advertising restrictions will have a positive effect on the smoking rates of young people.

(26) Restrictions on advertising are necessary to prevent unrestricted tobacco advertising from undermining legislation prohibiting access to young people and providing for education about tobacco use.

(27) International experience shows that advertising regulations that are stringent and comprehensive have a greater impact on overall tobacco use and young people's use than weaker or less comprehensive ones.

(28) Text only requirements, although not as stringent as a ban, will help reduce underage use of tobacco products while preserving the informational function of advertising.

(29) It is in the public interest for Congress to adopt legislation to address the public health crisis created by actions of the tobacco industry.

(30) The final regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (61 Fed. Reg. 44615–44618) for inclusion as part 897 of title 21, Code of Federal Regulations, are consistent with the First Amendment to the United States Constitution and with the standards set forth in the amendments made by this subtitle for the regulation of tobacco products by the Food and Drug Administration and the restriction on the sale and distribution, including access to and the advertising and promotion of, tobacco products contained in such regulations are substantially related to accomplishing the public health goals of this Act.

(31) The regulations described in paragraph (30) will directly and materially advance the Federal Government's substantial interest in reducing the number of children and adolescents who use cigarettes and smokeless tobacco and in preventing the life-threatening health consequences associated with tobacco use. An overwhelming majority of Americans who use tobacco products begin using such products while they are minors and become addicted to the nicotine in those products before reaching the age of 18. Tobacco advertising and promotion plays a crucial role in the decision of these minors to begin using tobacco products. Less restrictive and less comprehensive approaches have not and will not be effective in reducing the problems addressed by such regulations. The reasonable restrictions on the advertising and promotion of tobacco products contained in such regulations will lead to a significant decrease in the number of minors using and becoming addicted to those products.

(32) The regulations described in paragraph (30) impose no more extensive restrictions on communication by tobacco manufacturers and sellers than are necessary to reduce the number of children and adolescents who use cigarettes and smokeless tobacco and to prevent the life-threatening health consequences associated with tobacco use. Such regulations are narrowly tailored to restrict those advertising and promotional practices which are most likely to be seen or heard by youth and most likely to entice them into tobacco use, while affording tobacco manufacturers and sellers ample opportunity to convey information about their products to adult consumers.

(33) Tobacco dependence is a chronic disease, one that typically requires repeated interventions to achieve long-term or permanent abstinence.

(34) Because the only known safe alternative to smoking is cessation, interventions should target all smokers to help them quit completely.

(35) Tobacco products have been used to facilitate and finance criminal activities both domestically and internationally. Illicit trade of tobacco products has been linked to organized crime and terrorist groups.

(36) It is essential that the Food and Drug Administration review products sold or distributed for use to reduce risks or exposures associated with tobacco products and that it be empowered to review any advertising and labeling for such products. It is also essential that manufacturers, prior to marketing such products, be required to demonstrate that such products will meet a series of rigorous criteria, and will benefit the health of the population as a whole, taking into account both users of tobacco products and persons who do not currently use tobacco products.

(37) Unless tobacco products that purport to reduce the risks to the public of tobacco use actually reduce such risks, those products can cause substantial harm to the public health to the extent that the individuals, who would otherwise not consume tobacco products or would consume such products less, use tobacco products purporting to reduce risk. Those who use products sold or distributed as modified risk products that do not in fact reduce risk, rather than quitting or reducing their use of tobacco products, have a substantially increased likelihood of suffering disability and premature death. The costs to society of the widespread use of products sold or distributed as modified risk products that do not in fact reduce risk or that increase risk include thousands of unnecessary deaths and injuries and huge costs to our health care system.

(38) As the National Cancer Institute has found, many smokers mistakenly believe that ''low tar'' and ''light'' cigarettes cause fewer health problems than other cigarettes. As the National Cancer Institute has also found, mistaken beliefs about the health consequences of smoking ''low tar'' and ''light'' cigarettes can reduce the motivation to quit smoking entirely and thereby lead to disease and death.

(39) Recent studies have demonstrated that there has been no reduction in risk on a population-wide basis from ''low tar'' and ''light'' cigarettes and such products may actually increase the risk of tobacco use.

(40) The dangers of products sold or distributed as modified risk tobacco products that do not in fact reduce risk are so high that there is a compelling governmental interest in insuring that statements about modified risk tobacco products are complete, accurate, and relate to the overall disease risk of the product.

(41) As the Federal Trade Commission has found, consumers have misinterpreted advertisements in which one product is claimed to be less harmful than a comparable product, even in the presence of disclosures and advisories intended to provide clarification.

(42) Permitting manufacturers to make unsubstantiated statements concerning modified risk tobacco products, whether express or implied, even if accompanied by disclaimers would be detrimental to the public health.

(43) The only way to effectively protect the public health from the dangers of unsubstantiated modified risk tobacco products is to empower the Food and Drug Administration to require that products that tobacco manufacturers sold or distributed for risk reduction be approved in advance of marketing, and to require that the evidence relied on to support approval of these products is rigorous.

SEC. 3. PURPOSE.

The purposes of this Act are—

(1) to provide authority to the Food and Drug Administration to regulate tobacco products under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), by recognizing it as the primary Federal regulatory authority with respect to the manufacture, marketing, and distribution of tobacco products;

(2) to ensure that the Food and Drug Administration has the authority to address issues of particular concern to public health officials, especially the use of tobacco by young people and dependence on tobacco;

(3) to authorize the Food and Drug Administration to set national standards controlling the manufacture of tobacco products and the identity, public disclosure, and amount of ingredients used in such products;

(4) to provide new and flexible enforcement authority to ensure that there is effective oversight of the tobacco industry's efforts to develop, introduce, and promote less harmful tobacco products;

(5) to vest the Food and Drug Administration with the authority to regulate the levels of tar, nicotine, and other harmful components of tobacco products;

(6) in order to ensure that consumers are better informed, to require tobacco product manufacturers to disclose research which has not previously been made available, as well as research generated in the future, relating to the health and dependency effects or safety of tobacco products;

(7) to continue to permit the sale of tobacco products to adults in conjunction with measures to ensure that they are not sold or accessible to underage purchasers;

(8) to impose appropriate regulatory controls on the tobacco industry;

(9) to promote cessation to reduce disease risk and the social costs associated with tobacco related diseases; and

(10) to strengthen legislation against illicit trade in tobacco products.

SEC. 4. SCOPE AND EFFECT.

(a) INTENDED EFFECT.—Nothing in this Act (or an amendment made by this Act) shall be construed to—

(1) establish a precedent with regard to any other industry, situation, circumstance, or legal action; or

(2) affect any action pending in Federal, State, or Tribal court, or any agreement, consent decree, or contract of any kind.

(b) AGRICULTURAL ACTIVITIES.—The provisions of this Act (or an amendment made by this Act) which authorize the Secretary to take certain actions with regard to tobacco and tobacco products shall not be construed to affect any authority of the Secretary of Agriculture under existing law regarding the growing, cultivation, or curing of raw tobacco.

SEC. 5. SEVERABILITY.

If any provision of this Act, the amendments made by this Act, or the application of any provision of this Act to any person or circumstance is held to be invalid, the remainder of this Act, the amendments made by this Act, and the application of the provisions of this Act to any other person or circumstance shall not be affected and shall continue to be enforced to the fullest extent possible.

TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION

SEC. 101. AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) DEFINITION OF TOBACCO PRODUCTS.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

''(rr)(1) The term 'tobacco product' means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product).

''(2) The term 'tobacco product' does not mean—

''(A) a product in the form of conventional food (including water and chewing gum), a product represented for use as or for use in a conventional food, or a product that is intended for ingestion in capsule, tablet, softgel, or liquid form; or

''(B) an article that is approved or is regulated as a drug by the Food and Drug Administration.

''(3) The products described in paragraph (2)(A) shall be subject to chapter IV or chapter V of this Act and the articles described in paragraph (2)(B) shall be subject to chapter V of this Act.

''(4) A tobacco product may not be marketed in combination with any other article or product regulated under this Act (including a drug, biologic, food, cosmetics, medical device, or a dietary supplement).''.

(b) FDA AUTHORITY OVER TOBACCO PRODUCTS.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended—

(1) by redesignating chapter IX as chapter X;

(2) by redesignating sections 901 through 909 as sections 1001 through 1009;

(3) in section 1009 (as so redesignated), by striking ''section 908'' and inserting ''section 1008''; and

(4) by inserting after chapter VIII the following:

''CHAPTER IX—TOBACCO PRODUCTS

''SEC. 900. DEFINITIONS.

''In this chapter:

''(1) ADDITIVE.—The term 'additive' means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristic of any tobacco product (including any substances intended for use as a flavoring, coloring or in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding), except that such term does not include tobacco or a pesticide chemical residue in or on raw tobacco or a pesticide chemical.

''(2) BRAND.—The term 'brand' means a variety of tobacco product distinguished by the tobacco used, tar content, nicotine content, flavoring used, size, filtration, or packaging, logo, registered trademark or brand name, identifiable pattern of colors, or any combination of such attributes.

''(3) CIGARETTE.—The term 'cigarette' has the meaning given that term by section 3(1) of the Federal Cigarette Labeling and Advertising Act, but also includes tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette or as roll-your-own tobacco.

''(4) CIGARETTE TOBACCO.—The term 'cigarette tobacco' means any product that consists of loose tobacco that is intended for use by consumers in a cigarette. Unless otherwise stated, the requirements for cigarettes shall also apply to cigarette tobacco.

''(5) COMMERCE.—The term 'commerce' has the meaning given that term by section 3(2) of the Federal Cigarette Labeling and Advertising Act.

''(6) COUNTERFEIT TOBACCO PRODUCT.—The term 'counterfeit tobacco product' means a tobacco product (or the container or labeling of such a product) that, without authorization, bears the trademark, trade name, or other identifying mark, imprint or device, or any likeness thereof, of a tobacco product listed in a registration under section 905(i)(1).

''(7) DISTRIBUTOR.—The term 'distributor' as regards a tobacco product means any person who furthers the distribution of a tobacco product, whether domestic or imported, at any point from the original place of manufacture to the person who sells or distributes the product to individuals for personal consumption. Common carriers are not considered distributors for purposes of this chapter.

''(8) ILLICIT TRADE.—The term 'illicit trade' means any practice or conduct prohibited by law which relates to production, shipment, receipt, possession, distribution, sale, or purchase of tobacco products including any practice or conduct intended to facilitate such activity.

''(9) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given such term in section 4(e) of the Indian Self Determination and Education Assistance Act.

''(10) LITTLE CIGAR.—The term 'little cigar' has the meaning given that term by section 3(7) of the Federal Cigarette Labeling and Advertising Act.

''(11) NICOTINE.—The term 'nicotine' means the chemical substance named 3-(1–Methyl-2-pyrrolidinyl) pyridine or C[10]H[14]N[2], including any salt or complex of nicotine.

''(12) PACKAGE.—The term 'package' means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane), in which a tobacco product is offered for sale, sold, or otherwise distributed to consumers.

''(13) RETAILER.—The term 'retailer' means any person who sells tobacco products to individuals for personal consumption, or who operates a facility where self-service displays of tobacco products are permitted.

''(14) ROLL-YOUR-OWN TOBACCO.—The term 'roll-your-own tobacco' means any tobacco which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.

''(15) SMOKE CONSTITUENT.—The term 'smoke constituent' means any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the cigarette to the smoke or that is formed by the combustion or heating of tobacco, additives, or other component of the tobacco product.

''(16) SMOKELESS TOBACCO.—The term 'smokeless tobacco' means any tobacco product that consists of cut, ground, powdered, or leaf tobacco and that is intended to be placed in the oral or nasal cavity.

''(17) STATE.—The term 'State' means any State of the United States and, for purposes of this chapter, includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Atoll, the Northern Mariana Islands, and any other trust territory or possession of the United States.

''(18) TOBACCO PRODUCT MANUFACTURER.—The term 'tobacco product manufacturer' means any person, including any repacker or relabeler, who—

''(A) manufactures, fabricates, assembles, processes, or labels a tobacco product; or

''(B) imports a finished cigarette or smokeless tobacco product for sale or distribution in the United States.

''(19) UNITED STATES.—The term 'United States' means the 50 States of the United States of America and the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Atoll, the Northern Mariana Islands, and any other trust territory or possession of the United States.

''SEC. 901. FDA AUTHORITY OVER TOBACCO PRODUCTS.

''(a) IN GENERAL.—Tobacco products shall be regulated by the Secretary under this chapter and shall not be subject to the provisions of chapter V, unless—

''(1) such products are intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease (within the meaning of section 201(g)(1)(B) or section 201(h)(2)); or

''(2) a claim is made for such products under section 201(g)(1)(C) or 201(h)(3);

other than modified risk tobacco products approved in accordance with section 911.

''(b) APPLICABILITY.—This chapter shall apply to all tobacco products subject to the regulations referred to in section 102 of the Family Smoking Prevention and Tobacco Control Act, and to any other tobacco products that the Secretary by regulation deems to be subject to this chapter.

''(c) SCOPE.—

''(1) IN GENERAL.—Nothing in this chapter, or any policy issued or regulation promulgated thereunder, or in sections 101(a), 102, or 103 of title I, title II, or title III of the Family Smoking Prevention and Tobacco Control Act, shall be construed to affect, expand, or limit the Secretary's authority over (including the authority to determine whether products may be regulated), or the regulation of, products under this Act that are not tobacco products under chapter V or any other chapter.

''(2) LIMITATION OF AUTHORITY.—

''(A) IN GENERAL.—The provisions of this chapter shall not apply to tobacco leaf that is not in the possession of a manufacturer of tobacco products, or to the producers of tobacco leaf, including tobacco growers, tobacco warehouses, and tobacco grower cooperatives, nor shall any employee of the Food and Drug Administration have any authority to enter onto a farm owned by a producer of tobacco leaf without the written consent of such producer.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), if a producer of tobacco leaf is also a tobacco product manufacturer or controlled by a tobacco product manufacturer, the producer shall be subject to this chapter in the producer's capacity as a manufacturer.

''(C) RULE OF CONSTRUCTION.—Nothing in this chapter shall be construed to grant the Secretary authority to promulgate regulations on any matter that involves the production of tobacco leaf or a producer thereof, other than activities by a manufacturer affecting production.

''SEC. 902. ADULTERATED TOBACCO PRODUCTS.

''A tobacco product shall be deemed to be adulterated if—

''(1) it consists in whole or in part of any filthy, putrid, or decomposed substance, or is otherwise contaminated by any added poisonous or added deleterious substance that may render the product injurious to health;

''(2) it has been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health;

''(3) its package is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

''(4) it is, or purports to be or is represented as, a tobacco product which is subject to a tobacco product standard established under section 907 unless such tobacco product is in all respects in conformity with such standard;

''(5)(A) it is required by section 910(a) to have premarket approval and does not have an approved application in effect; or

''(B) it is in violation of the order approving such an application;

''(6) the methods used in, or the facilities or controls used for, its manufacture, packing, or storage are not in conformity with applicable requirements under section 906(e)(1) or an applicable condition prescribed by an order under section 906(e)(2); or

''(7) it is in violation of section 911.

''SEC. 903. MISBRANDED TOBACCO PRODUCTS.

''(a) IN GENERAL.—A tobacco product shall be deemed to be misbranded—

''(1) if its labeling is false or misleading in any particular;

''(2) if in package form unless it bears a label containing—

''(A) the name and place of business of the tobacco product manufacturer, packer, or distributor;

''(B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count;

''(C) an accurate statement of the percentage of the tobacco used in the product that is domestically grown tobacco and the percentage that is foreign grown tobacco; and

''(D) the statement required under section 921(a),

except that under subparagraph (B) reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary;

''(3) if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements or designs in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

''(4) if it has an established name, unless its label bears, to the exclusion of any other nonproprietary name, its established name prominently printed in type as required by the Secretary by regulation;

''(5) if the Secretary has issued regulations requiring that its labeling bear adequate directions for use, or adequate warnings against use by children, that are necessary for the protection of users unless its labeling conforms in all respects to such regulations;

''(6) if it was manufactured, prepared, propagated, compounded, or processed in any State in an establishment not duly registered under section 905(b), 905(c), 905(d), or 905(h), if it was not included in a list required by section 905(i), if a notice or other information respecting it was not provided as required by such section or section 905(j), or if it does not bear such symbols from the uniform system for identification of tobacco products prescribed under section 905(e) as the Secretary by regulation requires;

''(7) if, in the case of any tobacco product distributed or offered for sale in any State—

''(A) its advertising is false or misleading in any particular; or

''(B) it is sold or distributed in violation of regulations prescribed under section 906(d);

''(8) unless, in the case of any tobacco product distributed or offered for sale in any State, the manufacturer, packer, or distributor thereof includes in all advertisements and other descriptive printed matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to that tobacco product—

''(A) a true statement of the tobacco product's established name as described in paragraph (4), printed prominently; and

''(B) a brief statement of—

''(i) the uses of the tobacco product and relevant warnings, precautions, side effects, and contraindications; and

''(ii) in the case of specific tobacco products made subject to a finding by the Secretary after notice and opportunity for comment that such action is appropriate to protect the public health, a full description of the components of such tobacco product or the formula showing quantitatively each ingredient of such tobacco product to the extent required in regulations which shall be issued by the Secretary after an opportunity for a hearing;

''(9) if it is a tobacco product subject to a tobacco product standard established under section 907, unless it bears such labeling as may be prescribed in such tobacco product standard; or

''(10) if there was a failure or refusal—

''(A) to comply with any requirement prescribed under section 904 or 908; or

''(B) to furnish any material or information required under section 909.

''(b) PRIOR APPROVAL OF LABEL STATEMENTS.—The Secretary may, by regulation, require prior approval of statements made on the label of a tobacco product. No regulation issued under this subsection may require prior approval by the Secretary of the content of any advertisement, except for modified risk tobacco products as provided in section 911. No advertisement of a tobacco product published after the date of enactment of the Family Smoking Prevention and Tobacco Control Act shall, with respect to the language of label statements as prescribed under section 4 of the Cigarette Labeling and Advertising Act and section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 or the regulations issued under such sections, be subject to the provisions of sections 12 through 15 of the Federal Trade Commission Act.

''SEC. 904. SUBMISSION OF HEALTH INFORMATION TO THE SECRETARY.

''(a) REQUIREMENT.—Not later than 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, each tobacco product manufacturer or importer, or agents thereof, shall submit to the Secretary the following information:

''(1) A listing of all ingredients, including tobacco, substances, compounds, and additives that are, as of such date, added by the manufacturer to the tobacco, paper, filter, or other part of each tobacco product by brand and by quantity in each brand and subbrand.

''(2) A description of the content, delivery, and form of nicotine in each tobacco product measured in milligrams of nicotine in accordance with regulations promulgated by the Secretary in accordance with section 4(a)(5) of the Federal Cigarette Labeling and Advertising Act.

''(3) A listing of all constituents, including smoke constituents as applicable, identified by the Secretary as harmful or potentially harmful to health in each tobacco product, and as applicable in the smoke of each tobacco product, by brand and by quantity in each brand and subbrand. Effective beginning 2 years after the date of enactment of this chapter, the manufacturer, importer, or

agent shall comply with regulations promulgated under section 916 in reporting information under this paragraph, where applicable.

''(4) All documents developed after the date of enactment of the Family Smoking Prevention and Tobacco Control Act that relate to health, toxicological, behavioral, or physiologic effects of current or future tobacco products, their constituents (including smoke constituents), ingredients, components, and additives.

''(b) DATA SUBMISSION.—At the request of the Secretary, each tobacco product manufacturer or importer of tobacco products, or agents thereof, shall submit the following:

''(1) Any or all documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) on the health, toxicological, behavioral, or physiologic effects of tobacco products and their constituents (including smoke constituents), ingredients, components, and additives.

''(2) Any or all documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) that relate to the issue of whether a reduction in risk to health from tobacco products can occur upon the employment of technology available or known to the manufacturer.

''(3) Any or all documents (including underlying scientific or financial information) relating to marketing research involving the use of tobacco products or marketing practices and the effectiveness of such practices used by tobacco manufacturers and distributors.

An importer of a tobacco product not manufactured in the United States shall supply the information required of a tobacco product manufacturer under this subsection.

''(c) TIME FOR SUBMISSION.—

''(1) IN GENERAL.—At least 90 days prior to the delivery for introduction into interstate commerce of a tobacco product not on the market on the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the manufacturer of such product shall provide the information required under subsection (a).

''(2) DISCLOSURE OF ADDITIVE.—If at any time a tobacco product manufacturer adds to its tobacco products a new tobacco additive or increases the quantity of an existing tobacco additive, the manufacturer shall, except as provided in paragraph (3), at least 90 days prior to such action so advise the Secretary in writing.

''(3) DISCLOSURE OF OTHER ACTIONS.—If at any time a tobacco product manufacturer eliminates or decreases an existing additive, or adds or increases an additive that has by regulation been designated by the Secretary as an additive that is not a human or animal carcinogen, or otherwise harmful to health under intended conditions of use, the manufacturer shall within 60 days of such action so advise the Secretary in writing.

''(d) DATA LIST.—

''(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, and annually thereafter, the Secretary shall publish in a format that is understandable and not misleading to a lay person, and place on public display (in a manner determined by the Secretary) the list established under subsection (e).

''(2) CONSUMER RESEARCH.—The Secretary shall conduct periodic consumer research to ensure that the list published under paragraph (1) is not misleading to lay persons. Not later than 5 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall submit to the appropriate committees of Congress a report on the results of such research, together with recommendations on whether such publication should be continued or modified.

''(e) DATA COLLECTION.—Not later than 12 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish a list of harmful and potentially harmful constituents, including smoke constituents, to health in each tobacco product by brand and by quantity in each brand and subbrand. The Secretary shall publish a public notice requesting the submission by interested persons of scientific and other information concerning the harmful and potentially harmful constituents in tobacco products and tobacco smoke.

''SEC. 905. ANNUAL REGISTRATION.

''(a) DEFINITIONS.—In this section:

''(1) MANUFACTURE, PREPARATION, COMPOUNDING, OR PROCESSING.—The term 'manufacture, preparation, compounding, or processing' shall include repackaging or otherwise changing the container, wrapper, or labeling of any tobacco product package in furtherance of the distribution of the tobacco product from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer or user.

''(2) NAME.—The term 'name' shall include in the case of a partnership the name of each partner and, in the case of a corporation, the name of each corporate officer and director, and the State of incorporation.

''(b) REGISTRATION BY OWNERS AND OPERATORS.—On or before December 31 of each year every person who owns or operates any establishment in any State engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products shall register with the Secretary the name, places of business, and all such establishments of that person.

''(c) REGISTRATION OF NEW OWNERS AND OPERATORS.—Every person upon first engaging in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products in any establishment owned or operated in any State by that person shall immediately register with the Secretary that person's name, place of business, and such establishment.

''(d) REGISTRATION OF ADDED ESTABLISHMENTS.—Every person required to register under subsection (b) or (c) shall immediately register with the Secretary any additional establishment which that person owns or operates in any State and in which that person begins the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products.

''(e) UNIFORM PRODUCT IDENTIFICATION SYSTEM.—The Secretary may by regulation prescribe a uniform system for the identification of tobacco products and may require that persons who are required to list such tobacco products under subsection (i) shall list such tobacco products in accordance with such system.

''(f) PUBLIC ACCESS TO REGISTRATION INFORMATION.—The Secretary shall make available for inspection, to any person so requesting, any registration filed under this section.

''(g) BIENNIAL INSPECTION OF REGISTERED ESTABLISHMENTS.—Every establishment in any State registered with the Secretary under this section shall be subject to inspection under section 704, and every such establishment engaged in the manufacture, compounding, or processing of a tobacco product or tobacco products shall be so inspected by 1 or more officers or employees duly designated by the Secretary at least once in the 2-year period beginning with the date of registration of such establishment under this section and at least once in every successive 2-year period thereafter.

''(h) FOREIGN ESTABLISHMENTS SHALL REGISTER.—Any establishment within any foreign country engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products, shall register under this section under regulations promulgated by the Secretary. Such regulations shall require such establishment to provide the information required by subsection (i) of this section and shall include provisions for registration of any such establishment upon condition that adequate and effective means are available, by arrangement with the government of such foreign country or otherwise, to enable the Secretary to determine from time to time whether tobacco products manufactured, prepared, compounded, or processed in such establishment, if imported or offered for import into the United States, shall be refused admission on any of the grounds set forth in section 801(a).

''(i) REGISTRATION INFORMATION.—

''(1) PRODUCT LIST.—Every person who registers with the Secretary under subsection (b), (c), (d), or (h) shall, at the time of registration under any such subsection, file with the Secretary a list of all tobacco products which are being manufactured, prepared, compounded, or processed by that person for commercial distribution and which has not been included in any list of tobacco products filed by that person with the Secretary under this paragraph or paragraph (2) before such time of registration. Such list shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by—

''(A) in the case of a tobacco product contained in the applicable list with respect to which a tobacco product standard has been established under section 907 or which is subject to section 910, a reference to the authority for the marketing of such tobacco product and a copy of all labeling for such tobacco product;

''(B) in the case of any other tobacco product contained in an applicable list, a copy of all consumer information and other labeling for such tobacco product, a representative sampling of advertisements for such tobacco product, and, upon request made by the Secretary for good cause, a copy of all advertisements for a particular tobacco product; and

''(C) if the registrant filing a list has determined that a tobacco product contained in such list is not subject to a tobacco product standard established under section 907, a brief statement of the basis upon which the registrant made such determination if the Secretary requests such a statement with respect to that particular tobacco product.

''(2) BIANNUAL REPORT OF ANY CHANGE IN PRODUCT LIST.—Each person who registers with the Secretary under this section shall report to the Secretary once during the month of June of each year and once during the month of December of each year the following:

''(A) A list of each tobacco product introduced by the registrant for commercial distribution which has not been included in any list previously filed by that person with the Secretary under this subparagraph or paragraph (1). A list under this subparagraph shall list a tobacco product by its established name and shall be accompanied by the other information required by paragraph (1).

''(B) If since the date the registrant last made a report under this paragraph that person has discontinued the manufacture, preparation, compounding, or processing for commercial distribution of a tobacco product included in a list filed under subparagraph (A)

or paragraph (1), notice of such discontinuance, the date of such discontinuance, and the identity of its established name.

''(C) If since the date the registrant reported under subparagraph (B) a notice of discontinuance that person has resumed the manufacture, preparation, compounding, or processing for commercial distribution of the tobacco product with respect to which such notice of discontinuance was reported, notice of such resumption, the date of such resumption, the identity of such tobacco product by established name, and other information required by paragraph (1), unless the registrant has previously reported such resumption to the Secretary under this subparagraph.

''(D) Any material change in any information previously submitted under this paragraph or paragraph (1).

''(j) REPORT PRECEDING INTRODUCTION OF CERTAIN SUBSTANTIALLY-EQUIVALENT PRODUCTS INTO INTERSTATE COMMERCE.—

''(1) IN GENERAL.—Each person who is required to register under this section and who proposes to begin the introduction or delivery for introduction into interstate commerce for commercial distribution of a tobacco product intended for human use that was not commercially marketed (other than for test marketing) in the United States as of June 1, 2003, shall, at least 90 days prior to making such introduction or delivery, report to the Secretary (in such form and manner as the Secretary shall prescribe)—

''(A) the basis for such person's determination that the tobacco product is substantially equivalent, within the meaning of section 910, to a tobacco product commercially marketed (other than for test marketing) in the United States as of June 1, 2003, that is in compliance with the requirements of this Act; and

''(B) action taken by such person to comply with the requirements under section 907 that are applicable to the tobacco product.

''(2) APPLICATION TO CERTAIN POST JUNE 1, 2003 PRODUCTS.—A report under this subsection for a tobacco product that was first introduced or delivered for introduction into interstate commerce for commercial distribution in the United States after June 1, 2003, and prior to the date that is 15 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act shall be submitted to the Secretary not later than 15 months after such date of enactment.

''(3) EXEMPTIONS.—

''(A) IN GENERAL.—The Secretary may by regulation, exempt from the requirements of this subsection tobacco products that are modified by adding or deleting a tobacco additive, or increasing or decreasing the quantity of an existing tobacco additive, if the Secretary determines that—

''(i) such modification would be a minor modification of a tobacco product authorized for sale under this Act;

''(ii) a report under this subsection is not necessary to ensure that permitting the tobacco product to be marketed would be appropriate for protection of the public health; and

''(iii) an exemption is otherwise appropriate.

''(B) REGULATIONS.—Not later than 9 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations to implement this paragraph.

''SEC. 906. GENERAL PROVISIONS RESPECTING CONTROL OF TOBACCO PRODUCTS.

''(a) IN GENERAL.—Any requirement established by or under section 902, 903, 905, or 909 applicable to a tobacco product shall apply to such tobacco product until the applicability of the requirement to the tobacco product has been changed by action taken under section 907, section 910, section 911, or subsection (d) of this section, and any requirement established by or under section 902, 903, 905, or 909 which is inconsistent with a requirement imposed on such tobacco product under section 907, section 910, section 911, or subsection (d) of this section shall not apply to such tobacco product.

''(b) INFORMATION ON PUBLIC ACCESS AND COMMENT.—Each notice of proposed rulemaking or other notification under section 907, 908, 909, 910, or 911 or under this section, any other notice which is published in the Federal Register with respect to any other action taken under any such section and which states the reasons for such action, and each publication of findings required to be made in connection with rulemaking under any such section shall set forth—

''(1) the manner in which interested persons may examine data and other information on which the notice or findings is based; and

''(2) the period within which interested persons may present their comments on the notice or findings (including the need therefore) orally or in writing, which period shall be at least 60 days but may not exceed 90 days unless the time is extended by the Secretary by a notice published in the Federal Register stating good cause therefore.

''(c) LIMITED CONFIDENTIALITY OF INFORMATION.—Any information reported to or otherwise obtained by the Secretary or the Secretary's representative under section 903, 904, 907, 908, 909, 910, 911, or 704, or under subsection (e) or (f) of this section, which is exempt from disclosure under subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of that section shall be considered confidential and shall not be disclosed, except that the information may be disclosed to other officers or employees concerned with carrying out this chapter, or when relevant in any proceeding under this chapter.

''(d) RESTRICTIONS.—

''(1) IN GENERAL.—The Secretary may by regulation require restrictions on the sale and distribution of a tobacco product, including restrictions on the access to, and the advertising and promotion of, the tobacco product, if the Secretary determines that such regulation would be appropriate for the protection of the public health. The Secretary may by regulation impose restrictions on the advertising and promotion of a tobacco product consistent with and to full extent permitted by the first amendment to the Constitution. The finding as to whether such regulation would be appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and non-users of the tobacco product, and taking into account—

''(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

''(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

No such regulation may require that the sale or distribution of a tobacco product be limited to the written or oral authorization of a practitioner licensed by law to prescribe medical products.

''(2) LABEL STATEMENTS.—The label of a tobacco product shall bear such appropriate statements of the restrictions required by a regulation under subsection (a) as the Secretary may in such regulation prescribe.

''(3) LIMITATIONS.—

''(A) IN GENERAL.—No restrictions under paragraph (1) may—

''(i) prohibit the sale of any tobacco product in face-to-face transactions by a specific category of retail outlets; or

''(ii) establish a minimum age of sale of tobacco products to any person older than 18 years of age.

''(B) MATCHBOOKS.—For purposes of any regulations issued by the Secretary, matchbooks of conventional size containing not more than 20 paper matches, and which are customarily given away for free with the purchase of tobacco products shall be considered as adult written publications which shall be permitted to contain advertising. Notwithstanding the preceding sentence, if the Secretary finds that such treatment of matchbooks is not appropriate for the protection of the public health, the Secretary may determine by regulation that matchbooks shall not be considered adult written publications.

''(e) GOOD MANUFACTURING PRACTICE REQUIREMENTS.—

''(1) METHODS, FACILITIES, AND CONTROLS TO CONFORM.—

''(A) IN GENERAL.—The Secretary may, in accordance with subparagraph (B), prescribe regulations (which may differ based on the type of tobacco product involved) requiring that the methods used in, and the facilities and controls used for, the manufacture, preproduction design validation (including a process to assess the performance of a tobacco product), packing and storage of a tobacco product, conform to current good manufacturing practice, as prescribed in such regulations, to assure that the public health is protected and that the tobacco product is in compliance with this chapter. Good manufacturing practices may include the testing of raw tobacco for pesticide chemical residues regardless of whether a tolerance for such chemical residues has been established.

''(B) REQUIREMENTS.—The Secretary shall—

''(i) before promulgating any regulation under subparagraph (A), afford the Tobacco Products Scientific Advisory Committee an opportunity to submit recommendations with respect to the regulation proposed to be promulgated;

''(ii) before promulgating any regulation under subparagraph (A), afford opportunity for an oral hearing;

''(iii) provide the Tobacco Products Scientific Advisory Committee a reasonable time to make its recommendation with respect to proposed regulations under subparagraph (A); and

''(iv) in establishing the effective date of a regulation promulgated under this subsection, take into account the differences in the manner in which the different types of tobacco products have historically been produced, the financial resources of the different tobacco product manufacturers, and the state of their existing manufacturing facilities, and shall provide for a reasonable period of time for such manufacturers to conform to good manufacturing practices.

''(2) EXEMPTIONS; VARIANCES.—

''(A) PETITION.—Any person subject to any requirement prescribed under paragraph (1) may petition the Secretary for a permanent or temporary exemption or variance from such requirement. Such a petition shall be submitted to the Secretary in such form and manner as the Secretary shall prescribe and shall—

''(i) in the case of a petition for an exemption from a requirement, set forth the basis for the petitioner's determination that compliance with the requirement is not required to assure that the tobacco product will be in compliance with this chapter;

''(ii) in the case of a petition for a variance from a requirement, set forth the methods proposed to be used in, and the facilities and

controls proposed to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, facilities, and controls prescribed by the requirement; and

''(iii) contain such other information as the Secretary shall prescribe.

''(B) REFERRAL TO THE TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—The Secretary may refer to the Tobacco Products Scientific Advisory Committee any petition submitted under subparagraph (A). The Tobacco Products Scientific Advisory Committee shall report its recommendations to the Secretary with respect to a petition referred to it within 60 days after the date of the petition's referral. Within 60 days after—

''(i) the date the petition was submitted to the Secretary under subparagraph (A); or

''(ii) the day after the petition was referred to the Tobacco Products Scientific Advisory Committee,

whichever occurs later, the Secretary shall by order either deny the petition or approve it.

''(C) APPROVAL.—The Secretary may approve—

''(i) a petition for an exemption for a tobacco product from a requirement if the Secretary determines that compliance with such requirement is not required to assure that the tobacco product will be in compliance with this chapter; and

''(ii) a petition for a variance for a tobacco product from a requirement if the Secretary determines that the methods to be used in, and the facilities and controls to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, controls, and facilities prescribed by the requirement are sufficient to assure that the tobacco product will be in compliance with this chapter.

''(D) CONDITIONS.—An order of the Secretary approving a petition for a variance shall prescribe such conditions respecting the methods used in, and the facilities and controls used for, the manufacture, packing, and storage of the tobacco product to be granted the variance under the petition as may be necessary to assure that the tobacco product will be in compliance with this chapter.

''(E) HEARING.—After the issuance of an order under subparagraph (B) respecting a petition, the petitioner shall have an opportunity for an informal hearing on such order.

''(3) COMPLIANCE.—Compliance with requirements under this subsection shall not be required before the period ending 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act.

''(f) RESEARCH AND DEVELOPMENT.—The Secretary may enter into contracts for research, testing, and demonstrations respecting tobacco products and may obtain tobacco products for research, testing, and demonstration purposes without regard to section 3324(a) and (b) of title 31, United States Code, and section 5 of title 41, United States Code.

''SEC. 907. TOBACCO PRODUCT STANDARDS.

''(a) IN GENERAL.—

''(1) SPECIAL RULE FOR CIGARETTES.—A cigarette or any of its component parts (including the tobacco, filter, or paper) shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke. Nothing in this subparagraph shall be construed to limit the Secretary's authority to take action under this section or other sections of this Act applicable to menthol or any artificial or natural flavor, herb, or spice not specified in this paragraph.

''(2) REVISION OF TOBACCO PRODUCT STANDARDS.—The Secretary may revise the tobacco product standards in paragraph (1) in accordance with subsection (b).

''(3) TOBACCO PRODUCT STANDARDS.—The Secretary may adopt tobacco product standards in addition to those in paragraph (1) if the Secretary finds that a tobacco product standard is appropriate for the protection of the public health. This finding shall be determined with respect to the risks and benefits to the population as a whole, including users and non-users of the tobacco product, and taking into account—

''(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

''(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

''(4) CONTENT OF TOBACCO PRODUCT STANDARDS.—A tobacco product standard established under this section for a tobacco product—

''(A) shall include provisions that are appropriate for the protection of the public health, including provisions, where appropriate—

''(i) for the reduction of nicotine yields of the product;

''(ii) for the reduction or elimination of other constituents, including smoke constituents, or harmful components of the product; or

''(iii) relating to any other requirement under subparagraph (B);

''(B) shall, where appropriate for the protection of the public health, include—

''(i) provisions respecting the construction, components, ingredients, additives, constituents, including smoke constituents, and properties of the tobacco product;

''(ii) provisions for the testing (on a sample basis or, if necessary, on an individual basis) of the tobacco product;

''(iii) provisions for the measurement of the tobacco product characteristics of the tobacco product;

''(iv) provisions requiring that the results of each or of certain of the tests of the tobacco product required to be made under clause (ii) show that the tobacco product is in conformity with the portions of the standard for which the test or tests were required; and

''(v) a provision requiring that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 906(d); and

''(C) shall, where appropriate, require the use and prescribe the form and content of labeling for the proper use of the tobacco product.

''(5) PERIODIC RE-EVALUATION OF TOBACCO PRODUCT STANDARDS.—The Secretary shall provide for periodic evaluation of tobacco product standards established under this section to determine whether such standards should be changed to reflect new medical, scientific, or other technological data. The Secretary may provide for testing under paragraph (4)(B) by any person.

''(6) INVOLVEMENT OF OTHER AGENCIES; INFORMED PERSONS.—In carrying out duties under this section, the Secretary shall endeavor to—

''(A) use personnel, facilities, and other technical support available in other Federal agencies;

''(B) consult with other Federal agencies concerned with standard-setting and other nationally or internationally recognized standard-setting entities; and

''(C) invite appropriate participation, through joint or other conferences, workshops, or other means, by informed persons representative of scientific, professional, industry, agricultural, or consumer organizations who in the Secretary's judgment can make a significant contribution.

''(b) ESTABLISHMENT OF STANDARDS.—

''(1) NOTICE.—

''(A) IN GENERAL.—The Secretary shall publish in the Federal Register a notice of proposed rulemaking for the establishment, amendment, or revocation of any tobacco product standard.

''(B) REQUIREMENTS OF NOTICE.—A notice of proposed rulemaking for the establishment or amendment of a tobacco product standard for a tobacco product shall—

''(i) set forth a finding with supporting justification that the tobacco product standard is appropriate for the protection of the public health;

''(ii) set forth proposed findings with respect to the risk of illness or injury that the tobacco product standard is intended to reduce or eliminate; and

''(iii) invite interested persons to submit an existing tobacco product standard for the tobacco product, including a draft or proposed tobacco product standard, for consideration by the Secretary.

''(C) STANDARD.—Upon a determination by the Secretary that an additive, constituent (including smoke constituent), or other component of the product that is the subject of the proposed tobacco product standard is harmful, it shall be the burden of any party challenging the proposed standard to prove that the proposed standard will not reduce or eliminate the risk of illness or injury.

''(D) FINDING.—A notice of proposed rulemaking for the revocation of a tobacco product standard shall set forth a finding with supporting justification that the tobacco product standard is no longer appropriate for the protection of the public health.

''(E) CONSIDERATION BY SECRETARY.—The Secretary shall consider all information submitted in connection with a proposed standard, including information concerning the countervailing effects of the tobacco product standard on the health of adolescent tobacco users, adult tobacco users, or non-tobacco users, such as the creation of a significant demand for contraband or other tobacco products that do not meet the requirements of this chapter and the significance of such demand, and shall issue the standard if the Secretary determines that the standard would be appropriate for the protection of the public health.

''(F) COMMENT.—The Secretary shall provide for a comment period of not less than 60 days.

''(2) PROMULGATION.—

''(A) IN GENERAL.—After the expiration of the period for comment on a notice of proposed rulemaking published under paragraph (1) respecting a tobacco product standard and after consideration of such comments and any report from the Tobacco Products Scientific Advisory Committee, the Secretary shall—

''(i) promulgate a regulation establishing a tobacco product standard and publish in the Federal Register findings on the matters referred to in paragraph (1); or

''(ii) publish a notice terminating the proceeding for the development of the standard together with the reasons for such termination.

''(B) EFFECTIVE DATE.—A regulation establishing a tobacco product standard shall set forth the date or dates upon which the standard shall take effect, but no such regulation may take effect before 1 year after the date

of its publication unless the Secretary determines that an earlier effective date is necessary for the protection of the public health. Such date or dates shall be established so as to minimize, consistent with the public health, economic loss to, and disruption or dislocation of, domestic and international trade.

''(3) POWER RESERVED TO CONGRESS.—Because of the importance of a decision of the Secretary to issue a regulation establishing a tobacco product standard—

''(A) banning all cigarettes, all smokeless tobacco products, all little cigars, all cigars other than little cigars, all pipe tobacco, or all roll your own tobacco products; or

''(B) requiring the reduction of nicotine yields of a tobacco product to zero,

Congress expressly reserves to itself such power.

''(4) AMENDMENT; REVOCATION.—

''(A) AUTHORITY.—The Secretary, upon the Secretary's own initiative or upon petition of an interested person may by a regulation, promulgated in accordance with the requirements of paragraphs (1) and (2)(B), amend or revoke a tobacco product standard.

''(B) EFFECTIVE DATE.—The Secretary may declare a proposed amendment of a tobacco product standard to be effective on and after its publication in the Federal Register and until the effective date of any final action taken on such amendment if the Secretary determines that making it so effective is in the public interest.

''(5) REFERENCE TO ADVISORY COMMITTEE.—

''(A) IN GENERAL.—The Secretary may refer a proposed regulation for the establishment, amendment, or revocation of a tobacco product standard to the Tobacco Products Scientific Advisory Committee for a report and recommendation with respect to any matter involved in the proposed regulation which requires the exercise of scientific judgment.

''(B) INITIATION OF REFERRAL.—The Secretary may make a referral under this paragraph—

''(i) on the Secretary's own initiative; or

''(ii) upon the request of an interested person that—

''(I) demonstrates good cause for the referral; and

''(II) is made before the expiration of the period for submission of comments on the proposed regulation.

''(C) PROVISION OF DATA.—If a proposed regulation is referred under this paragraph to the Tobacco Products Scientific Advisory Committee, the Secretary shall provide the Advisory Committee with the data and information on which such proposed regulation is based.

''(D) REPORT AND RECOMMENDATION.—The Tobacco Products Scientific Advisory Committee shall, within 60 days after the referral of a proposed regulation under this paragraph and after independent study of the data and information furnished to it by the Secretary and other data and information before it, submit to the Secretary a report and recommendation respecting such regulation, together with all underlying data and information and a statement of the reason or basis for the recommendation.

''(E) PUBLIC AVAILABILITY.—The Secretary shall make a copy of each report and recommendation under subparagraph (D) publicly available.

''SEC. 908. NOTIFICATION AND OTHER REMEDIES.

''(a) NOTIFICATION.—If the Secretary determines that—

''(1) a tobacco product which is introduced or delivered for introduction into interstate commerce for commercial distribution presents an unreasonable risk of substantial harm to the public health; and

''(2) notification under this subsection is necessary to eliminate the unreasonable risk of such harm and no more practicable means is available under the provisions of this chapter (other than this section) to eliminate such risk,

the Secretary may issue such order as may be necessary to assure that adequate notification is provided in an appropriate form, by the persons and means best suited under the circumstances involved, to all persons who should properly receive such notification in order to eliminate such risk. The Secretary may order notification by any appropriate means, including public service announcements. Before issuing an order under this subsection, the Secretary shall consult with the persons who are to give notice under the order.

''(b) NO EXEMPTION FROM OTHER LIABILITY.—Compliance with an order issued under this section shall not relieve any person from liability under Federal or State law. In awarding damages for economic loss in an action brought for the enforcement of any such liability, the value to the plaintiff in such action of any remedy provided under such order shall be taken into account.

''(c) RECALL AUTHORITY.—

''(1) IN GENERAL.—If the Secretary finds that there is a reasonable probability that a tobacco product contains a manufacturing or other defect not ordinarily contained in tobacco products on the market that would cause serious, adverse health consequences or death, the Secretary shall issue an order requiring the appropriate person (including the manufacturers, importers, distributors, or retailers of the tobacco product) to immediately cease distribution of such tobacco product. The order shall provide the person subject to the order with an opportunity for an informal hearing, to be held not later than 10 days after the date of the issuance of the order, on the actions required by the order and on whether the order should be amended to require a recall of such tobacco product. If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

''(2) AMENDMENT OF ORDER TO REQUIRE RECALL.—

''(A) IN GENERAL.—If, after providing an opportunity for an informal hearing under paragraph (1), the Secretary determines that the order should be amended to include a recall of the tobacco product with respect to which the order was issued, the Secretary shall, except as provided in subparagraph (B), amend the order to require a recall. The Secretary shall specify a timetable in which the tobacco product recall will occur and shall require periodic reports to the Secretary describing the progress of the recall.

''(B) NOTICE.—An amended order under subparagraph (A)—

''(i) shall not include recall of a tobacco product from individuals; and

''(ii) shall provide for notice to persons subject to the risks associated with the use of such tobacco product.

In providing the notice required by clause (ii), the Secretary may use the assistance of retailers and other persons who distributed such tobacco product. If a significant number of such persons cannot be identified, the Secretary shall notify such persons under section 705(b).

''(3) REMEDY NOT EXCLUSIVE.—The remedy provided by this subsection shall be in addition to remedies provided by subsection (a) of this section.

''SEC. 909. RECORDS AND REPORTS ON TOBACCO PRODUCTS.

''(a) IN GENERAL.—Every person who is a tobacco product manufacturer or importer of a tobacco product shall establish and maintain such records, make such reports, and provide such information, as the Secretary may by regulation reasonably require to assure that such tobacco product is not adulterated or misbranded and to otherwise protect public health. Regulations prescribed under the preceding sentence—

''(1) may require a tobacco product manufacturer or importer to report to the Secretary whenever the manufacturer or importer receives or otherwise becomes aware of information that reasonably suggests that one of its marketed tobacco products may have caused or contributed to a serious unexpected adverse experience associated with the use of the product or any significant increase in the frequency of a serious, expected adverse product experience;

''(2) shall require reporting of other significant adverse tobacco product experiences as determined by the Secretary to be necessary to be reported;

''(3) shall not impose requirements unduly burdensome to a tobacco product manufacturer or importer, taking into account the cost of complying with such requirements and the need for the protection of the public health and the implementation of this chapter;

''(4) when prescribing the procedure for making requests for reports or information, shall require that each request made under such regulations for submission of a report or information to the Secretary state the reason or purpose for such request and identify to the fullest extent practicable such report or information;

''(5) when requiring submission of a report or information to the Secretary, shall state the reason or purpose for the submission of such report or information and identify to the fullest extent practicable such report or information; and

''(6) may not require that the identity of any patient or user be disclosed in records, reports, or information required under this subsection unless required for the medical welfare of an individual, to determine risks to public health of a tobacco product, or to verify a record, report, or information submitted under this chapter.

In prescribing regulations under this subsection, the Secretary shall have due regard for the professional ethics of the medical profession and the interests of patients. The prohibitions of paragraph (6) continue to apply to records, reports, and information concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient.

''(b) REPORTS OF REMOVALS AND CORRECTIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall by regulation require a tobacco product manufacturer or importer of a tobacco product to report promptly to the Secretary any corrective action taken or removal from the market of a tobacco product undertaken by such manufacturer or importer if the removal or correction was undertaken—

''(A) to reduce a risk to health posed by the tobacco product; or

''(B) to remedy a violation of this chapter caused by the tobacco product which may present a risk to health.

A tobacco product manufacturer or importer of a tobacco product who undertakes a corrective action or removal from the market of a tobacco product which is not required to be reported under this subsection shall keep a record of such correction or removal.

''(2) EXCEPTION.—No report of the corrective action or removal of a tobacco product may be required under paragraph (1) if a report of the corrective action or removal is required and has been submitted under subsection (a).

"SEC. 910. APPLICATION FOR REVIEW OF CERTAIN TOBACCO PRODUCTS.

''(a) IN GENERAL.—

''(1) NEW TOBACCO PRODUCT DEFINED.—For purposes of this section the term 'new tobacco product' means—

''(A) any tobacco product (including those products in test markets) that was not commercially marketed in the United States as of June 1, 2003; or

''(B) any modification (including a change in design, any component, any part, or any constituent, including a smoke constituent, or in the content, delivery or form of nicotine, or any other additive or ingredient) of a tobacco product where the modified product was commercially marketed in the United States after June 1, 2003.

''(2) PREMARKET APPROVAL REQUIRED.—

''(A) NEW PRODUCTS.—Approval under this section of an application for premarket approval for any new tobacco product is required unless—

''(i) the manufacturer has submitted a report under section 905(j); and

''(ii) the Secretary has issued an order that the tobacco product—

''(I) is substantially equivalent to a tobacco product commercially marketed (other than for test marketing) in the United States as of June 1, 2003; and

''(II)(aa) is in compliance with the requirements of this Act; or

''(bb) is exempt from the requirements of section 905(j) pursuant to a regulation issued under section 905(j)(3).

''(B) APPLICATION TO CERTAIN POST JUNE 1, 2003 PRODUCTS.—Subparagraph (A) shall not apply to a tobacco product—

''(i) that was first introduced or delivered for introduction into interstate commerce for commercial distribution in the United States after June 1, 2003, and prior to the date that is 15 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act; and

''(ii) for which a report was submitted under section 905(j) within such 15-month period,

except that subparagraph (A) shall apply to the tobacco product if the Secretary issues an order that the tobacco product is not substantially equivalent.

''(3) SUBSTANTIALLY EQUIVALENT DEFINED.—

''(A) IN GENERAL.—In this section and section 905(j), the terms 'substantially equivalent' or 'substantial equivalence' mean, with respect to the tobacco product being compared to the predicate tobacco product, that the Secretary by order has found that the tobacco product—

''(i) has the same characteristics as the predicate tobacco product; or

''(ii) has different characteristics and the information submitted contains information, including clinical data if deemed necessary by the Secretary, that demonstrates that it is not appropriate to regulate the product under this section because the product does not raise different questions of public health.

''(B) CHARACTERISTICS.—In subparagraph (A), the term 'characteristics' means the materials, ingredients, design, composition, heating source, or other features of a tobacco product.

''(C) LIMITATION.—A tobacco product may not be found to be substantially equivalent to a predicate tobacco product that has been removed from the market at the initiative of the Secretary or that has been determined by a judicial order to be misbranded or adulterated.

''(4) HEALTH INFORMATION.—

''(A) SUMMARY.—As part of a submission under section 905(j) respecting a tobacco product, the person required to file a premarket notification under such section shall provide an adequate summary of any health information related to the tobacco product or state that such information will be made available upon request by any person.

''(B) REQUIRED INFORMATION.—Any summary under subparagraph (A) respecting a tobacco product shall contain detailed information regarding data concerning adverse health effects and shall be made available to the public by the Secretary within 30 days of the issuance of a determination that such tobacco product is substantially equivalent to another tobacco product.

''(b) APPLICATION.—

''(1) CONTENTS.—An application for premarket approval shall contain—

''(A) full reports of all information, published or known to, or which should reasonably be known to, the applicant, concerning investigations which have been made to show the health risks of such tobacco product and whether such tobacco product presents less risk than other tobacco products;

''(B) a full statement of the components, ingredients, additives, and properties, and of the principle or principles of operation, of such tobacco product;

''(C) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and, when relevant, packing and installation of, such tobacco product;

''(D) an identifying reference to any tobacco product standard under section 907 which would be applicable to any aspect of such tobacco product, and either adequate information to show that such aspect of such tobacco product fully meets such tobacco product standard or adequate information to justify any deviation from such standard;

''(E) such samples of such tobacco product and of components thereof as the Secretary may reasonably require;

''(F) specimens of the labeling proposed to be used for such tobacco product; and

''(G) such other information relevant to the subject matter of the application as the Secretary may require.

''(2) REFERENCE TO TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—Upon receipt of an application meeting the requirements set forth in paragraph (1), the Secretary—

''(A) may, on the Secretary's own initiative; or

''(B) may, upon the request of an applicant,

refer such application to the Tobacco Products Scientific Advisory Committee for reference and for submission (within such period as the Secretary may establish) of a report and recommendation respecting approval of the application, together with all underlying data and the reasons or basis for the recommendation.

''(c) ACTION ON APPLICATION.—

''(1) DEADLINE.—

''(A) IN GENERAL.—As promptly as possible, but in no event later than 180 days after the receipt of an application under subsection (b), the Secretary, after considering the report and recommendation submitted under paragraph (2) of such subsection, shall—

''(i) issue an order approving the application if the Secretary finds that none of the grounds for denying approval specified in paragraph (2) of this subsection applies; or

''(ii) deny approval of the application if the Secretary finds (and sets forth the basis for such finding as part of or accompanying such denial) that 1 or more grounds for denial specified in paragraph (2) of this subsection apply.

''(B) RESTRICTIONS ON SALE AND DISTRIBUTION.—An order approving an application for a tobacco product may require as a condition to such approval that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 906(d).

''(2) DENIAL OF APPROVAL.—The Secretary shall deny approval of an application for a tobacco product if, upon the basis of the information submitted to the Secretary as part of the application and any other information before the Secretary with respect to such tobacco product, the Secretary finds that—

''(A) there is a lack of a showing that permitting such tobacco product to be marketed would be appropriate for the protection of the public health;

''(B) the methods used in, or the facilities or controls used for, the manufacture, processing, or packing of such tobacco product do not conform to the requirements of section 906(e);

''(C) based on a fair evaluation of all material facts, the proposed labeling is false or misleading in any particular; or

''(D) such tobacco product is not shown to conform in all respects to a tobacco product standard in effect under section 907, compliance with which is a condition to approval of the application, and there is a lack of adequate information to justify the deviation from such standard.

''(3) DENIAL INFORMATION.—Any denial of an application shall, insofar as the Secretary determines to be practicable, be accompanied by a statement informing the applicant of the measures required to place such application in approvable form (which measures may include further research by the applicant in accordance with 1 or more protocols prescribed by the Secretary).

''(4) BASIS FOR FINDING.—For purposes of this section, the finding as to whether approval of a tobacco product is appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and nonusers of the tobacco product, and taking into account—

''(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

''(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

''(5) BASIS FOR ACTION.—

''(A) INVESTIGATIONS.—For purposes of paragraph (2)(A), whether permitting a tobacco product to be marketed would be appropriate for the protection of the public health shall, when appropriate, be determined on the basis of well-controlled investigations, which may include 1 or more clinical investigations by experts qualified by training and experience to evaluate the tobacco product.

''(B) OTHER EVIDENCE.—If the Secretary determines that there exists valid scientific evidence (other than evidence derived from investigations described in subparagraph (A)) which is sufficient to evaluate the tobacco product the Secretary may authorize that the determination for purposes of paragraph (2)(A) be made on the basis of such evidence.

''(d) WITHDRAWAL AND TEMPORARY SUSPENSION.—

''(1) IN GENERAL.—The Secretary shall, upon obtaining, where appropriate, advice on scientific matters from the Tobacco Products Scientific Advisory Committee, and after due notice and opportunity for informal hearing to the holder of an approved application for a tobacco product, issue an order withdrawing approval of the application if the Secretary finds—

''(A) that the continued marketing of such tobacco product no longer is appropriate for the protection of the public health;

''(B) that the application contained or was accompanied by an untrue statement of a material fact;

''(C) that the applicant—

''(i) has failed to establish a system for maintaining records, or has repeatedly or deliberately failed to maintain records or to make reports, required by an applicable regulation under section 909;

''(ii) has refused to permit access to, or copying or verification of, such records as required by section 704; or

''(iii) has not complied with the requirements of section 905;

''(D) on the basis of new information before the Secretary with respect to such tobacco product, evaluated together with the evidence before the Secretary when the application was approved, that the methods used in, or the facilities and controls used for, the manufacture, processing, packing, or installation of such tobacco product do not conform with the requirements of section 906(e) and were not brought into conformity with such requirements within a reasonable time after receipt of written notice from the Secretary of nonconformity;

''(E) on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when the application was approved, that the labeling of such tobacco product, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary of such fact; or

''(F) on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when the application was approved, that such tobacco product is not shown to conform in all respects to a tobacco product standard which is in effect under section 907, compliance with which was a condition to approval of the application, and that there is a lack of adequate information to justify the deviation from such standard.

''(2) APPEAL.—The holder of an application subject to an order issued under paragraph (1) withdrawing approval of the application may, by petition filed on or before the 30th day after the date upon which such holder receives notice of such withdrawal, obtain review thereof in accordance with section 912.

''(3) TEMPORARY SUSPENSION.—If, after providing an opportunity for an informal hearing, the Secretary determines there is reasonable probability that the continuation of distribution of a tobacco product under an approved application would cause serious, adverse health consequences or death, that is greater than ordinarily caused by tobacco products on the market, the Secretary shall by order temporarily suspend the approval of the application approved under this section. If the Secretary issues such an order, the Secretary shall proceed expeditiously under paragraph (1) to withdraw such application.

''(e) SERVICE OF ORDER.—An order issued by the Secretary under this section shall be served—

''(1) in person by any officer or employee of the department designated by the Secretary; or

''(2) by mailing the order by registered mail or certified mail addressed to the applicant at the applicant's last known address in the records of the Secretary.

''(f) RECORDS.—

''(1) ADDITIONAL INFORMATION.—In the case of any tobacco product for which an approval of an application filed under subsection (b) is in effect, the applicant shall establish and maintain such records, and make such reports to the Secretary, as the Secretary may by regulation, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or facilitate a determination of, whether there is or may be grounds for withdrawing or temporarily suspending such approval.

''(2) ACCESS TO RECORDS.—Each person required under this section to maintain records, and each person in charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

''(g) INVESTIGATIONAL TOBACCO PRODUCT EXEMPTION FOR INVESTIGATIONAL USE.—The Secretary may exempt tobacco products intended for investigational use from the provisions of this chapter under such conditions as the Secretary may by regulation prescribe.

''SEC. 911. MODIFIED RISK TOBACCO PRODUCTS.

''(a) IN GENERAL.—No person may introduce or deliver for introduction into interstate commerce any modified risk tobacco product unless approval of an application filed pursuant to subsection (d) is effective with respect to such product.

''(b) DEFINITIONS.—In this section:

''(1) MODIFIED RISK TOBACCO PRODUCT.—The term 'modified risk tobacco product' means any tobacco product that is sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products.

''(2) SOLD OR DISTRIBUTED.—

''(A) IN GENERAL.—With respect to a tobacco product, the term 'sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products' means a tobacco product—

''(i) the label, labeling, or advertising of which represents explicitly or implicitly that—

''(I) the tobacco product presents a lower risk of tobacco-related disease or is less harmful than one or more other commercially marketed tobacco products;

''(II) the tobacco product or its smoke contains a reduced level of a substance or presents a reduced exposure to a substance; or

''(III) the tobacco product or its smoke does not contain or is free of a substance;

''(ii) the label, labeling, or advertising of which uses the descriptors 'light', 'mild', or 'low' or similar descriptors; or

''(iii) the tobacco product manufacturer of which has taken any action directed to consumers through the media or otherwise, other than by means of the tobacco product's label, labeling, or advertising, after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, respecting the product that would be reasonably expected to result in consumers believing that the tobacco product or its smoke may present a lower risk of disease or is less harmful than one or more commercially marketed tobacco products, or presents a reduced exposure to, or does not contain or is free of, a substance or substances.

''(B) LIMITATION.—No tobacco product shall be considered to be 'sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products', except as described in subparagraph (A).

''(c) TOBACCO DEPENDENCE PRODUCTS.—A product that is intended to be used for the treatment of tobacco dependence, including smoking cessation, is not a modified risk tobacco product under this section and is subject to the requirements of chapter V.

''(d) FILING.—Any person may file with the Secretary an application for a modified risk tobacco product. Such application shall include—

''(1) a description of the proposed product and any proposed advertising and labeling;

''(2) the conditions for using the product;

''(3) the formulation of the product;

''(4) sample product labels and labeling;

''(5) all documents (including underlying scientific information) relating to research findings conducted, supported, or possessed by the tobacco product manufacturer relating to the effect of the product on tobacco-related diseases and health-related conditions, including information both favorable and unfavorable to the ability of the product to reduce risk or exposure and relating to human health;

''(6) data and information on how consumers actually use the tobacco product; and

''(7) such other information as the Secretary may require.

''(e) PUBLIC AVAILABILITY.—The Secretary shall make the application described in subsection (d) publicly available (except matters in the application which are trade secrets or otherwise confidential, commercial information) and shall request comments by interested persons on the information contained in the application and on the label, labeling, and advertising accompanying such application.

''(f) ADVISORY COMMITTEE.—

''(1) IN GENERAL.—The Secretary shall refer to the Tobacco Products Scientific Advisory Committee any application submitted under this subsection.

''(2) RECOMMENDATIONS.—Not later than 60 days after the date an application is referred to the Tobacco Products Scientific Advisory Committee under paragraph (1), the Advisory Committee shall report its recommendations on the application to the Secretary.

''(g) APPROVAL.—

''(1) MODIFIED RISK PRODUCTS.—Except as provided in paragraph (2), the Secretary shall approve an application for a modified risk tobacco product filed under this section only if the Secretary determines that the applicant has demonstrated that such product, as it is actually used by consumers, will—

''(A) significantly reduce harm and the risk of tobacco-related disease to individual tobacco users; and

''(B) benefit the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

''(2) SPECIAL RULE FOR CERTAIN PRODUCTS.—

''(A) IN GENERAL.—The Secretary may approve an application for a tobacco product that has not been approved as a modified risk tobacco product pursuant to paragraph (1) if the Secretary makes the findings required under this paragraph and determines that the applicant has demonstrated that—

''(i) the approval of the application would be appropriate to promote the public health;

''(ii) any aspect of the label, labeling, and advertising for such product that would cause the tobacco product to be a modified risk tobacco product under subsection (b)(2) is limited to an explicit or implicit representation that such tobacco product or its smoke contains or is free of a substance or contains a reduced level of a substance, or presents a reduced exposure to a substance in tobacco smoke;

''(iii) scientific evidence is not available and, using the best available scientific methods, cannot be made available without conducting long-term epidemiological studies for an application to meet the standards set forth in paragraph (1); and

''(iv) the scientific evidence that is available without conducting long-term epidemiological studies demonstrates that a measurable and substantial reduction in morbidity or mortality among individual tobacco users is anticipated in subsequent studies.

''(B) ADDITIONAL FINDINGS REQUIRED.—In order to approve an application under subparagraph (A) the Secretary must also find that the applicant has demonstrated that—

''(i) the magnitude of the overall reductions in exposure to the substance or substances which are the subject of the application is substantial, such substance or substances are harmful, and the product as actually used exposes consumers to the specified reduced level of the substance or substances;

''(ii) the product as actually used by consumers will not expose them to higher levels of other harmful substances compared to the similar types of tobacco products then on the market unless such increases are minimal and the anticipated overall impact of use of the product remains a substantial and measurable reduction in overall morbidity and mortality among individual tobacco users;

''(iii) testing of actual consumer perception shows that, as the applicant proposes to label and market the product, consumers will not be misled into believing that the product—

''(I) is or has been demonstrated to be less harmful; or

''(II) presents or has been demonstrated to present less of a risk of disease than 1 or more other commercially marketed tobacco products; and

''(iv) approval of the application is expected to benefit the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

''(C) CONDITIONS OF APPROVAL.—

''(i) IN GENERAL.—Applications approved under this paragraph shall be limited to a term of not more than 5 years, but may be renewed upon a finding by the Secretary that the requirements of this paragraph continue to be satisfied based on the filing of a new application.

''(ii) AGREEMENTS BY APPLICANT.—Applications approved under this paragraph shall be conditioned on the applicant's agreement to conduct post-market surveillance and studies and to submit to the Secretary the results of such surveillance and studies to determine the impact of the application approval on consumer perception, behavior, and health and to enable the Secretary to review the accuracy of the determinations upon which the approval was based in accordance with a protocol approved by the Secretary.

''(iii) ANNUAL SUBMISSION.—The results of such post-market surveillance and studies described in clause (ii) shall be submitted annually.

''(3) BASIS.—The determinations under paragraphs (1) and (2) shall be based on—

''(A) the scientific evidence submitted by the applicant; and

''(B) scientific evidence and other information that is available to the Secretary.

''(4) BENEFIT TO HEALTH OF INDIVIDUALS AND OF POPULATION AS A WHOLE.—In making the determinations under paragraphs (1) and (2), the Secretary shall take into account—

''(A) the relative health risks to individuals of the tobacco product that is the subject of the application;

''(B) the increased or decreased likelihood that existing users of tobacco products who would otherwise stop using such products will switch to the tobacco product that is the subject of the application;

''(C) the increased or decreased likelihood that persons who do not use tobacco products will start using the tobacco product that is the subject of the application;

''(D) the risks and benefits to persons from the use of the tobacco product that is the subject of the application as compared to the use of products for smoking cessation approved under chapter V to treat nicotine dependence; and

''(E) comments, data, and information submitted by interested persons.

''(h) ADDITIONAL CONDITIONS FOR APPROVAL.—

''(1) MODIFIED RISK PRODUCTS.—The Secretary shall require for the approval of an application under this section that any advertising or labeling concerning modified risk products enable the public to comprehend the information concerning modified risk and to understand the relative significance of such information in the context of total health and in relation to all of the diseases and health-related conditions associated with the use of tobacco products.

''(2) COMPARATIVE CLAIMS.—

''(A) IN GENERAL.—The Secretary may require for the approval of an application under this subsection that a claim comparing a tobacco product to 1 or more other commercially marketed tobacco products shall compare the tobacco product to a commercially marketed tobacco product that is representative of that type of tobacco product on the market (for example the average value of the top 3 brands of an established regular tobacco product).

''(B) QUANTITATIVE COMPARISONS.—The Secretary may also require, for purposes of subparagraph (A), that the percent (or fraction) of change and identity of the reference tobacco product and a quantitative comparison of the amount of the substance claimed to be reduced shall be stated in immediate proximity to the most prominent claim.

''(3) LABEL DISCLOSURE.—

''(A) IN GENERAL.—The Secretary may require the disclosure on the label of other substances in the tobacco product, or substances that may be produced by the consumption of that tobacco product, that may affect a disease or health-related condition or may increase the risk of other diseases or health-related conditions associated with the use of tobacco products.

''(B) CONDITIONS OF USE.—If the conditions of use of the tobacco product may affect the risk of the product to human health, the Secretary may require the labeling of conditions of use.

''(4) TIME.—The Secretary shall limit an approval under subsection (g)(1) for a specified period of time.

''(5) ADVERTISING.—The Secretary may require that an applicant, whose application has been approved under this subsection, comply with requirements relating to advertising and promotion of the tobacco product.

''(i) POSTMARKET SURVEILLANCE AND STUDIES.—

''(1) IN GENERAL.—The Secretary shall require that an applicant under subsection (g)(1) conduct post market surveillance and studies for a tobacco product for which an application has been approved to determine the impact of the application approval on consumer perception, behavior, and health, to enable the Secretary to review the accuracy of the determinations upon which the approval was based, and to provide information that the Secretary determines is otherwise necessary regarding the use or health risks involving the tobacco product. The results of post-market surveillance and studies shall be submitted to the Secretary on an annual basis.

''(2) SURVEILLANCE PROTOCOL.—Each applicant required to conduct a surveillance of a tobacco product under paragraph (1) shall, within 30 days after receiving notice that the applicant is required to conduct such surveillance, submit, for the approval of the Secretary, a protocol for the required surveillance. The Secretary, within 60 days of the receipt of such protocol, shall determine if the principal investigator proposed to be used in the surveillance has sufficient qualifications and experience to conduct such surveillance and if such protocol will result in collection of the data or other information designated by the Secretary as necessary to protect the public health.

''(j) WITHDRAWAL OF APPROVAL.—The Secretary, after an opportunity for an informal hearing, shall withdraw the approval of an application under this section if the Secretary determines that—

''(1) the applicant, based on new information, can no longer make the demonstrations required under subsection (g), or the Secretary can no longer make the determinations required under subsection (g);

''(2) the application failed to include material information or included any untrue statement of material fact;

''(3) any explicit or implicit representation that the product reduces risk or exposure is no longer valid, including if—

''(A) a tobacco product standard is established pursuant to section 907;

''(B) an action is taken that affects the risks presented by other commercially marketed tobacco products that were compared to the product that is the subject of the application; or

''(C) any postmarket surveillance or studies reveal that the approval of the application is no longer consistent with the protection of the public health;

''(4) the applicant failed to conduct or submit the postmarket surveillance and studies required under subsection (g)(2)(C)(ii) or (i); or

''(5) the applicant failed to meet a condition imposed under subsection (h).

''(k) CHAPTER IV OR V.—A product approved in accordance with this section shall not be subject to chapter IV or V.

''(l) IMPLEMENTING REGULATIONS OR GUIDANCE.—

''(1) SCIENTIFIC EVIDENCE.—Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations or guidance (or any combination thereof) on the scientific evidence required for assessment and ongoing review of modified risk tobacco products. Such regulations or guidance shall—

''(A) establish minimum standards for scientific studies needed prior to approval to show that a substantial reduction in morbidity or mortality among individual tobacco users is likely;

''(B) include validated biomarkers, intermediate clinical endpoints, and other feasible outcome measures, as appropriate;

''(C) establish minimum standards for post market studies, that shall include regular and long-term assessments of health outcomes and mortality, intermediate clinical endpoints, consumer perception of harm reduction, and the impact on quitting behavior and new use of tobacco products, as appropriate;

''(D) establish minimum standards for required postmarket surveillance, including ongoing assessments of consumer perception; and

''(E) require that data from the required studies and surveillance be made available to the Secretary prior to the decision on renewal of a modified risk tobacco product.

''(2) CONSULTATION.—The regulations or guidance issued under paragraph (1) shall be developed in consultation with the Institute of Medicine, and with the input of other appropriate scientific and medical experts, on the design and conduct of such studies and surveillance.

''(3) REVISION.—The regulations or guidance under paragraph (1) shall be revised on

a regular basis as new scientific information becomes available.

''(4) NEW TOBACCO PRODUCTS.—Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue a regulation or guidance that permits the filing of a single application for any tobacco product that is a new tobacco product under section 910 and for which the applicant seeks approval as a modified risk tobacco product under this section.

''(m) DISTRIBUTORS.—No distributor may take any action, after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, with respect to a tobacco product that would reasonably be expected to result in consumers believing that the tobacco product or its smoke may present a lower risk of disease or is less harmful than one or more commercially marketed tobacco products, or presents a reduced exposure to, or does not contain or is free of, a substance or substances.

''SEC. 912. JUDICIAL REVIEW.

''(a) RIGHT TO REVIEW.—

''(1) IN GENERAL.—Not later than 30 days after—

''(A) the promulgation of a regulation under section 907 establishing, amending, or revoking a tobacco product standard; or

''(B) a denial of an application for approval under section 910(c),

any person adversely affected by such regulation or denial may file a petition for judicial review of such regulation or denial with the United States Court of Appeals for the District of Columbia or for the circuit in which such person resides or has their principal place of business.

''(2) REQUIREMENTS.—

''(A) COPY OF PETITION.—A copy of the petition filed under paragraph (1) shall be transmitted by the clerk of the court involved to the Secretary.

''(B) RECORD OF PROCEEDINGS.—On receipt of a petition under subparagraph (A), the Secretary shall file in the court in which such petition was filed—

''(i) the record of the proceedings on which the regulation or order was based; and

''(ii) a statement of the reasons for the issuance of such a regulation or order.

''(C) DEFINITION OF RECORD.—In this section, the term 'record' means—

''(i) all notices and other matter published in the Federal Register with respect to the regulation or order reviewed;

''(ii) all information submitted to the Secretary with respect to such regulation or order;

''(iii) proceedings of any panel or advisory committee with respect to such regulation or order;

''(iv) any hearing held with respect to such regulation or order; and

''(v) any other information identified by the Secretary, in the administrative proceeding held with respect to such regulation or order, as being relevant to such regulation or order.

''(b) STANDARD OF REVIEW.—Upon the filing of the petition under subsection (a) for judicial review of a regulation or order, the court shall have jurisdiction to review the regulation or order in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief, including interim relief, as provided for in such chapter. A regulation or denial described in subsection (a) shall be reviewed in accordance with section 706(2)(A) of title 5, United States Code.

''(c) FINALITY OF JUDGMENT.—The judgment of the court affirming or setting aside, in whole or in part, any regulation or order shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

''(d) OTHER REMEDIES.—The remedies provided for in this section shall be in addition to, and not in lieu of, any other remedies provided by law.

''(e) REGULATIONS AND ORDERS MUST RECITE BASIS IN RECORD.—To facilitate judicial review, a regulation or order issued under section 906, 907, 908, 909, 910, or 916 shall contain a statement of the reasons for the issuance of such regulation or order in the record of the proceedings held in connection with its issuance.

''SEC. 913. EQUAL TREATMENT OF RETAIL OUTLETS.

''The Secretary shall issue regulations to require that retail establishments for which the predominant business is the sale of tobacco products comply with any advertising restrictions applicable to retail establishments accessible to individuals under the age of 18.

''SEC. 914. JURISDICTION OF AND COORDINATION WITH THE FEDERAL TRADE COMMISSION.

''(a) JURISDICTION.—

''(1) IN GENERAL.—Except where expressly provided in this chapter, nothing in this chapter shall be construed as limiting or diminishing the authority of the Federal Trade Commission to enforce the laws under its jurisdiction with respect to the advertising, sale, or distribution of tobacco products.

''(2) ENFORCEMENT.—Any advertising that violates this chapter or a provision of the regulations referred to in section 102 of the Family Smoking Prevention and Tobacco Control Act, is an unfair or deceptive act or practice under section 5(a) of the Federal Trade Commission Act and shall be considered a violation of a rule promulgated under section 18 of that Act.

''(b) COORDINATION.—With respect to the requirements of section 4 of the Federal Cigarette Labeling and Advertising Act and section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986—

''(1) the Chairman of the Federal Trade Commission shall coordinate with the Secretary concerning the enforcement of such Act as such enforcement relates to unfair or deceptive acts or practices in the advertising of cigarettes or smokeless tobacco; and

''(2) the Secretary shall consult with the Chairman of such Commission in revising the label statements and requirements under such sections.

''SEC. 915. CONGRESSIONAL REVIEW PROVISIONS.

''In accordance with section 801 of title 5, United States Code, Congress shall review, and may disapprove, any rule under this chapter that is subject to section 801. This section and section 801 do not apply to the final rule referred to in paragraphs (1) and (2) of section 102(a) of the Family Smoking Prevention and Tobacco Control Act.

''SEC. 916. REGULATION REQUIREMENT.

''(a) TESTING, REPORTING, AND DISCLOSURE.—Not later than 24 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary, acting through the Commissioner of Food and Drugs, shall promulgate regulations under this Act that meet the requirements of subsection (b).

''(b) CONTENTS OF RULES.—The regulations promulgated under subsection (a) shall require testing and reporting of tobacco product constituents, ingredients, and additives, including smoke constituents, by brand and sub-brand that the Secretary determines should be tested to protect the public health. The regulations may require that tobacco product manufacturers, packagers, or importers make disclosures relating to the results of the testing of tar and nicotine through labels or advertising or other appropriate means, and make disclosures regarding the results of the testing of other constituents, including smoke constituents, ingredients, or additives, that the Secretary determines should be disclosed to the public to protect the public health and will not mislead consumers about the risk of tobacco related disease.

''(c) AUTHORITY.—The Food and Drug Administration shall have the authority under this chapter to conduct or to require the testing, reporting, or disclosure of tobacco product constituents, including smoke constituents.

''SEC. 917. PRESERVATION OF STATE AND LOCAL AUTHORITY.

''(a) IN GENERAL.—

''(1) PRESERVATION.—Except as provided in paragraph (2)(A), nothing in this chapter, or rules promulgated under this chapter, shall be construed to limit the authority of a Federal agency (including the Armed Forces), a State or political subdivision of a State, or the government of an Indian tribe to enact, adopt, promulgate, and enforce any law, rule, regulation, or other measure with respect to tobacco products that is in addition to, or more stringent than, requirements established under this chapter, including a law, rule, regulation, or other measure relating to or prohibiting the sale, distribution, possession, exposure to, access to, advertising and promotion of, or use of tobacco products by individuals of any age, information reporting to the State, or measures relating to fire safety standards for tobacco products. No provision of this chapter shall limit or otherwise affect any State, Tribal, or local taxation of tobacco products.

''(2) PREEMPTION OF CERTAIN STATE AND LOCAL REQUIREMENTS.—

''(A) IN GENERAL.—No State or political subdivision of a State may establish or continue in effect with respect to a tobacco product any requirement which is different from, or in addition to, any requirement under the provisions of this chapter relating to tobacco product standards, premarket approval, adulteration, misbranding, labeling, registration, good manufacturing standards, or modified risk tobacco products.

''(B) EXCEPTION.—Subparagraph (A) does not apply to requirements relating to the sale, distribution, possession, information reporting to the State, exposure to, access to, the advertising and promotion of, or use of, tobacco products by individuals of any age, or relating to fire safety standards for tobacco products. Information disclosed to a State under subparagraph (A) that is exempt from disclosure under section 552(b)(4) of title 5, United States Code, shall be treated as a trade secret and confidential information by the State.

''(b) RULE OF CONSTRUCTION REGARDING PRODUCT LIABILITY.—No provision of this chapter relating to a tobacco product shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

''SEC. 918. TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish an 11-member advisory committee, to be known as the 'Tobacco Products Scientific Advisory Committee' (in this section referred to as the 'Advisory Committee').

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—

''(A) MEMBERS.—The Secretary shall appoint as members of the Tobacco Products Scientific Advisory Committee individuals who are technically qualified by training and

experience in the medicine, medical ethics, science, or technology involving the manufacture, evaluation, or use of tobacco products, who are of appropriately diversified professional backgrounds. The committee shall be composed of—

''(i) 7 individuals who are physicians, dentists, scientists, or health care professionals practicing in the area of oncology, pulmonology, cardiology, toxicology, pharmacology, addiction, or any other relevant specialty;

''(ii) 1 individual who is an officer or employee of a State or local government or of the Federal Government;

''(iii) 1 individual as a representative of the general public;

''(iv) 1 individual as a representative of the interests in the tobacco manufacturing industry; and

''(v) 1 individual as a representative of the interests of the tobacco growers.

''(B) NONVOTING MEMBERS.—The members of the committee appointed under clauses (iv) and (v) of subparagraph (A) shall serve as consultants to those described in clauses (i) through (iii) of subparagraph (A) and shall be nonvoting representatives.

''(2) LIMITATION.—The Secretary may not appoint to the Advisory Committee any individual who is in the regular full-time employ of the Food and Drug Administration or any agency responsible for the enforcement of this Act. The Secretary may appoint Federal officials as ex officio members.

''(3) CHAIRPERSON.—The Secretary shall designate 1 of the members of the Advisory Committee to serve as chairperson.

''(c) DUTIES.—The Tobacco Products Scientific Advisory Committee shall provide advice, information, and recommendations to the Secretary—

''(1) as provided in this chapter;

''(2) on the effects of the alteration of the nicotine yields from tobacco products;

''(3) on whether there is a threshold level below which nicotine yields do not produce dependence on the tobacco product involved; and

''(4) on its review of other safety, dependence, or health issues relating to tobacco products as requested by the Secretary.

''(d) COMPENSATION; SUPPORT; FACA.—

''(1) COMPENSATION AND TRAVEL.—Members of the Advisory Committee who are not officers or employees of the United States, while attending conferences or meetings of the committee or otherwise engaged in its business, shall be entitled to receive compensation at rates to be fixed by the Secretary, which may not exceed the daily equivalent of the rate in effect under the Senior Executive Schedule under section 5382 of title 5, United States Code, for each day (including travel time) they are so engaged; and while so serving away from their homes or regular places of business each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

''(2) ADMINISTRATIVE SUPPORT.—The Secretary shall furnish the Advisory Committee clerical and other assistance.

''(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act does not apply to the Advisory Committee.

''(e) PROCEEDINGS OF ADVISORY PANELS AND COMMITTEES.—The Advisory Committee shall make and maintain a transcript of any proceeding of the panel or committee. Each such panel and committee shall delete from any transcript made under this subsection information which is exempt from disclosure under section 552(b) of title 5, United States Code.

''SEC. 919. DRUG PRODUCTS USED TO TREAT TOBACCO DEPENDENCE.

''The Secretary shall—

''(1) at the request of the applicant, consider designating nicotine replacement products as fast track research and approval products within the meaning of section 506;

''(2) consider approving the extended use of nicotine replacement products (such as nicotine patches, nicotine gum, and nicotine lozenges) for the treatment of tobacco dependence; and

''(3) review and consider the evidence for additional indications for nicotine replacement products, such as for craving relief or relapse prevention.

''SEC. 920. USER FEE.

''(a) ESTABLISHMENT OF QUARTERLY USER FEE.—The Secretary shall assess a quarterly user fee with respect to every quarter of each fiscal year commencing fiscal year 2008, calculated in accordance with this section, upon each manufacturer and importer of tobacco products subject to this chapter.

''(b) FUNDING OF FDA REGULATION OF TOBACCO PRODUCTS.—The Secretary shall make user fees collected pursuant to this section available to pay, in each fiscal year, for the costs of the activities of the Food and Drug Administration related to the regulation of tobacco products under this chapter.

''(c) ASSESSMENT OF USER FEE.—

''(1) AMOUNT OF ASSESSMENT.—Except as provided in paragraph (4), the total user fees assessed each year pursuant to this section shall be sufficient, and shall not exceed what is necessary, to pay for the costs of the activities described in subsection (b) for each fiscal year.

''(2) ALLOCATION OF ASSESSMENT BY CLASS OF TOBACCO PRODUCTS.—

''(A) IN GENERAL.—Subject to paragraph (3), the total user fees assessed each fiscal year with respect to each class of importers and manufacturers shall be equal to an amount that is the applicable percentage of the total costs of activities of the Food and Drug Administration described in subsection (b).

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage for a fiscal year shall be the following:

''(i) 92.07 percent shall be assessed on manufacturers and importers of cigarettes;

''(ii) 0.05 percent shall be assessed on manufacturers and importers of little cigars;

''(iii) 7.15 percent shall be assessed on manufacturers and importers of cigars other than little cigars;

''(iv) 0.43 percent shall be assessed on manufacturers and importers of snuff;

''(v) 0.10 percent shall be assessed on manufacturers and importers of chewing tobacco;

''(vi) 0.06 percent shall be assessed on manufacturers and importers of pipe tobacco; and

''(vii) 0.14 percent shall be assessed on manufacturers and importers of roll-your-own tobacco.

''(3) DISTRIBUTION OF FEE SHARES OF MANUFACTURERS AND IMPORTERS EXEMPT FROM USER FEE.—Where a class of tobacco products is not subject to a user fee under this section, the portion of the user fee assigned to such class under paragraph (2) shall be allocated by the Secretary on a pro rata basis among the classes of tobacco products that are subject to a user fee under this section. Such pro rata allocation for each class of tobacco products that is subject to a user fee under this section shall be the quotient of—

''(A) the percentage assigned to such class under paragraph (2); divided by

''(B) the sum of the percentages assigned to all classes of tobacco products subject to this section.

''(4) ANNUAL LIMIT ON ASSESSMENT.—The total assessment under this section—

''(A) for fiscal year 2008 shall be $85,000,000;

''(B) for fiscal year 2009 shall be $175,000,000;

''(C) for fiscal year 2010 shall be $300,000,000; and

''(D) for each subsequent fiscal year, shall not exceed the limit on the assessment imposed during the previous fiscal year, as adjusted by the Secretary (after notice, published in the Federal Register) to reflect the greater of—

''(i) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average) for the 12-month period ending on June 30 preceding the fiscal year for which fees are being established; or

''(ii) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia.

''(5) TIMING OF USER FEE ASSESSMENT.—The Secretary shall notify each manufacturer and importer of tobacco products subject to this section of the amount of the quarterly assessment imposed on such manufacturer or importer under subsection (f) during each quarter of each fiscal year. Such notifications shall occur not earlier than 3 months prior to the end of the quarter for which such assessment is made, and payments of all assessments shall be made not later than 60 days after each such notification.

''(d) DETERMINATION OF USER FEE BY COMPANY MARKET SHARE.—

''(1) IN GENERAL.—The user fee to be paid by each manufacturer or importer of a given class of tobacco products shall be determined in each quarter by multiplying—

''(A) such manufacturer's or importer's market share of such class of tobacco products; by

''(B) the portion of the user fee amount for the current quarter to be assessed on manufacturers and importers of such class of tobacco products as determined under subsection (e).

''(2) NO FEE IN EXCESS OF MARKET SHARE.—No manufacturer or importer of tobacco products shall be required to pay a user fee in excess of the market share of such manufacturer or importer.

''(e) DETERMINATION OF VOLUME OF DOMESTIC SALES.—

''(1) IN GENERAL.—The calculation of gross domestic volume of a class of tobacco product by a manufacturer or importer, and by all manufacturers and importers as a group, shall be made by the Secretary using information provided by manufacturers and importers pursuant to subsection (f), as well as any other relevant information provided to or obtained by the Secretary.

''(2) MEASUREMENT.—For purposes of the calculations under this subsection and the information provided under subsection (f) by the Secretary, gross domestic volume shall be measured by—

''(A) in the case of cigarettes, the number of cigarettes sold;

''(B) in the case of little cigars, the number of little cigars sold;

''(C) in the case of large cigars, the number of cigars weighing more than 3 pounds per thousand sold; and

''(D) in the case of other classes of tobacco products, in terms of number of pounds, or fraction thereof, of these products sold.

''(f) MEASUREMENT OF GROSS DOMESTIC VOLUME.—

''(1) IN GENERAL.—Each tobacco product manufacturer and importer shall submit to the Secretary a certified copy of each of the

returns or forms described by this paragraph that are required to be filed with a Government agency on the same date that those returns or forms are required to be filed with such agency. The returns and forms described by this paragraph are those returns and forms related to the removal, as defined by section 5702(j) of the Internal Revenue Code of 1986, of tobacco products into domestic commerce or the payment of the taxes imposed under chapter 52 of such Code.

''(2) PENALTIES.—Any person that knowingly fails to provide information required under this subsection or that provides false information under this subsection shall be subject to the penalties described in section 1001 of title 18, United States Code. In addition, such person may be subject to a civil penalty in an amount not to exceed 2 percent of the value of the kind of tobacco products manufactured or imported by such person during the applicable quarter, as determined by the Secretary.

''(h) EFFECTIVE DATE.—The user fees prescribed by this section shall be assessed in fiscal year 2008, based on domestic sales of tobacco products during fiscal year 2007 and shall be assessed in each fiscal year thereafter.''.

SEC. 102. FINAL RULE.

(a) CIGARETTES AND SMOKELESS TOBACCO.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register a final rule regarding cigarettes and smokeless tobacco, which is hereby deemed to be in compliance with the Administrative Procedures Act and other applicable law.

(2) CONTENTS OF RULE.—Except as provided in this subsection, the final rule published under paragraph (1), shall be identical in its provisions to part 897 of the regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (61 Fed. Reg., 44615–44618). Such rule shall—

(A) provide for the designation of jurisdictional authority that is in accordance with this subsection;

(B) strike Subpart C—Labels and section 897.32(c); and

(C) become effective not later than 1 year after the date of enactment of this Act.

(3) AMENDMENTS TO RULE.—Prior to making amendments to the rule published under paragraph (1), the Secretary shall promulgate a proposed rule in accordance with the Administrative Procedures Act.

(4) RULE OF CONSTRUCTION.—Except as provided in paragraph (3), nothing in this section shall be construed to limit the authority of the Secretary to amend, in accordance with the Administrative Procedures Act, the regulation promulgated pursuant to this section.

(b) LIMITATION ON ADVISORY OPINIONS.—As of the date of enactment of this Act, the following documents issued by the Food and Drug Administration shall not constitute advisory opinions under section 10.85(d)(1) of title 21, Code of Federal Regulations, except as they apply to tobacco products, and shall not be cited by the Secretary of Health and Human Services or the Food and Drug Administration as binding precedent:

(1) The preamble to the proposed rule in the document entitled ''Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco Products to Protect Children and Adolescents'' (60 Fed. Reg. 41314–41372 (August 11, 1995)).

(2) The document entitled ''Nicotine in Cigarettes and Smokeless Tobacco Products is a Drug and These Products Are Nicotine Delivery Devices Under the Federal Food, Drug, and Cosmetic Act'' (60 Fed. Reg. 41453–41787 (August 11, 1995)).

(3) The preamble to the final rule in the document entitled ''Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents'' (61 Fed. Reg. 44396–44615 (August 28, 1996)).

(4) The document entitled ''Nicotine in Cigarettes and Smokeless Tobacco is a Drug and These Products are Nicotine Delivery Devices Under the Federal Food, Drug, and Cosmetic Act; Jurisdictional Determination'' (61 Fed. Reg. 44619–45318 (August 28, 1996)).

SEC. 103. CONFORMING AND OTHER AMENDMENTS TO GENERAL PROVISIONS.

(a) AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Except as otherwise expressly provided, whenever in this section an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference is to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) SECTION 301.—Section 301 (21 U.S.C. 331) is amended—

(1) in subsection (a), by inserting ''tobacco product,'' after ''device,'';

(2) in subsection (b), by inserting ''tobacco product,'' after ''device,'';

(3) in subsection (c), by inserting ''tobacco product,'' after ''device,'';

(4) in subsection (e) (as amended by sections 2(c) and 3(b) of the Dietary Supplement and Nonprescription Drug Consumer Protection Act (Public Law 109–462; 120 Stat. 3472)), by inserting '', or 909'' before ''or the refusal to permit access to'';

(5) in subsection (g), by inserting ''tobacco product,'' after ''device,'';

(6) in subsection (h), by inserting ''tobacco product,'' after ''device,'';

(7) in subsection (j), by striking ''708, or 721'' and inserting ''708, 721, 904, 905, 906, 907, 908, 909, or section 921(b)'';

(8) in subsection (k), by inserting ''tobacco product,'' after ''device,'';

(9) by striking subsection (p) and inserting the following:

''(p) The failure to register in accordance with section 510 or 905, the failure to provide any information required by section 510(j), 510(k), 905(i), or 905(j), or the failure to provide a notice required by section 510(j)(2) or 905(i)(2).'';

(10) by striking subsection (q)(1) and inserting the following:

''(q)(1) The failure or refusal—

''(A) to comply with any requirement prescribed under section 518, 520(g), 903(b), or 908;

''(B) to furnish any notification or other material or information required by or under section 519, 520(g), 904, 909, or section 921; or

''(C) to comply with a requirement under section 522 or 913.'';

(11) in subsection (q)(2), by striking ''device,'' and inserting ''device or tobacco product,'';

(12) in subsection (r), by inserting ''or tobacco product'' after the term ''device'' each time that such term appears; and

(13) by adding at the end (as amended by section 4(a) of the Dietary Supplement and Nonprescription Drug Consumer Protection Act (Public Law 109–462; 120 Stat. 3475)) the following:

''(jj) The sale of tobacco products in violation of a no-tobacco-sale order issued under section 303(f).

''(kk) The introduction or delivery for introduction into interstate commerce of a tobacco product in violation of section 911.

''(ll)(1) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp (including tax stamp), tag, label, or other identification device upon any tobacco product or container or labeling thereof so as to render such tobacco product a counterfeit tobacco product.

''(2) Making, selling, disposing of, or keeping in possession, control, or custody, or concealing any punch, die, plate, stone, or other item that is designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any tobacco product or container or labeling thereof so as to render such tobacco product a counterfeit tobacco product.

''(3) The doing of any act that causes a tobacco product to be a counterfeit tobacco product, or the sale or dispensing, or the holding for sale or dispensing, of a counterfeit tobacco product.

''(mm) The charitable distribution of tobacco products.

''(nn) The failure of a manufacturer or distributor to notify the Attorney General of their knowledge of tobacco products used in illicit trade.''.

(c) SECTION 303.—Section 303 (21 U.S.C. 333(f)) is amended by redesignating the subsection that follows subsection (e) as subsection (f) and in subsection (f) (as so redesignated)—

(1) in paragraph (1)(A), by inserting ''or tobacco products'' after ''devices'';

(2) in paragraph (2)(C), by striking ''paragraph (3)(A)'' and inserting ''paragraph (4)(A)'';

(3) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), and inserting after paragraph (2) the following:

''(3) If the Secretary finds that a person has committed repeated violations of restrictions promulgated under section 906(d) at a particular retail outlet then the Secretary may impose a no-tobacco-sale order on that person prohibiting the sale of tobacco products in that outlet. A no-tobacco-sale order may be imposed with a civil penalty under paragraph (1).'';

(4) in paragraph (4) as so redesignated—

(A) in subparagraph (A)—

(i) by striking ''assessed'' the first time it appears and inserting ''assessed, or a no-tobacco-sale order may be imposed,''; and

(ii) by striking ''penalty'' and inserting ''penalty, or upon whom a no-tobacco-order is to be imposed,'';

(B) in subparagraph (B)—

(i) by inserting after ''penalty,'' the following: ''or the period to be covered by a no-tobacco-sale order,''; and

(ii) by adding at the end the following: ''A no-tobacco-sale order permanently prohibiting an individual retail outlet from selling tobacco products shall include provisions that allow the outlet, after a specified period of time, to request that the Secretary compromise, modify, or terminate the order.''; and

(C) by adding at the end the following:

''(D) The Secretary may compromise, modify, or terminate, with or without conditions, any no-tobacco-sale order.'';

(5) in paragraph (5) as so redesignated—

(A) by striking ''(3)(A)'' as redesignated, and inserting ''(4)(A)'';

(B) by inserting ''or the imposition of a no-tobacco-sale order'' after the term ''penalty'' the first 2 places such term appears; and

(C) by striking ''issued.'' and inserting ''issued, or on which the no-tobacco-sale order was imposed, as the case may be.''; and

(6) in paragraph (6), as so redesignated, by striking the term ''paragraph (4)'' each place such term appears and inserting ''paragraph (5)''.

(d) SECTION 304.—Section 304 (21 U.S.C. 334) is amended—

(1) in subsection (a)(2)—

(A) by striking ''and'' before ''(D)''; and

(B) by striking ''device.'' and inserting the following: ''device, and (E) Any adulterated or misbranded tobacco product.'';

(2) in subsection (d)(1), by inserting ''tobacco product,'' after ''device,'';

(3) in subsection (g)(1), by inserting ''or tobacco product'' after the term ''device'' each place such term appears; and

(4) in subsection (g)(2)(A), by inserting ''or tobacco product'' after the term ''device'' each place such term appears.

(e) SECTION 702.—Section 702(a) (21 U.S.C. 372(a)) is amended by adding at the end of paragraph (1) the following: ''For a tobacco product, to the extent feasible, the Secretary shall contract with the States in accordance with this paragraph to carry out inspections of retailers within that State in connection with the enforcement of this Act.''.

(f) SECTION 703.—Section 703 (21 U.S.C. 373) is amended—

(1) by inserting ''tobacco product,'' after the term ''device,'' each place such term appears; and

(2) by inserting ''tobacco products,'' after the term ''devices,'' each place such term appears.

(g) SECTION 704.—Section 704 (21 U.S.C. 374) is amended—

(1) in subsection (a)(1)(A), by inserting ''tobacco products,'' after the term ''devices,'' each place such term appears;

(2) in subsection (a)(1)(B), by inserting ''or tobacco product'' after the term ''restricted devices'' each place such term appears; and

(3) in subsection (b), by inserting ''tobacco product,'' after ''device,''.

(h) SECTION 705.—Section 705(b) (21 U.S.C. 375(b)) is amended by inserting ''tobacco products,'' after ''devices,''.

(i) SECTION 709.—Section 709 (21 U.S.C. 379) is amended by inserting ''tobacco product,'' after ''device,''.

(j) SECTION 801.—Section 801 (21 U.S.C. 381) is amended—

(1) in subsection (a)—

(A) by inserting ''tobacco products,'' after the term ''devices,'' the first time such term appears;

(B) by inserting ''or section 905(j)'' after ''section 510''; and

(C) by striking the term ''drugs or devices'' each time such term appears and inserting ''drugs, devices, or tobacco products'';

(2) in subsection (e)(1), by inserting ''tobacco product,'' after ''device,''; and

(3) by adding at the end the following:

''(p)(1) Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report regarding—

''(A) the nature, extent, and destination of United States tobacco product exports that do not conform to tobacco product standards established pursuant to this Act;

''(B) the public health implications of such exports, including any evidence of a negative public health impact; and

''(C) recommendations or assessments of policy alternatives available to Congress and the Executive Branch to reduce any negative public health impact caused by such exports.

''(2) The Secretary is authorized to establish appropriate information disclosure requirements to carry out this subsection.''.

(k) SECTION 1003.—Section 1003(d)(2)(C) (as redesignated by section 101(b)) is amended—

(1) by striking ''and'' after ''cosmetics,''; and

(2) inserting '', and tobacco products'' after ''devices''.

(l) GUIDANCE AND EFFECTIVE DATES.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall issue guidance—

(A) defining the term ''repeated violation'', as used in section 303(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)) as amended by subsection (c), by identifying the number of violations of particular requirements over a specified period of time at a particular retail outlet that constitute a repeated violation;

(B) providing for timely and effective notice to the retailer of each alleged violation at a particular retail outlet;

(C) providing for an expedited procedure for the administrative appeal of an alleged violation;

(D) providing that a person may not be charged with a violation at a particular retail outlet unless the Secretary has provided notice to the retailer of all previous violations at that outlet;

(E) establishing a period of time during which, if there are no violations by a particular retail outlet, that outlet will not be considered to have been the site of repeated violations when the next violation occurs; and

(F) providing that good faith reliance on the presentation of a false government issued photographic identification that contains a date of birth does not constitute a violation of any minimum age requirement for the sale of tobacco products if the retailer has taken effective steps to prevent such violations, including—

(i) adopting and enforcing a written policy against sales to minors;

(ii) informing its employees of all applicable laws;

(iii) establishing disciplinary sanctions for employee noncompliance; and

(iv) requiring its employees to verify age by way of photographic identification or electronic scanning device.

(2) GENERAL EFFECTIVE DATE.—The amendments made by subsection (c), other than the amendment made by paragraph (2) of such subsection, shall take effect upon the issuance of guidance described in paragraph (1).

(3) SPECIAL EFFECTIVE DATE.—The amendments made by paragraph (2) of subsection (c) shall take effect on the date of enactment of this Act.

TITLE II—TOBACCO PRODUCT WARNINGS; CONSTITUENT AND SMOKE CONSTITUENT DISCLOSURE

SEC. 201. CIGARETTE LABEL AND ADVERTISING WARNINGS.

Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) is amended to read as follows:

''SEC. 4. LABELING.

''(a) LABEL REQUIREMENTS.—

''(1) IN GENERAL.—It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any cigarettes the package of which fails to bear, in accordance with the requirements of this section, one of the following labels:

''WARNING: Cigarettes are addictive'.

''WARNING: Tobacco smoke can harm your children'.

''WARNING: Cigarettes cause fatal lung disease'.

''WARNING: Cigarettes cause cancer'.

''WARNING: Cigarettes cause strokes and heart disease'.

''WARNING: Smoking during pregnancy can harm your baby'.

''WARNING: Smoking can kill you'.

''WARNING: Tobacco smoke causes fatal lung disease in non-smokers'.

''WARNING: Quitting smoking now greatly reduces serious risks to your health'.

''(2) PLACEMENT; TYPOGRAPHY; ETC.—

''(A) IN GENERAL.—Each label statement required by paragraph (1) shall be located in the upper portion of the front and rear panels of the package, directly on the package underneath the cellophane or other clear wrapping. Except as provided in subparagraph (B), each label statement shall comprise at least the top 30 percent of the front and rear panels of the package. The word 'WARNING' shall appear in capital letters and all text shall be in conspicuous and legible 17-point type, unless the text of the label statement would occupy more than 70 percent of such area, in which case the text may be in a smaller conspicuous and legible type size, provided that at least 60 percent of such area is occupied by required text. The text shall be black on a white background, or white on a black background, in a manner that contrasts, by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (b)(4).

''(B) HINGED LID BOXES.—For any cigarette brand package manufactured or distributed before January 1, 2000, which employs a hinged lid style (if such packaging was used for that brand in commerce prior to June 21, 1997), the label statement required by paragraph (1) shall be located on the hinged lid area of the package, even if such area is less than 25 percent of the area of the front panel. Except as provided in this paragraph, the provisions of this subsection shall apply to such packages.

''(3) DOES NOT APPLY TO FOREIGN DISTRIBUTION.—The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of cigarettes which does not manufacture, package, or import cigarettes for sale or distribution within the United States.

''(4) APPLICABILITY TO RETAILERS.—A retailer of cigarettes shall not be in violation of this subsection for packaging that is supplied to the retailer by a tobacco product manufacturer, importer, or distributor and is not altered by the retailer in a way that is material to the requirements of this subsection except that this paragraph shall not relieve a retailer of liability if the retailer sells or distributes tobacco products that are not labeled in accordance with this subsection.

''(b) ADVERTISING REQUIREMENTS.—

''(1) IN GENERAL.—It shall be unlawful for any tobacco product manufacturer, importer, distributor, or retailer of cigarettes to advertise or cause to be advertised within the United States any cigarette unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a) of this section.

''(2) TYPOGRAPHY, ETC.—Each label statement required by subsection (a) of this section in cigarette advertising shall comply with the standards set forth in this paragraph. For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent (including a smoke constituent) yield shall comprise at least 20 percent of the area of the advertisement and shall appear in a conspicuous and prominent format and location at the top of each advertisement within the trim area. The Secretary may revise the required type sizes in such area in such manner as the Secretary determines appropriate. The word 'WARNING' shall appear in capital letters, and each label statement shall appear in conspicuous and legible type. The text of the label statement shall be black if the background is white and white if the background is black, under the plan submitted under paragraph (4) of this subsection. The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is the width of the first downstroke of the capital 'W' of the word

'WARNING' in the label statements. The text of such label statements shall be in a typeface pro rata to the following requirements: 45-point type for a whole-page broadsheet newspaper advertisement; 39-point type for a half-page broadsheet newspaper advertisement; 39-point type for a whole-page tabloid newspaper advertisement; 27-point type for a half-page tabloid newspaper advertisement; 31.5-point type for a double page spread magazine or whole-page magazine advertisement; 22.5-point type for a 28 centimeter by 3 column advertisement; and 15-point type for a 20 centimeter by 2 column advertisement. The label statements shall be in English, except that in the case of—

''(A) an advertisement that appears in a newspaper, magazine, periodical, or other publication that is not in English, the statements shall appear in the predominant language of the publication; and

''(B) in the case of any other advertisement that is not in English, the statements shall appear in the same language as that principally used in the advertisement.

''(3) MATCHBOOKS.—Notwithstanding paragraph (2), for matchbooks (defined as containing not more than 20 matches) customarily given away with the purchase of tobacco products, each label statement required by subsection (a) may be printed on the inside cover of the matchbook.

''(4) ADJUSTMENT BY SECRETARY.—The Secretary may, through a rulemaking under section 553 of title 5, United States Code, adjust the format and type sizes for the label statements required by this section or the text, format, and type sizes of any required tar, nicotine yield, or other constituent (including smoke constituent) disclosures, or to establish the text, format, and type sizes for any other disclosures required under the Federal Food, Drug, and Cosmetic Act. The text of any such label statements or disclosures shall be required to appear only within the 20 percent area of cigarette advertisements provided by paragraph (2) of this subsection. The Secretary shall promulgate regulations which provide for adjustments in the format and type sizes of any text required to appear in such area to ensure that the total text required to appear by law will fit within such area.

''(c) MARKETING REQUIREMENTS.—

''(1) RANDOM DISPLAY.—The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

''(2) ROTATION.—The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of cigarettes in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

''(3) REVIEW.—The Secretary shall review each plan submitted under paragraph (2) and approve it if the plan—

''(A) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

''(B) assures that all of the labels required under this section will be displayed by the tobacco product manufacturer, importer, distributor, or retailer at the same time.

''(4) APPLICABILITY TO RETAILERS.—This subsection and subsection (b) apply to a retailer only if that retailer is responsible for or directs the label statements required under this section except that this paragraph shall not relieve a retailer of liability if the retailer displays, in a location open to the public, an advertisement that is not labeled in accordance with the requirements of this subsection and subsection (b).''.

SEC. 202. AUTHORITY TO REVISE CIGARETTE WARNING LABEL STATEMENTS.

Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by section 201, is further amended by adding at the end the following:

''(d) CHANGE IN REQUIRED STATEMENTS.—The Secretary may, by a rulemaking conducted under section 553 of title 5, United States Code, adjust the format, type size, and text of any of the label requirements, require color graphics to accompany the text, increase the required label area from 30 percent up to 50 percent of the front and rear panels of the package, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act, if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of tobacco products.''.

SEC. 203. STATE REGULATION OF CIGARETTE ADVERTISING AND PROMOTION.

Section 5 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1334) is amended by adding at the end the following:

''(c) EXCEPTION.—Notwithstanding subsection (b), a State or locality may enact statutes and promulgate regulations, based on smoking and health, that take effect after the effective date of the Family Smoking Prevention and Tobacco Control Act, imposing specific bans or restrictions on the time, place, and manner, but not content, of the advertising or promotion of any cigarettes.''.

SEC. 204. SMOKELESS TOBACCO LABELS AND ADVERTISING WARNINGS.

Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402) is amended to read as follows:

''SEC. 3. SMOKELESS TOBACCO WARNING.

''(a) GENERAL RULE.—

''(1) It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any smokeless tobacco product unless the product package bears, in accordance with the requirements of this Act, one of the following labels:

''WARNING: This product can cause mouth cancer'.

''WARNING: This product can cause gum disease and tooth loss'.

''WARNING: This product is not a safe alternative to cigarettes'.

''WARNING: Smokeless tobacco is addictive'.

''(2) Each label statement required by paragraph (1) shall be—

''(A) located on the 2 principal display panels of the package, and each label statement shall comprise at least 30 percent of each such display panel; and

''(B) in 17-point conspicuous and legible type and in black text on a white background, or white text on a black background, in a manner that contrasts by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (b)(3), except that if the text of a label statement would occupy more than 70 percent of the area specified by subparagraph (A), such text may appear in a smaller type size, so long as at least 60 percent of such warning area is occupied by the label statement.

''(3) The label statements required by paragraph (1) shall be introduced by each tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products concurrently into the distribution chain of such products.

''(4) The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of any smokeless tobacco product that does not manufacture, package, or import smokeless tobacco products for sale or distribution within the United States.

''(5) A retailer of smokeless tobacco products shall not be in violation of this subsection for packaging that is supplied to the retailer by a tobacco products manufacturer, importer, or distributor and that is not altered by the retailer unless the retailer offers for sale, sells, or distributes a smokeless tobacco product that is not labeled in accordance with this subsection.

''(b) REQUIRED LABELS.—

''(1) It shall be unlawful for any tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products to advertise or cause to be advertised within the United States any smokeless tobacco product unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a).

''(2) Each label statement required by subsection (a) in smokeless tobacco advertising shall comply with the standards set forth in this paragraph. For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent yield shall—

''(A) comprise at least 20 percent of the area of the advertisement, and the warning area shall be delineated by a dividing line of contrasting color from the advertisement; and

''(B) the word 'WARNING' shall appear in capital letters and each label statement shall appear in conspicuous and legible type. The text of the label statement shall be black on a white background, or white on a black background, in an alternating fashion under the plan submitted under paragraph (3).

''(3)(A) The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

''(B) The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of smokeless tobacco product in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

''(C) The Secretary shall review each plan submitted under subparagraph (B) and approve it if the plan—

''(i) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

''(ii) assures that all of the labels required under this section will be displayed by the tobacco product manufacturer, importer, distributor, or retailer at the same time.

''(D) This paragraph applies to a retailer only if that retailer is responsible for or directs the label statements under this section, unless the retailer displays in a location open to the public, an advertisement that is not labeled in accordance with the requirements of this subsection.

''(c) TELEVISION AND RADIO ADVERTISING.—It is unlawful to advertise smokeless tobacco

on any medium of electronic communications subject to the jurisdiction of the Federal Communications Commission.''.

SEC. 205. AUTHORITY TO REVISE SMOKELESS TOBACCO PRODUCT WARNING LABEL STATEMENTS.

Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as amended by section 204, is further amended by adding at the end the following:

''(d) AUTHORITY TO REVISE WARNING LABEL STATEMENTS.—The Secretary may, by a rulemaking conducted under section 553 of title 5, United States Code, adjust the format, type size, and text of any of the label requirements, require color graphics to accompany the text, increase the required label area from 30 percent up to 50 percent of the front and rear panels of the package, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act, if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of smokeless tobacco products.''.

SEC. 206. TAR, NICOTINE, AND OTHER SMOKE CONSTITUENT DISCLOSURE TO THE PUBLIC.

Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by sections 201 and 202, is further amended by adding at the end the following:

''(e) TAR, NICOTINE, AND OTHER SMOKE CONSTITUENT DISCLOSURE.—

''(1) IN GENERAL.—The Secretary shall, by a rulemaking conducted under section 553 of title 5, United States Code, determine (in the Secretary's sole discretion) whether cigarette and other tobacco product manufacturers shall be required to include in the area of each cigarette advertisement specified by subsection (b) of this section, or on the package label, or both, the tar and nicotine yields of the advertised or packaged brand. Any such disclosure shall be in accordance with the methodology established under such regulations, shall conform to the type size requirements of subsection (b) of this section, and shall appear within the area specified in subsection (b) of this section.

''(2) RESOLUTION OF DIFFERENCES.—Any differences between the requirements established by the Secretary under paragraph (1) and tar and nicotine yield reporting requirements established by the Federal Trade Commission shall be resolved by a memorandum of understanding between the Secretary and the Federal Trade Commission.

''(3) CIGARETTE AND OTHER TOBACCO PRODUCT CONSTITUENTS.—In addition to the disclosures required by paragraph (1), the Secretary may, under a rulemaking conducted under section 553 of title 5, United States Code, prescribe disclosure requirements regarding the level of any cigarette or other tobacco product constituent including any smoke constituent. Any such disclosure may be required if the Secretary determines that disclosure would be of benefit to the public health, or otherwise would increase consumer awareness of the health consequences of the use of tobacco products, except that no such prescribed disclosure shall be required on the face of any cigarette package or advertisement. Nothing in this section shall prohibit the Secretary from requiring such prescribed disclosure through a cigarette or other tobacco product package or advertisement insert, or by any other means under the Federal Food, Drug, and Cosmetic Act.

''(4) RETAILERS.—This subsection applies to a retailer only if that retailer is responsible for or directs the label statements required under this section, except that this subsection shall not relieve a retailer of liability if the retailer sells or distributes tobacco products that are not labeled in accordance with the requirements of subsection (a).''.

TITLE III—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS

SEC. 301. LABELING, RECORDKEEPING, RECORDS INSPECTION.

Chapter IX of the Federal Food, Drug, and Cosmetic Act, as added by section 101, is further amended by adding at the end the following:

''SEC. 921. LABELING, RECORDKEEPING, RECORDS INSPECTION.

''(a) ORIGIN LABELING.—The label, packaging, and shipping containers of tobacco products for introduction or delivery for introduction into interstate commerce in the United States shall bear the statement 'sale only allowed in the United States.'

''(b) REGULATIONS CONCERNING RECORDKEEPING FOR TRACKING AND TRACING.—

''(1) IN GENERAL.—Not later than 9 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall promulgate regulations regarding the establishment and maintenance of records by any person who manufactures, processes, transports, distributes, receives, packages, holds, exports, or imports tobacco products.

''(2) INSPECTION.—In promulgating the regulations described in paragraph (1), the Secretary shall consider which records are needed for inspection to monitor the movement of tobacco products from the point of manufacture through distribution to retail outlets to assist in investigating potential illicit trade, smuggling or counterfeiting of tobacco products.

''(3) CODES.—The Secretary may require codes on the labels of tobacco products or other designs or devices for the purpose of tracking or tracing the tobacco product through the distribution system.

''(4) SIZE OF BUSINESS.—The Secretary shall take into account the size of a business in promulgating regulations under this section.

''(5) RECORDKEEPING BY RETAILERS.—The Secretary shall not require any retailer to maintain records relating to individual purchasers of tobacco products for personal consumption.

''(c) RECORDS INSPECTION.—If the Secretary has a reasonable belief that a tobacco product is part of an illicit trade or smuggling or is a counterfeit product, each person who manufactures, processes, transports, distributes, receives, holds, packages, exports, or imports tobacco products shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, at reasonable times and within reasonable limits and in a reasonable manner, upon the presentation of appropriate credentials and a written notice to such person, to have access to and copy all records (including financial records) relating to such article that are needed to assist the Secretary in investigating potential illicit trade, smuggling or counterfeiting of tobacco products.

''(d) KNOWLEDGE OF ILLEGAL TRANSACTION.—

''(1) NOTIFICATION.—If the manufacturer or distributor of a tobacco product has knowledge which reasonably supports the conclusion that a tobacco product manufactured or distributed by such manufacturer or distributor that has left the control of such person may be or has been—

''(A) imported, exported, distributed or offered for sale in interstate commerce by a person without paying duties or taxes required by law; or

''(B) imported, exported, distributed or diverted for possible illicit marketing,

the manufacturer or distributor shall promptly notify the Attorney General of such knowledge.

''(2) KNOWLEDGE DEFINED.—For purposes of this subsection, the term 'knowledge' as applied to a manufacturer or distributor means—

''(A) the actual knowledge that the manufacturer or distributor had; or

''(B) the knowledge which a reasonable person would have had under like circumstances or which would have been obtained upon the exercise of due care.''.

SEC. 302. STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of cross-border trade in tobacco products to—

(1) collect data on cross-border trade in tobacco products, including illicit trade and trade of counterfeit tobacco products and make recommendations on the monitoring of such trade;

(2) collect data on cross-border advertising (any advertising intended to be broadcast, transmitted, or distributed from the United States to another country) of tobacco products and make recommendations on how to prevent or eliminate, and what technologies could help facilitate the elimination of, cross-border advertising.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study described in subsection (a).

By Mr. KENNEDY (for himself, Mr. BOND, Mr. AKAKA, Mr. LEAHY, Mr. MENENDEZ, Mr. CRAIG, and Mr. SHELBY):

S. 626 A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator BOND in introducing ''The Arthritis Prevention, Control and Cure Act.''

Our goal in this important initiative is to provide a strong federal response to arthritis. Early diagnosis, treatment, and appropriate management of arthritis can control its symptoms, improve the quality of life of patients, and Federal action will improve the lives of the family members and caregivers of those affected by the disease.

Arthritis exits in more than a hundred different forms. It's one of the most devastating diseases impairing the health of the American people. It's second only to heart disease as a cause of work disability. It undermines everyday activities such as walking, dressing and bathing for more than seven million Americans.

One out of very five adults in the United States suffers from some form of arthritis. The number of patients in the U.S. with arthritis will keep growing as the number of older Americans continues to increase dramatically in the next few decades. Today, 8.7 million adults, ages 18 through 44, have arthritis and millions of others are at risk of developing the disease.

In fact, arthritis is one of the most prevalent chronic illnesses and the

leading cause of disability among Americans over age 15. More than 40 percent of adults with arthritis are limited in their activities because of their arthritis. By 2030, nearly 25 percent of the projected United States adult population will have arthritis and these numbers don't account for the current trends in obesity, which may contribute to future cases of the disease.

It is an illness that affects all types of people in the U.S., not just older Americans. Arthritis knows no boundaries. Men, women and children are all afflicted with the disease. According to the Arthritis Foundation, 24 million women and 17 million men have been diagnosed with arthritis by their doctors. Women are still disproportionately affected by the disease.

Nearly 3 out of every 1,000 American children are affected by arthritis. The devastating effects of pediatric arthritis justifies greater investment by the federal government in research and to identify more effective treatments.

Special concerns are raised by juvenile arthritis because of its impact on family relationships, school life, dating, sports and other aspects active, growing youths. Teens and young adults entering the workforce face even greater challenges.

Arthritis an other rheumatic diseases cost our economy $128 billion annually, according to the Centers for Disease Control and Prevention. In 2003, the cost was equivalent to 1.2 percent of the nation's gross domestic product. $80 million of that amount were direct costs for medical care and $47 million were indirect costs for lost earnings. National medical costs attributed to arthritis grew by 24 percent between 1997 and 2003, with an increase attributed to the growing number of people affected with the disease.

In 1975, Congress enacted the National Arthritis Act to encourage basic and clinical research, establish Multipurpose Arthritis Centers and expand clinical knowledge of the illness. The act was successful in implementing and continued funding of research and has led to important advances in the control, treatment and prevention of the illness.

Early diagnosis, treatment and management can control symptoms and improve the quality of life. Weight control and exercise can help lower risks. Patient education, training and self-management also contribute to greater control of these diseases. Innovative and increasingly effective drug therapies, joint replacements, and other therapeutic alternatives are being developed.

Despite much research identifying effective interventions, many of them are not being used well enough and the inevitable result is unnecessary loss of life, poorer health and poorer quality of life.

Our legislation will expand the effort to find new ways to prevent, treat and care for patients with arthritis and related rheumatic diseases.

It will enhance the National Arthritis Action Plan by providing additional support to federal, state and private efforts to prevent and manage arthritis. It will establish a National Arthritis Education and Outreach Campaign to inform the health care profession and the public about the most successful self-management strategies for controlling the illness.

With greater coordination and intensification of federal research, this bill will organize a National Arthritis and Rheumatic Diseases Summit to look at the challenges and opportunities related to these efforts.

In addition, the bill will provide greater attention to juvenile arthritis research by offering planning grants for research specific to juveniles and by prioritizing the activities that create better understanding of the incidence and outcomes associated with juvenile arthritis.

Finally the bill contains incentives to encourage health professionals to enter the field of pediatric rheumatology by education loan repayment and career development awards.

I urge my colleagues to support this public health initiative to reduce the pain and disability of arthritis. Early diagnosis, effective treatment and greater investment in research and prevention can help us wage a stronger battle against one of the most widespread and devastating conditions affecting our Nation.

By Mr. HARKIN (for himself, Mr. SMITH, Mr. SPECTER, and Mr. MARTINEZ):

S. 627. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes; to the Committee on the Judiciary.

Mr. HARKIN. Mr. President, I am honored to join with the distinguished senior Senator from Oregon, Senator SMITH, to introduce the Safe Babies Act of 2007.

It is a tragic fact that America's child welfare system is failing our most vulnerable. From birth to age five, children develop their social, emotional, cognitive and moral capacities more rapidly than at any other time in life. Early experiences and relationships are absolutely critical to future development; they set the stage for how well individuals learn, think, control their emotions, and relate to others.

This critical period is a time of tremendous promise, but also a time of great vulnerability. Unfortunately, infants and toddlers are disproportionately affected by child abuse and neglect. Children between birth and age three are twice as likely as older children to become victims of maltreatment, and are three times more likely to be placed in foster care. Abuse and neglect during this significant period can lead to perilous developmental outcomes, including school failure, delinquency and crime, substance abuse, and mental health problems.

Yet the current child welfare system does a particularly poor job of serving infants and toddlers. Once in foster care, infants and toddlers are more likely to be abused. And they stay in foster care longer than older children. More than 40 percent of infants and toddlers involved in a maltreatment investigation are developmentally delayed, yet only 10 percent of these young people currently receive treatment for developmental problems.

A Federal review of 19 States' performance on child welfare outcomes found that all of the States received failing grades on outcomes related to providing adequate physical and mental health services.

Without intervention, we put our future generation at risk and perpetuate the cycle of maltreatment. But we can alter these developmental outcomes by ensuring that children are in safe, permanent homes and have access to necessary mental and physical health care. The Safe Babies Act authorizes funding for juvenile courts to create Court Teams for the integrated handling of infant and toddler abuse and neglect cases. By bringing together the legal, child welfare, and children's services communities, we can promote the health and well-being of our babies and toddlers.

First, this bill establishes a National Court Teams Resource Center. This Resource Center would provide grants and technical assistance to juvenile courts for the creation of local Court Teams to better handle infant and toddler abuse and neglect cases. Few judges have all the necessary knowledge about early childhood development and they frequently lack resources in the community for services necessary for young children. They are often frustrated by the piecemeal provision of services and the overburdened child welfare system. To adequately serve children, they need the expertise of child welfare workers, Guardians Ad Litem, Court Appointed Special Advocates, substance abuse treatment providers and mental health care providers. Court Teams bring together this expertise. Through monthly case reviews, judges can coordinate efforts by all members of the team to ensure efficient and effective provision of services. The goal of these courts is to prevent multiple placements for infants and toddlers in foster care, secure needed services, and find a permanent home for these children as quickly as possible.

Court Teams work with families in an effort to reunite children with their parents. By bringing together multiple service providers, they can facilitate opportunities for parents to learn to create a safe and nurturing home environment. Court Teams ensure support for future reunification only when the

parent is ready and able to step up to provide an appropriate and safe environment. We know from research that each visit between a child and birth parent triples the likelihood of achieving permanence. Through the Court Teams, judges are able to coordinate education and supervision so parents can visit their children and continue to nurture a loving bond.

Although reunification with parents is the ultimate goal, when that is not possible, Court Teams are also focusing on Plan B. By conducting concurrent planning, Court Teams are more likely to find an appropriate placement that will lead to permanency and minimize disruptions. By supporting training for foster parents and newly reunified biological parents, we can prevent children from being bounced around in the foster care system.

Court Teams are also able to coordinate services for children. Judges and child welfare services are able to collaborate to include necessary medical and developmental interventions. By improving access to mental health and substance abuse treatment for parents and children, Court Teams make sure children are able to access needed services and increase the chances of successful, healthy development.

Finally, Court Teams provide services and supports for families to preserve and stabilize homes for children. Judges are able to use court oversight to ensure compliance, facilitate visits with caregivers to promote positive attachments, and make sure that children are in safe environments after placement.

The Safe Babies Act will make an important impact in the way we treat infants and toddlers in the court system. By facilitating involvement from all parties, Court Teams are better equipped to ensure that young children have the community support and services they need. Early evaluation research in the Miami/Dade County court project finds a high rate of permanency for children in the court and increased quality of parent-child interaction. By finding permanent homes, children were able to escape the limbo of the foster care system. More importantly, the court was successful in preventing any future recurrence of abuse or neglect.

Together we can work to protect the safety and well-being of our infants and toddlers. With this legislation, we have the opportunity to ensure that children are placed quickly in safe and loving homes. I look forward to working with my colleagues to ensure that this legislation is passed and signed into law.

Mr. SMITH. Mr. President, I rise today with my colleague from Iowa, Senator HARKIN, to introduce the Safe Babies Act of 2007. The safety and well-being of our nation's children, including its most vulnerable infants and toddlers, is very important and I am confident that this bill will take an important step forward in protecting them.

Mr. President, in our Nation millions of children are reported abused or neglected each year. Of these, more than 900,000 are confirmed maltreated by child protective service organizations and our court systems. Abuse and neglect of children causes about 1,500 deaths each year. Children who are under the age of four are at the greatest risk for injury or death—making up nearly 80 percent of child maltreatment fatalities. We also know that shaken-baby syndrome, SBS, is a form of abuse that affects more than 1,200 babies each year.

Studies also tell us that younger children who are abused or neglected are vulnerable to long-term challenges associated with their maltreatment. Their long-term outcomes show much higher rates for social, emotional and cognitive impairment. They also are more likely to adopt high risk behaviors and develop substance abuse and mental health problems than their peers who have not been abused.

These numbers tell us very loudly that there is a problem in America. Our most vulnerable and innocent are being abused and need our help.

Children who come through our Nation's court systems need more support. While the hardworking judges, attorneys, child welfare workers and volunteers do so much to help stop the child abuse and neglect they see every day, they too often see families returning to the courts generation after generation. They see their workloads expand. They see too many families in strife.

The Safe Babies Act will help these most vulnerable children. This bill puts into motion a proven model for helping infants and toddlers to recover from their abuse, and for families to stop the cycle of abuse and reunite. This model is made up of a judicial and mental health partnership, or ''court team,'' that provides the needed abuse and neglect prevention and early intervention services to children and their families. It is based on a model developed by the Honorable Cindy Lederman of the Miami-Dade Juvenile Court in Miami. Seeing the success she has had with this model. It has been replicated in courts across the nation.

In my home State of Oregon, our Salem courts have developed the ''Foster Attachment'' program based on Judge Lederman's model. This program brings together the courts, local treatment providers, and child welfare agencies to provide substance abuse treatment and mental health treatment, as well as parenting intervention to help parents who have had their children removed due to methamphetamine use.

I look forward to the passage of this important legislation and to working with my colleague Senator HARKIN to ensure its passage. There is no issue of greater importance than the safety and welfare of our next generation. I urge my colleagues on both sides of the aisle to support this important bill.

By Mr. COLEMAN (for himself and Mr. BAYH):

S. 628: A bill to provide grants for rural health information technology development activities; to the Committee on Health, Education, Labor, and Pensions.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill I introduced today, the Critical Access to Health Information Technology Act of 2007, 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. 628

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 ''Critical Access to Health Information Technology Act of 2007''.

SEC. 2. HEALTH INFORMATION TECHNOLOGY GRANT PROGRAM.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall establish and implement a program to award grants to increase access to health care in rural areas by improving health information technology, including the reporting, monitoring, and evaluation required under this section.

(b) STATE GRANTS.—The Secretary shall award grants to States to be used to carry out the State plan under subsection (e) through the awarding of subgrants to local entities within the State. Amounts awarded under such a grant may only be used in the fiscal year in which the grant is awarded or in the immediately subsequent fiscal year.

(c) AMOUNT OF GRANT.—From amounts appropriated under subsection (k) for each fiscal year, the Secretary shall award a grant to each State that complies with subsection (e) in an amount that is based on the total number of critical access hospitals in the State (as certified by the Secretary under section 1817(e) of the Social Security Act) bears to the total number of critical access hospitals in all States that comply with subsection (e).

(d) LEAD AGENCY.—A State that receives a grant under this section shall designate a lead agency to—

(1) administer, directly or through other governmental or nongovernmental agencies, the financial assistance received under the grant;

(2) develop, in consultation with appropriate representatives of units of general purpose local government and the hospital association of the State, the State plan; and

(3) coordinate the expenditure of funds and provision of services under the grant with other Federal and State health care programs.

(e) STATE PLAN.—To be eligible for a grant under this section, a State shall establish a State plan that shall—

(1) identify the State's lead agency;

(2) provide that the State shall use the amounts provided to the State under the grant program to address health information technology improvements and to pay administrative costs incurred in connection with providing the assistance to local grant recipients;

(3) provide that benefits shall be available throughout the entire State; and

(4) require that the lead agency consult with the hospital association of such State and rural hospitals located in such State on the most appropriate ways to use the funds received under the grant.

(f) AWARDING OF LOCAL GRANTS.—

(1) IN GENERAL.—The lead agency of a State shall use amounts received under a grant under subsection (a) to award local grants on a competitive basis. In determining whether a local entity is eligible to receive a grant under this subsection, the lead agency shall utilize the following selection criteria:

(A) The extent to which the entity demonstrates a need to improve its health information reporting and health information technology.

(B) The extent to which the entity will serve a community with a significant low-income or other medically underserved population.

(2) APPLICATION AND APPROVAL.—To be eligible to receive a local grant under this subsection, an entity shall be a government-owned or private nonprofit hospital (including a non-Federal short-term general acute care facility that is a critical access hospital located outside a Metropolitan Statistical Area, in a rural census tract of a Metropolitan Statistical Area as determined under the most recent version of the Goldsmith Modification or the Rural-Urban Commuting Area codes, as determined by the Office of Rural Health Policy of the Health Resources and Services Administration, or is located in an area designated by any law or regulation of the State in which the hospital is located as a rural area (or is designated by such State as a rural hospital or organization)) that submits an application to the lead agency of the State that—

(A) includes a description of how the hospital intends to use the funds provided under the grant;

(B) includes such information as the State lead agency may require to apply the selection criteria described in paragraph (1);

(C) includes measurable objectives for the use of the funds provided under the grant;

(D) includes a description of the manner in which the applicant will evaluate the effectiveness of the activities carried out under the grant;

(E) contains an agreement to maintain such records, make such reports, and cooperate with such reviews or audits as the lead agency and the Secretary may find necessary for purposes of oversight of program activities and expenditures;

(F) contains a plan for sustaining the activities after Federal support for the activities has ended; and

(G) contains such other information and assurances as the Secretary may require.

(3) USE OF AMOUNTS.—

(A) IN GENERAL.—An entity shall use amounts received under a local grant under this section to—

(i) offset the costs incurred by the entity after December 31, 2007, that are related to clinical health care information systems and health information technology designed to improve quality of health care and patient safety; and

(ii) offset costs incurred by the entity after December 31, 2007, that are related to enabling health information technology to be used for the collection and use of clinically specific data, promoting the interoperability of health care information across health care settings, including reporting to Federal and State agencies, and facilitating clinic decision support through the use of health information technology.

(B) ELIGIBLE COSTS.—Costs that are eligible to be offset under subparagraph (A) shall include the cost of—

(i) purchasing, leasing, and installing computer software and hardware, including handheld computer technologies, and related services;

(ii) making improvements to existing computer software and hardware;

(iii) purchasing or leasing communications capabilities necessary for clinical data access, storage, and exchange;

(iv) services associated with acquiring, implementing, operating, or optimizing the use of new or existing computer software and hardware and clinical health care information systems;

(v) providing education and training to staff on information systems and technology designed to improve patient safety and quality of care; and

(vi) purchasing, leasing, subscribing, integrating, or servicing clinical decision support tools that integrate patient-specific clinic data with well-established national treatment guidelines, and provide ongoing continuous quality improvement functions that allow providers to assess improvement rates over time and against averages for similar providers.

(4) GRANT LIMIT.—The amount of a local grant under this subsection shall not exceed $250,000.

(g) REPORTING, MONITORING, AND EVALUATION.—The lead agency of a State that receives a grant under this section shall annually report to the Secretary—

(1) the amounts received under the grant;

(2) the amounts allocated to State grant recipients under the grant;

(3) the breakdown of types of expenditures made by the local grant recipients with such funds; and

(4) such other information required by the Secretary to assist the Secretary in monitoring the effectiveness of activities carried out under this grant.

(h) REVIEW OF COMPLIANCE WITH STATE PLAN.—The Secretary shall review and monitor State compliance with the requirements of this section and the State plan submitted under subsection (e). If the Secretary, after reasonable notice to a State and opportunity for a hearing, finds that there has been a failure by the State to comply substantially with any provision or requirement set forth in the State plan or the requirements of this section, the Secretary shall notify the lead agency involved of such finding and that no further payments to the State will be made with respect to the grant until the Secretary is satisfied that the State is in compliance or that the noncompliance will be promptly corrected.

(i) PREEMPTION OF CERTAIN LAWS.—The provisions of this section shall preempt applicable Federal and State procurement laws with respect to health information technology purchased under this section.

(j) RELATION TO OTHER PROGRAMS.—Amounts appropriated under this section shall be in addition to appropriations for Federal programs for Rural Hospital FLEX grants, Rural Health Outreach grants, and Small Rural Hospital Improvement Program grants.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for each of fiscal years 2008 through 2010.

SEC. 3. REPLACEMENT OF THE INTERNATIONAL STATISTICAL CLASSIFICATION OF DISEASES.

(a) IN GENERAL.—Not later than October 1, 2008, the Secretary of Health and Human Services shall promulgate a final rule concerning the replacement of the International Statistical Classification of Diseases, 9th revision, Clinical Modification (referred to in this section as the ''ICD–9–CM''), under the regulation promulgated under section 1173(c) of the Social Security Act (42 U.S.C. 1320d–2(c)), including for purposes of part A of title XVIII, or part B where appropriate, of such Act, with the use of each of the following:

(1) The International Statistical Classification of Diseases and Related Health Problems, 10th revision, Clinical Modification (referred to in this section as ''ICD–10–CM''.

(2) The International Statistical Classification of Diseases and Related Health Problems, 10th revision, Clinical Modification Coding System (referred to in this section as ''ICD–10–PCS'').

(b) IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall ensure that the rule promulgated under subsection (a) is implemented by not later than October 1, 2011. In carrying out the preceding sentence, the Secretary shall ensure that such rule ensure that Accredited Standards Committee X12 HIPAA transactions version (v) 4010 is upgraded to a newer version 5010, and that the National Council for Prescription Drug Programs Telecommunications Standards version 5.1 is updated to a newer version (to be released by the named by the National Council for Prescription Drug Programs Telecommunications Standards) that supersedes, in part, existing legislation and regulations under the Health Insurance Portability and Accountability Act of 1996.

(2) AUTHORITY.—The Secretary of Health and Human Services shall have the authority to adopt, without notice and comment rulemaking, standards for electronic health care transactions under section 1173 of the Social Security Act (42 U.S.C. 1320d–2) that are recommended to the Secretary by the Accredited Standards Committee X12 of the American National Standards Institute in relation to the replacement of ICD–9–CM with ICD–10–CM and ICD–10–PCS. Such modifications shall be published in the Federal Register.

(c) NOTICE OF INTENT.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue and publish in the Federal Register a Notice of Intent that—

(1) adoption of Accredited Standards Committee X12 HIPAA transactions version (v) 5010 shall occur not later than April 1, 2009, and compliance with such rule shall apply to transactions occurring on or after April 1, 2011;

(2) adoption of the National Council for Prescription Drug Programs Telecommunications Standards version 5.1 with a new version will occur not later than April 1, 2009, and compliance with such rule shall apply to transactions occurring on or after April 1, 2011;

(3) adoption of ICD–10–CM and ICD–10–PCS will occur not later than October 1, 2008, and compliance with such rules shall apply to transactions occurring on or after October 1, 2011; and

(4) covered entities and health technology vendors under the Health Insurance Potability and Accountability Act of 1996 shall begin the process of planning for and implementing the updating of the new versions and editions referred to in this subsection.

(d) ASSURANCES OF CODE AVAILABILITY.—The Secretary of Health and Human Services shall take such action as may be necessary to ensure that procedure codes are promptly available for assignment and use under ICD–9–CM until such time as ICD–9–CM is replaced as a code set standard under section 1173(c) of the Social Security Act with ICD–10–PCS.

(e) DEADLINE.—Notwithstanding section 1172(f) of the Social Security Act (42 U.S.C. 1320d–1(f)), the Secretary of Health and Human Services shall adopt the modifications provided for in this section without a recommendation of the National Committee on Vital and Health Statistics unless such recommendation is made to the Secretary on or before a date specified by the Secretary as consistent with the implementation of the replacement of ICD–9–CM with ICD–10–CM and ICD-10-PCS for transactions occurring on or after October 1, 2011.

(f) LIMITATION ON JUDICIAL REVIEW.—The rule promulgated under subsection (a) shall not be subject to judicial review.

(g) APPLICATION.—The rule promulgated under subsection (a) shall apply to transactions occurring on or after October 1, 2011.

(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as effecting the application of classification methodologies or codes, such as the Current Procedural Terminology (CPT) as maintained and distributed by the American Medical Association and the Healthcare Common Procedure Coding System (HCPCS) as maintained and distributed by the Department of Health and Human Services, other than under the International Statistical Classification of Disease and Related Health Problems.

By Mr. COLEMAN:

S. 629. A bill to amend the Consolidated Farm and Rural Development Act to provide direct and guaranteed loans, loan guarantees, and grants to complete the construction and rehabilitation of rural critical access hospitals; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill I introduce today, to amend the Consolidated Farm and Rural Development Act to provide direct and guaranteed loans, loan guarantees, and grants to complete the construction and rehabilitation of critical access hospitals, 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. 629

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

SECTION 1. LOANS, LOAN GUARANTEES, AND GRANTS FOR RURAL CRITICAL ACCESS HOSPITAL RECONSTRUCTION AND REHABILITATION.

(a) IN GENERAL.—Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended—

(1) in paragraph (1)—

(A) by designating the first through fifth sentences as subparagraphs (A) through (E), respectively; and

(B) by adding at the end the following:

''(F) LOANS AND LOAN GUARANTEES FOR RURAL CRITICAL ACCESS HOSPITAL RECONSTRUCTION AND REHABILITATION.—Notwithstanding any other provision of law, the Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation for the cost of making community facility direct and guaranteed loans under this paragraph, in a total amount of not to exceed an additional $1,600,000,000 for the period of fiscal years 2008 through 2012, to complete the construction and rehabilitation of critical access hospitals (as defined in section 1861(mm) of the Social Security Act (42 U.S.C. 1395x(mm))).''; and

(2) in paragraph (19), by adding at the end the following:

''(D) GRANTS FOR RURAL CRITICAL ACCESS HOSPITAL RECONSTRUCTION AND REHABILITATION.—Notwithstanding any other provision of law, of the funds of the Commodity Credit Corporation, the Secretary shall make available an additional $5,000,000 for the period of fiscal years 2008 through 2012 to make essential community facility grants under this paragraph to complete the construction and rehabilitation of critical access hospitals (as defined in section 1861(mm) of the Social Security Act (42 U.S.C. 1395x(mm))).''.

(b) CONFORMING AMENDMENTS.—Section 306 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926) (as amended by subsection (a)(1)) is amended—

(1) by striking ''SEC. 306. (a)(1)(A) The Secretary is also authorized to'' and inserting the following:

''SEC. 306. WATER, WASTE DISPOSAL, AND COMMUNITY FACILITY LOANS, LOAN GUARANTEES, AND GRANTS.

''(a) AUTHORITY.—

''(1) WATER, WASTE DISPOSAL, AND COMMUNITY FACILITIES.—

''(A) IN GENERAL.—The Secretary may'';

(2) by striking ''(B) The Secretary may also'' and inserting the following:

''(B) RURAL EMPOWERMENT ZONES AND RURAL ENTERPRISE COMMUNITIES.—The Secretary may'';

(3) by striking ''(C) The Secretary may also'' and inserting the following:

''(C) ELECTRIC BORROWERS.—The Secretary may'';

(4) by striking ''(D) When any'' and inserting the following:

''(D) GROSS INCOME.—If any''; and

(5) by striking ''(E) With respect'' and inserting the following:

''(E) BOND COUNSEL.—With respect''.

By Mr. COLEMAN (for himself, Mr. DURBIN, and Mr. HARKIN):

S. 630. A bill to amend part C of title XVIII of the Social Security Act to provide for a minimum payment rate by Medicare Advantage organizations for services furnished by a critical access hospital and a rural health clinic under the Medicare program; to the Committee on Finance.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill I introduce today, the Rural Health Services Preservation Act of 2007, be printed in the RECORD.

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

S. 630

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 ''Rural Health Services Preservation Act of 2007''.

SEC. 2. MINIMUM PAYMENT RATE BY MEDICARE ADVANTAGE ORGANIZATIONS FOR SERVICES FURNISHED BY A CRITICAL ACCESS HOSPITAL AND A RURAL HEALTH CLINIC.

(a) IN GENERAL.—Section 1857(e) of the Social Security Act (42 U.S.C. 1395w–27(e)) is amended by adding at the end the following:

''(4) MINIMUM PAYMENT RATE FOR SERVICES FURNISHED BY A CRITICAL ACCESS HOSPITAL AND A RURAL HEALTH CLINIC.—A contract under this section between an MA organization and the Secretary for the offering of an MA plan shall require the organization to provide for a payment rate under the plan for inpatient and outpatient critical access hospital services and rural health clinic services furnished to enrollees of the plan and for extended care services furnished by a critical access hospital under an agreement entered into under section 1883 to such enrollees (whether or not the services are furnished pursuant to an agreement between such organization and a critical access hospital or a rural health clinic) that is not less than—

''(A) the applicable payment rate established under part A or part B (which includes the payment of an interim rate and a subsequent cost reconciliation) with respect to the critical access hospital for such inpatient, outpatient, and extended care services or the rural health clinic for such rural health clinic services; or

''(B) if the critical access hospital or the rural health clinic determines appropriate, 103 percent of the applicable interim payment rate established under part A or part B with respect to the critical access hospital for such inpatient, outpatient, and extended care services or the rural health clinic for such rural health clinic services.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to Medicare Advantage contract years beginning on or after January 1, 2008.

By Mr. COLEMAN

S. 631. A bill to amend title XVIII of the Social Security Act to provide for coverage of remote patient management services for chronic health care conditions under the Medicare Program; to the Committee on Finance.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill I introduce today, the Remote Monitoring Access Act of 2007, 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. 631

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 ''Remote Monitoring Access Act of 2007''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Remote patient monitoring can make chronic disease management more effective and efficient for patients and the health care system.

(2) By collecting, analyzing, and transmitting clinical health information to a health care practitioner, remote monitoring technologies allow patients and physicians to manage the patient's condition in a consistent and real-time fashion.

(3) Utilization of these technologies not only improves the quality of care given to patients, it also reduces the need for frequent physician office appointments, costly emergency room visits, and unnecessary hospitalizations.

(4) Monitoring a patient's disease from the home reduces the need for face-to-face physician interactions, thereby minimizing unnecessary travel and missed work and providing particular value to individuals residing in rural or underserved communities who would otherwise face potentially significant access barriers to receiving needed care.

(5) Four major areas in which remote management technologies are emerging in health care are the treatment of congestive heart failure, diabetes, cardiac arrhythmia, and sleep apnea (sleep disordered breathing). Prompt transmission of clinical data on each of these conditions, to the physician or the patient as appropriate, are essential to providing timely and appropriate therapeutic interventions which can then reduce expensive hospitalizations.

(6) Despite these innovations, remote management technologies have failed to diffuse rapidly. A significant barrier to wider adoption is the relative lack of payment mechanisms in fee-for-service Medicare to reimburse for remote, non-face-to-face management.

(7) This Act will eliminate this barrier to new technologies by requiring Medicare to

reimburse doctors for time spent analyzing data transmitted to them by remote patient management technologies.

(8) This Act also promotes high quality care by requiring the Secretary of Health and Human Services to consult with physician groups to create a standard of care and a quality standard for remote patient management services for the covered chronic conditions.

(9) This Act provides physicians with a financial incentive to meet or exceed the standard of care and quality standards.

SEC. 3. COVERAGE OF REMOTE PATIENT MANAGEMENT SERVICES FOR CHRONIC HEALTH CARE CONDITIONS.

(a) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) in subparagraph (Z), by striking ''and'' at the end;

(2) in subparagraph (AA), by inserting ''and'' at the end; and

(3) by inserting after subparagraph (AA) the following new subparagraph:

''(BB) remote patient management services (as defined in subsection (ccc));''.

(b) SERVICES DESCRIBED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

''Remote Patient Management Services

''(ccc)(1) The term 'remote patient management services' means the remote monitoring and management of an individual with a covered chronic health condition (as defined in paragraph (2)) through the utilization of a system of technology that allows a remote interface to collect and transmit clinical data between the individual and the responsible physician or supplier for the purposes of clinical review or response by the physician or supplier.

''(2) For purposes of paragraph (1), the term 'covered chronic health condition' includes—

''(A) heart failure;

''(B) diabetes;

''(C) cardiac arrhythmia;

''(D) sleep apnea; and

''(E) any other chronic condition determined by the Secretary to be appropriate for treatment through remote patient management services.

''(3)(A) The Secretary, in consultation with appropriate physician groups, shall develop guidelines on the frequency of billing for remote patient management services. Such guidelines shall be determined based on medical necessity and shall be sufficient to ensure appropriate and timely monitoring of individuals being furnished such services.

''(B) The Secretary, acting through the Agency for Health Care Research and Quality, shall do the following:

''(i) Not later than 1 year after the date of enactment of the Remote Monitoring Access Act of 2007, develop, in consultation with appropriate physician groups, a standard of care and quality standards for remote patient management services for the covered chronic health conditions specified in subparagraphs (A), (B), (C), and (D) of paragraph (2).

''(ii) If the Secretary makes a determination under paragraph (2)(E) with respect to a chronic condition, develop, in consultation with appropriate physician groups, a standard of care and quality standards for remote patient management services for such condition within 1 year of such determination.

''(iii) Periodically review and update such standards of care and quality standards under this subparagraph as necessary.''.

(c) PAYMENT UNDER THE PHYSICIAN FEE SCHEDULE.—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(1) in subsection (c)—

(A) in paragraph (2)(B)—

(i) in clause (ii)(II), by striking ''and (v)'' and inserting '', (v), and (vi)''; and

(ii) by adding at the end the following new clause:

''(vi) BUDGETARY TREATMENT OF CERTAIN SERVICES.—The additional expenditures attributable to services described in section 1861(s)(2)(BB) shall not be taken into account in applying clause (ii)(II) for 2008.''; and

(B) by adding at the end the following new paragraph:

''(7) TREATMENT OF REMOTE PATIENT MANAGEMENT SERVICES.—In determining relative value units for remote patient management services (as defined in section 1861(ccc)), the Secretary, in consultation with appropriate physician groups, shall take into consideration—

''(A) costs associated with such services, including physician time involved, installation and information transmittal costs, costs of remote patient management technology (including devices and software), and resource costs necessary for patient monitoring and follow-up (but not including costs of any related item or non-physician service otherwise reimbursed under this title); and

''(B) the level of intensity of services provided, based on—

''(i) the frequency of evaluation necessary to manage the individual being furnished the services;

''(ii) the amount of time necessary for, and the complexity of the evaluation, including the information that must be obtained, reviewed, and analyzed; and

''(iii) the number of possible diagnoses and the number of management options that must be considered.''; and

(2) in subsection (j)(3), by inserting ''(2)(BB),'' after ''(2)(AA),''.

(d) INCENTIVE PAYMENTS.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended by adding at the end the following new subsection:

''(v) INCENTIVE FOR MEETING CERTAIN STANDARDS OF CARE AND QUALITY STANDARDS IN THE FURNISHING OF REMOTE PATIENT MANAGEMENT SERVICES.—In the case of remote patient management services (as defined in section 1861(ccc)) that are furnished by a physician who the Secretary determines meets or exceeds the standards of care and quality standards developed by the Secretary under paragraph (3)(B) of such section for such services, in addition to the amount of payment that would otherwise be made for such services under this part, there shall also be paid to the physician (or to an employer or facility in cases described in subclause (A) of section 1842(b)(6)) (on a monthly or quarterly basis) from the Federal Supplementary Medical Insurance Trust Fund an amount equal to 10 percent of the payment amount for the service under this part.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2008.

By Mr. COLEMAN (for himself and Ms. KLOBUCHAR):

S. 632. A bill to provide for a hospital in Cass County, Minnesota; to the Committee on Finance.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill I introduce today, to provide for a hospital in Cass County, Minnesota, 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. 632

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

SECTION 1. MEDICARE CRITICAL ACCESS HOSPITAL DESIGNATION.

Section 405(h) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2269) is amended by adding at the end the following new paragraph:

''(3) EXCEPTION.—

''(A) IN GENERAL.—The amendment made by paragraph (1) shall not apply to the certification by the State of Minnesota on or after January 1, 2006, under section 1820(c)(2)(B)(i)(II) of the Social Security Act (42 U.S.C. 1395i-4(c)(2)(B)(i)(II)) of one hospital that meets the criteria described in subparagraph (B) and is located in Cass County, Minnesota, as a necessary provider of health care services to residents in the area of the hospital.

''(B) CRITERIA DESCRIBED.—A hospital meets the criteria described in this subparagraph if the hospital—

''(i) has been granted an exception by the State to an otherwise applicable statutory restriction on hospital construction or licensing prior to the date of enactment of this subparagraph; and

''(ii) is located on property which the State has approved for conveyance to a county within the State prior to such date of enactment.''.

By Mr. COLEMAN:

S. 633. A bill to provide assistance to rural schools, hospitals, and communities for the conduct of collaborative efforts to secure a progressive and innovative system to improve access to mental health care for youth, seniors and families; to the Committee on Health, Education, Labor, and Pensions.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill I introduce today, the Working Together for Rural Access to Mental Health and Wellness for Children and Seniors Act, 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. 633

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 ''Working Together for Rural Access to Mental Health and Wellness for Children and Seniors Act''.

SEC. 2. FINDINGS AND PURPOSE.

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

(1) Providing adequate mental health care in rural communities is a national problem. Mental health is an integral part of a person's general health and well-being. In rural areas, where specialized mental health services are scarce, accessing mental health professional services is difficult. Primary care is often the only system for delivering mental health services.

(2) Rural primary care providers are seeing an increase in mental health issues in their clinics.

(3) The need is overwhelming with the Surgeon General estimating 21 percent of children experience the signs or symptoms of a mental disorder. Left untreated, these problems lead to rampant school failure, drug abuse, and often incarceration.

(4) The Department of Health and Human Services indicates that 1 in 5 children and adolescents may have a diagnosable disorder, yet 70 percent to 80 percent receive little or no help.

(5) Few schools have the resources to implement a full range of school mental health interventions. Identifying sustainable and flexible funding sources for these programs is extremely important.

(6) Health, and especially mental health, is a fundamental cornerstone for ensuring that all youth have an equal opportunity to succeed at school.

(7) Promoting and expanding telemental health collaborations to strengthen delivery of mental health services in remote and underserved areas is needed.

(8) Telemental health is an effective tool for diagnosing and treating some mental health conditions. For rural and remote areas, telemental health offers patients access and care.

(b) PURPOSE.—It is the purpose of this Act to—

(1) provide assistance to rural schools, hospitals, and communities for the conduct of collaborative efforts to secure a progressive and innovative system to improve access to mental health care for youth, seniors and families;

(2) increase access of elementary and secondary school students to mental health services in rural areas by operating a mobile health services van program in such areas; or

(3) increase access of individuals of all ages to mental health services in rural areas by providing telemental health services in such areas.

SEC. 3. RURAL ACCESS TO MENTAL HEALTH SERVICES GRANT PROGRAM.

(a) STATE GRANTS.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall award grants to States to enable such States to award subgrants to carry out the purposes of this Act.

(b) ELIGIBILITY AND AMOUNT.—

(1) ELIGIBILITY.—To be eligible for a grant under subsection (a), a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the State will designate a lead agency in accordance with subsection (c) and submit a State plan in accordance with subsection (d).

(2) AMOUNT.—The Secretary shall award a grant to a State under this section in an amount that is based on the respective number of critical access hospitals (as defined in section 1861 (mm)(1) of the Social Security Act (42 U.S.C. 1395x(mm)(1)) in the State as such compares to the total number of critical access hospitals in all States that are awarded grants under this section.

(c) STATE LEAD AGENCY.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, the governor of a State shall select a lead agency within the State to administer the State programs under the grant. If the governor of the State selects a lead agency other than the State Office of Rural Health, the governor shall ensure the involvement of the State Office of Rural Health in the development and administration of the State program under this section.

(2) DUTIES.—The lead agency of a State shall—

(A) administer, directly or through other governmental or nongovernmental agencies, amounts received under a grant under subsection (a); and

(B) develop the State plan under subsection (d) and coordinate the expenditure of funds in consultation with appropriate representatives of the State and local educational agencies and the rural mental health providers and State hospital associations.

(d) STATE PLAN.—To be eligible to receive a grant under subsection (a), a State shall submit to the Secretary a State plan that shall—

(1) identify the lead agency of the State;

(2) contain assurances that the State shall use the amounts provided to the State under the grant to address—

(A) in the case of mobile van services, the mental health needs of elementary school and secondary school students; or

(B) in the case of telemental health services, the mental health needs of individuals of all ages through telemental health services, and to pay administrative costs incurred in connection with providing the assistance to grant recipients;

(3) contain assurances that benefits and services under the grant shall be available throughout the entire State; and

(4) contain assurances that the lead agency shall consult with rural mental health providers and hospital associations that represent such providers in such State on the most appropriate ways to use the funds received under the grant.

(e) AWARDING OF SUBGRANTS.—

(1) IN GENERAL.—The lead agency of the State shall use amounts received under a grant under subsection (a) to award subgrants to eligible entities on a competitive basis.

(2) ELIGIBILITY.—To be eligible to receive a subgrant under paragraph (1), a grant applicant shall be located in or serving a rural area and be a government-owned or private nonprofit hospital (or, in the case of a mobile van services program, a governmental, tribal, or private nonprofit school district or educational institution which provides elementary education or secondary education (kindergarten through grade 12) and that collaborates with such a hospital), a community mental health center, a primary care clinic, or other nonprofit agency providing mental health services.

(3) SELECTION CRITERIA.—In establishing procedures for the awarding of subgrants under paragraph (1), the lead agency of the State shall provide for the use of the following selection criteria:

(A) The extent to which a grant applicant demonstrates a need to improve the access of mental health services within the community served by such applicant.

(B) The extent to which a grant applicant will serve a rural community with a significant low-income or other population that is underserved with respect to the provision of mental health services.

(4) APPLICATION AND APPROVAL.—To be eligible to receive a subgrant under paragraph (1), an entity shall submit an application to the lead agency of the State that includes—

(A) a description of the manner in which the entity intends to use amounts provided under the subgrant;

(B) such information as the lead agency may require to apply the selection criteria under paragraph (3);

(C) measurable objectives for the use of funds provided under the subgrant;

(D) a description of the manner in which the applicant will evaluate the effectiveness of the program carried out under the subgrant;

(E) an agreement to maintain such records, make such reports, and cooperate with such reviews or audits as the lead agency and the Secretary may find necessary for purposes of oversight of program activities and expenditures;

(F) a plan for sustaining activities and services funded under the subgrant after Federal support for such activities and services has ended; and

(G) such other information and assurances as the Secretary may require.

(5) USE OF FUNDS.—A recipient of a subgrant under paragraph (1) shall use amounts awarded under the grant to—

(A) in the case of mobile van health services, offset costs incurred after December 31, 2007, that are related to operating a mobile van outreach program under which a hospital and one or more elementary or secondary schools provide mental health care services to students of such schools in the rural area, which may include the costs of—

(i) purchasing or leasing a mobile van in which mental health services are provided to elementary school or secondary school students;

(ii) repairs and maintenance for such a mobile van;

(iii) purchasing or leasing communications capabilities reasonable and necessary to operate the mobile van;

(iv) providing education and training to staff on operating the mobile van program; and

(v) providing for additional mental health services professional staff that are employed to provide mental health services as part of the mobile van program; and

(B) in the case of telemental health services, offset costs incurred after December 31, 2007, that are related to providing telemental health services to persons of all ages in the rural area, which may include the cost of—

(i) purchasing, leasing, repairing, maintaining, or upgrading telemental health services equipment;

(ii) operating telemental health services equipment, including telecommunications, utilities, and software costs;

(iii) providing education and training to staff concerning the provision of telemental health services; and

(iv) employing additional mental health services professional staff to provide telemental health services.

(6) LIMITS.—The amount awarded to an entity as a subgrant under paragraph (1) for any fiscal year shall not exceed $300,000.

(f) REPORTING, MONITORING, AND EVALUATION.—The lead agency of each State that receives a grant under subsection (a) shall submit a report to the Secretary that contains—

(1) the amounts received under the grant;

(2) the amounts allocated as subgrants under subsection (e);

(3) the types of expenditures made by subgrant recipients with such funds; and

(4) such other information as may be required by the Secretary to assist the Secretary in monitoring the effectiveness of this section.

(g) REVIEW OF COMPLIANCE WITH STATE PLAN.—

(1) IN GENERAL.—The Secretary shall review and monitor State compliance with the requirements of this section and the State plan submitted under subsection (d).

(2) FAILURE TO COMPLY.—If the Secretary, after reasonable notice to a State and opportunity for a hearing, determines that there has been a failure by the State to comply substantially with any provision or requirement set forth in the State plan or a requirement of this section, the Secretary shall notify the lead agency of the State of such determination and that no further payments to the State will be made with respect to the State grant until the Secretary is satisfied that there is no longer any failure to comply or that the noncompliance will be promptly corrected.

(h) INTERACTION OF FEDERAL AND STATE LAW.—Federal and State procurement laws shall be preempted to the extent necessary to carry out this section.

(i) DEFINITIONS.—In this section:

(1) HOSPITAL.—The term ''hospital'' means a non-Federal short-term general acute care facility located in or serving a rural area.

(2) MOBILE VAN.—The term ''mobile van'' means a mobile wellness center the purpose of which is to improve access to, and focuses on, early intervention of mental health, and that provides consultation, education, comprehensive interdisciplinary education, and collaborative treatment planning services.

(3) RURAL AREA.—The term ''rural area'', with respect to the location of an eligible applicant, or with respect to the location of mental health services, means that the entity or services—

(A) is located in a rural census tract of a metropolitan statistical area, as determined under the most recent version of the Goldsmith Modification, the Rural-Urban Commuting Area codes, as determined by the Office of Rural Health Policy of the Health Resources and Services Administration; or

(B) is located in an area designated by any law or regulation of such State as a rural area (or, in the case of a hospital, is designated by such State as a rural hospital).

(4) TELEMENTAL HEALTH SERVICES.—The term ''telemental health services'' means mental health services that are provided through the use of videoconferencing or similar means of electronic communications and information technology.

(5) TELEMENTAL HEALTH SERVICES EQUIPMENT.—The term ''telemental health services equipment'' includes telecommunications and peripheral equipment used to provide patient evaluations, case management, medication management, crisis response, pre-admission and pre-discharge planning, treatment planning, individual and group therapy, family therapy, mental status evaluations, case conferences, family visits, staff training, and administrative activities relating to the mental health services.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $10,000,000 for each of fiscal years 2008 through 2010.

By Mr. DODD (for himself and Mr. HATCH):

S. 634. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I am pleased today to join with my colleague Senator HATCH to introduce legislation to protect the most vulnerable members of our society: newborn infants. Many people know the joy of parenthood. These parents know the sense of worry about whether their kids are doing well, are feeling well, and are safe. Nothing is of greater importance than the health and well-being of our children.

Thanks to incredible advances in medical technology, it is now possible to test newborns for more than 50 genetic and metabolic disorders. Many of these disorders, if undetected, would lead to severe disability or death. However, babies that are properly diagnosed and treated can, in many cases, go on to live healthy lives. So newborn screening can literally save lives.

Frighteningly, the disorders that newborn screening tests for can come without warning. For most of these disorders, there is no medical history of the condition in the family and no way to predict the health of a baby based on the health of the parents. Although the disorders that are tested for are quite rare, there is a chance that any one newborn will be affected. In that sense, this is an issue that has a direct impact on the lives of all families.

Fortunately, some screening has become common practice in every state. Each year, over four million infants have blood taken from their heel after birth to detect these disorders that could threaten their life and long-term health. As a result, about one in 4,000 babies is diagnosed with one of these disorders. That means that newborn screening could protect the health or save the life of approximately 1,000 newborns each year. That is 1,000 tragedies that can be averted families that can know the joy of a new infant rather than absolute heartbreak.

In 2004, the American College of Medical Genetics (ACMG) completed a report commissioned by the U.S. Department of Health and Human Services which recommended that every baby born in the U.S. be screened for twenty-nine disorders, including certain metabolic conditions and hearing deficiency. Unfortunately, as of February 2007, only 11 States and the District of Columbia require infants to be screened for all twenty-nine of these recommended disorders. If diagnosed early, all of these conditions can be successfully managed or treated to prevent or mitigate severe and often lifelong health problems.

For every baby saved, another two are estimated to be born with potentially detectable disorders that go undetected because they are not screened. These infants and their families face the prospect of disability or death from a preventable disorder. The survival of a newborn may very well come down to the state in which it is born, because not all states test for every detectable disorder.

The Government Accountability Office, GAO, released a report in 2003 highlighting the need for this legislation. According to the report, most states do not educate parents and health care providers about the availability of tests beyond what is mandated by a State. States also reported that they do not have the resources to purchase the technology and train the staff needed to expand newborn screening programs. Finally, even when States do detect an abnormal screening result, the majority do not inform parents directly.

The legislation that we are introducing today will give states an additional helping hand toward meeting the advisory's committee's recommendation by providing $25 million for states to expand and improve their newborn screening programs. In order to access these resources, states will be required to commit to screening for all 29 disorders.

Our legislation will also authorize $15 million for two types of grants. The first seeks to address the lack of information available to health care professionals and parents about newborn screening. Every parent should have the knowledge necessary to protect their child. The tragedy of a newborn's death is only compounded by the frustration of learning that the death was preventable. This bill authorizes grants to provide education and training to health care professionals, state laboratory personnel, families and consumer advocates.

The second type of grant will support States in providing follow-up care for those children diagnosed by a disorder detected through newborn screening. While these families are the fortunate ones, in many cases they are still faced with the prospect of extended and complex treatment and major lifestyle changes. We need to remember that care does not stop at diagnosis.

To ensure the quality of laboratories involved in newborn screening, so that tests are as accurate as possible and infants receive appropriate care, the legislation authorizes $5 million for the Centers for Disease Control and Prevention, CDC, to carry out a number of functions such as quality assurance for newborn screening tests, performance evaluation services, and technical assistance and technology transfer to newborn screening labs.

In the event of a public health emergency, such as Hurricane Katrina, newborn screening may seem like a low priority. However, if babies aren't tested and, when necessary, treated within the first few days of life, they may suffer irreparable harm or even death. In the wake of a public health crisis, contingency planning for newborn screening is essential. Our legislation requires the CDC, in consultation with the Health Resources and Services Administration, HRSA, to develop a national contingency plan for newborn screening in the event of a public health emergency within 180 days of enactment of the bill.

Finally, the bill directs the CDC, in consultation with HRSA, to establish a national surveillance program for newborn screening, and authorizes $15 million for that purpose. Such a program will help us conduct research to better understand these rare disorders, and will hopefully lead us toward more effective treatments and cures.

I urge my colleagues to support this important legislation so that every newborn child will have the best possible opportunity that America can offer to live a long, healthy and happy life. I look forward to working with the Chairman of the Health, Education, Labor and Pensions (HELP) Committee, Senator KENNEDY, and Ranking Member Enzi to advance this legislation as early as possible.

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. 634

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 ''Newborn Screening Saves Lives Act of 2007''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Each year more than 4,000,000 babies born in the United States are screened by State and private laboratories to detect some conditions that may threaten their long-term health.

(2) However, there is a lack of uniformity in the number of conditions for which newborns are screened throughout the United States. While a newborn may be screened and treated for a debilitating condition in one State, in another State, the condition may go undetected and result in permanent disability or even death.

(3) Approximately 4,000 infants born each year are diagnosed with these detectable and treatable disorders. If diagnosed early, these conditions can be successfully managed or treated to prevent severe and often lifelong health consequences.

(4) In 2004, the American College of Medical Genetics (ACMG) completed a report commissioned by the Department of Health and Human Services which recommended that every baby born in the United States be screened for 29 specific disorders, including certain metabolic conditions and hearing deficiencies.

(5) Currently only 11 States and the District of Columbia require infants to be screened for all 29 of these recommended disorders.

(6) Continuity, especially during a public health emergency, plays a critical role in the screening, diagnosis, referral, and treatment of these disorders. Currently there is no national contingency plan for maintaining continuity of newborn screening systems following a public health emergency.

SEC. 3. AMENDMENT TO TITLE III OF THE PUBLIC HEALTH SERVICE ACT.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by adding at the end the following:

''SEC. 399AA. NEWBORN SCREENING.

''(a) AUTHORIZATION OF GRANT PROGRAMS.—

''(1) GRANTS TO ASSIST HEALTH CARE PROFESSIONALS.—From funds appropriated under subsection (h), the Secretary, acting through the Associate Administrator of the Maternal and Child Health Bureau of the Health Resources and Services Administration (referred to in this section as the 'Associate Administrator') and in consultation with the Advisory Committee on Heritable Disorders in Newborns and Children (referred to in this section as the 'Advisory Committee'), shall award grants to eligible entities to enable such entities to assist in providing health care professionals and newborn screening laboratory personnel with—

''(A) education in newborn screening; and

''(B) training in—

''(i) relevant and new technologies in newborn screening; and

''(ii) congenital, genetic, and metabolic disorders.

''(2) GRANTS TO ASSIST FAMILIES.—

''(A) IN GENERAL.—From funds appropriated under subsection (h), the Secretary, acting through the Associate Administrator and in consultation with the Advisory Committee, shall award grants to eligible entities to enable such entities to develop and deliver educational programs about newborn screening to parents, families, and patient advocacy and support groups. The educational materials accompanying such educational programs shall be provided at appropriate literacy levels.

''(B) AWARENESS OF THE AVAILABILITY OF PROGRAMS.—To the extent practicable, the Secretary shall make relevant health care providers aware of the availability of the educational programs supported pursuant to subparagraph (A).

''(3) GRANTS FOR QUALITY NEWBORN SCREENING FOLLOWUP.—From funds appropriated under subsection (h), the Secretary, acting through the Associate Administrator and in consultation with the Advisory Committee, shall award grants to eligible entities to enable such entities to establish, maintain, and operate a system to assess and coordinate treatment relating to congenital, genetic, and metabolic disorders.

''(b) APPLICATION.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(c) SELECTION OF GRANT RECIPIENTS.—

''(1) IN GENERAL.—Not later than 120 days after receiving an application under subsection (b), the Secretary, after considering the approval factors under paragraph (2), shall determine whether to award the eligible entity a grant under this section.

''(2) APPROVAL FACTORS.—

''(A) REQUIREMENTS FOR APPROVAL.—An application submitted under subsection (b) may not be approved by the Secretary unless the application contains assurances that the eligible entity—

''(i) will use grant funds only for the purposes specified in the approved application and in accordance with the requirements of this section; and

''(ii) will establish such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting of Federal funds paid to the eligible entity under the grant.

''(B) EXISTING PROGRAMS.—Prior to awarding a grant under this section, the Secretary shall—

''(i) conduct an assessment of existing educational resources and training programs and coordinated systems of followup care with respect to newborn screening; and

''(ii) take all necessary steps to minimize the duplication of the resources and programs described in clause (i).

''(d) COORDINATION.—The Secretary shall take all necessary steps to coordinate programs funded with grants received under this section.

''(e) USE OF GRANT FUNDS.—

''(1) GRANTS TO ASSIST HEALTH CARE PROFESSIONALS.—An eligible entity that receives a grant under subsection (a)(1) may use the grant funds to work with appropriate medical schools, nursing schools, schools of public health, schools of genetic counseling, internal education programs in State agencies, nongovernmental organizations, and professional organizations and societies to develop and deliver education and training programs that include—

''(A) continuing medical education programs for health care professionals and newborn screening laboratory personnel in newborn screening;

''(B) education, technical assistance, and training on new discoveries in newborn screening and the use of any related technology;

''(C) models to evaluate the prevalence of, and assess and communicate the risks of, congenital conditions, including the prevalence and risk of some of these conditions based on family history;

''(D) models to communicate effectively with parents and families about—

''(i) the process and benefits of newborn screening;

''(ii) how to use information gathered from newborn screening;

''(iii) the meaning of screening results, including the possibility of false positive findings;

''(iv) the right of refusal of newborn screening, if applicable; and

''(v) the potential need for followup care after newborns are screened;

''(E) information and resources on coordinated systems of followup care after newborns are screened;

''(F) information on the disorders for which States require and offer newborn screening and options for newborn screening relating to conditions in addition to such disorders;

''(G) information on additional newborn screening that may not be required by the State, but that may be available from other sources; and

''(H) other items to carry out the purpose described in subsection (a)(1) as determined appropriate by the Secretary.

''(2) GRANTS TO ASSIST FAMILIES.—An eligible entity that receives a grant under subsection (a)(2) may use the grant funds to develop and deliver to parents, families, and patient advocacy and support groups, educational programs about newborn screening that include information on—

''(A) what newborn screening is;

''(B) how newborn screening is performed;

''(C) who performs newborn screening;

''(D) where newborn screening is performed;

''(E) the disorders for which the State requires newborns to be screened;

''(F) different options for newborn screening for disorders other than those included by the State in the mandated newborn screening program;

''(G) the meaning of various screening results, including the possibility of false positive and false negative findings;

''(H) the prevalence and risk of newborn disorders, including the increased risk of disorders that may stem from family history;

''(I) coordinated systems of followup care after newborns are screened; and

''(J) other items to carry out the purpose described in subsection (a)(2) as determined appropriate by the Secretary.

''(3) GRANTS FOR QUALITY NEWBORN SCREENING FOLLOWUP.—An eligible entity that receives a grant under subsection (a)(3) shall use the grant funds to—

''(A) expand on existing procedures and systems, where appropriate and available, for the timely reporting of newborn screening results to individuals, families, primary care physicians, and subspecialists in congenital, genetic, and metabolic disorders;

''(B) coordinate ongoing followup treatment with individuals, families, primary care physicians, and subspecialists in congenital, genetic, and metabolic disorders after a newborn receives an indication of the presence or increased risk of a disorder on a screening test;

''(C) ensure the seamless integration of confirmatory testing, tertiary care medical services, comprehensive genetic services including genetic counseling, and information about access to developing therapies by participation in approved clinical trials involving the primary health care of the infant;

''(D) analyze data, if appropriate and available, collected from newborn screenings to identify populations at risk for disorders affecting newborns, examine and respond to

health concerns, recognize and address relevant environmental, behavioral, socioeconomic, demographic, and other relevant risk factors; and

''(E) carry out such other activities as the Secretary may determine necessary.

''(f) REPORTS TO CONGRESS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall submit to the appropriate committees of Congress reports—

''(A) evaluating the effectiveness and the impact of the grants awarded under this section—

''(i) in promoting newborn screening—

''(I) education and resources for families; and

''(II) education, resources, and training for health care professionals;

''(ii) on the successful diagnosis and treatment of congenital, genetic, and metabolic disorders; and

''(iii) on the continued development of coordinated systems of followup care after newborns are screened;

''(B) describing and evaluating the effectiveness of the activities carried out with grant funds received under this section; and

''(C) that include recommendations for Federal actions to support—

''(i) education and training in newborn screening; and

''(ii) followup care after newborns are screened.

''(2) TIMING OF REPORTS.—The Secretary shall submit—

''(A) an interim report that includes the information described in paragraph (1), not later than 30 months after the date on which the first grant funds are awarded under this section; and

''(B) a subsequent report that includes the information described in paragraph (1), not later than 60 months after the date on which the first grant funds are awarded under this section.

''(g) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a State or a political subdivision of a State;

''(2) a consortium of 2 or more States or political subdivisions of States;

''(3) a territory;

''(4) an Indian tribe or a hospital or outpatient health care facility of the Indian Health Service; or

''(5) a nongovernmental organization with appropriate expertise in newborn screening, as determined by the Secretary.

''(h) NATIONAL CONTINGENCY PLAN FOR NEWBORN SCREENING.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Associate Administrator, shall develop a national contingency plan for newborn screening for use in the event of a public health emergency.

''(2) REQUIREMENTS.—The contingency plan developed under paragraph (1) shall include a plan for—

''(A) the collection and transport of specimens;

''(B) the shipment of specimens to State newborn screening laboratories;

''(C) the processing of specimens;

''(D) the reporting of screening results to physicians and families;

''(E) the diagnostic confirmation of positive screening results;

''(F) ensuring the availability of treatment and management resources;

''(G) educating families about newborn screening; and

''(H) carrying out other activities determined appropriate by the Secretary.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $15,000,000 for fiscal year 2008; and

''(2) such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 4. IMPROVED NEWBORN AND CHILD SCREENING FOR HERITABLE DISORDERS.

Section 1109 of the Public Health Service Act (42 U.S.C. 300b–8) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (E), by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (F) as subparagraph (G); and

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

''(F) an assurance that the entity has adopted and implemented, is in the process of adopting and implementing, or will use grant amounts received under this section to adopt and implement the guidelines and recommendations of the Advisory Committee on Heritable Disorders in Newborns and Children established under section 1111 (referred to in this section as the 'Advisory Committee') that are adopted by the Secretary and in effect at the time the grant is awarded or renewed under this section, which shall include the screening of each newborn for the heritable disorders recommended by the Advisory Committee and adopted by the Secretary and the reporting of results; and''; and

(2) in subsection (i), by striking ''such sums'' and all that follows through the period at the end and inserting ''$25,000,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 through 2012.''.

SEC. 5. EVALUATING THE EFFECTIVENESS OF NEWBORN- AND CHILD-SCREENING PROGRAMS.

Section 1110 of the Public Health Service Act (42 U.S.C. 300b–9) is amended by adding at the end the following:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 through 2012.''.

SEC. 6. ADVISORY COMMITTEE ON HERITABLE DISORDERS IN NEWBORNS AND CHILDREN.

Section 1111 of the Public Health Service Act (42 U.S.C. 300b–10) is amended—

(1) in subsection (b)—

(A) by redesignating paragraph (3) as paragraph (5);

(B) in paragraph (2), by striking ''and'' after the semicolon;

(C) by inserting after paragraph (2) the following:

''(3) recommend a uniform screening panel for newborn screening programs that includes the heritable disorders for which all newborns should be screened, including secondary conditions that may be identified as a result of the laboratory methods used for screening;

''(4) develop a model decision-matrix for newborn screening program expansion, and periodically update the recommended uniform screening panel described in paragraph (3) based on such decision-matrix; and''; and

(D) in paragraph (5) (as redesignated by subparagraph (A)), by striking the period at the end and inserting '', including recommendations, advice, or information dealing with—

''(A) followup activities, including those necessary to achieve rapid diagnosis in the short term, and those that ascertain long-term case management outcomes and appropriate access to related services;

''(B) diagnostic and other technology used in screening;

''(C) the availability and reporting of testing for conditions for which there is no existing treatment;

''(D) minimum standards and related policies and procedures for State newborn screening programs;

''(E) quality assurance, oversight, and evaluation of State newborn screening programs;

''(F) data collection for assessment of newborn screening programs;

''(G) public and provider awareness and education;

''(H) language and terminology used by State newborn screening programs;

''(I) confirmatory testing and verification of positive results; and

''(J) harmonization of laboratory definitions for results that are within the expected range and results that are outside of the expected range.''; and

(2) by adding at the end the following:

''(d) DECISION ON RECOMMENDATIONS.—

''(1) IN GENERAL.—Not later than 180 days after the Advisory Committee issues a recommendation pursuant to this section, the Secretary shall adopt or reject such recommendation.

''(2) PENDING RECOMMENDATIONS.—The Secretary shall adopt or reject any recommendation issued by the Advisory Committee that is pending on the date of enactment of the Newborn Screening Saves Lives Act of 2007 by not later than 180 days after the date of enactment of such Act.

''(3) DETERMINATIONS TO BE MADE PUBLIC.—The Secretary shall publicize any determination on adopting or rejecting a recommendation of the Advisory Committee pursuant to this subsection, including the justification for the determination.

''(e) CONTINUATION OF OPERATION OF COMMITTEE.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee shall continue to operate during the 5-year period beginning on the date of enactment of the Newborn Screening Saves Lives Act of 2007.''.

SEC. 7. LABORATORY QUALITY AND SURVEILLANCE.

Part A of title XI of the Public Health Service Act (42 U.S.C. 300b–1 et seq.) is amended by adding at the end the following:

''SEC. 1112. LABORATORY QUALITY.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the Advisory Committee on Heritable Disorders in Newborns and Children established under section 1111, shall provide for—

''(1) quality assurance for laboratories involved in screening newborns and children for heritable disorders, including quality assurance for newborn-screening tests, performance evaluation services, and technical assistance and technology transfer to newborn screening laboratories to ensure analytic validity and utility of screening tests; and

''(2) population-based pilot testing for new screening tools for evaluating use on a mass scale.

''(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 through 2012.

''SEC. 1113. SURVEILLANCE PROGRAMS FOR HERITABLE DISORDERS SCREENING.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, in consultation with the Associate Administrator of the Maternal and Child Health Bureau of the Health Resources and Services Administration, shall carry out programs—

''(1) to collect, analyze, and make available data on the heritable disorders recommended by the Advisory Committee on Heritable Disorders in Newborns and Children established under section 1111, including data on the causes of such disorders and on the incidence and prevalence of such disorders;

''(2) to operate regional centers for the conduct of applied epidemiological research on the prevention of such disorders;

''(3) to provide information and education to the public on the prevention of such disorders; and

''(4) to conduct research on and to promote the prevention of such disorders, and secondary health conditions among individuals with such disorders.

''(b) GRANTS AND CONTRACTS.—

''(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities.

''(2) SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.—

''(A) IN GENERAL.—Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

''(B) REDUCTION.—With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

''(3) APPLICATION FOR AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the award is to be made.

''(c) BIENNIAL REPORT.—Not later than February 1 of fiscal year 2008 and of every second such year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report that, with respect to the preceding 2 fiscal years—

''(1) contains information regarding the incidence and prevalence of heritable disorders and the health status of individuals with such disorders and the extent to which such disorders have contributed to the incidence and prevalence of infant mortality and affected quality of life;

''(2) contains information under paragraph (1) that is specific to various racial and ethnic groups (including Hispanics, non-Hispanic whites, Blacks, Native Americans, and Asian Americans);

''(3) contains an assessment of the extent to which various approaches of preventing heritable disorders and secondary health conditions among individuals with such disorders have been effective;

''(4) describes the activities carried out under this section;

''(5) contains information on the incidence and prevalence of individuals living with heritable disorders, information on the health status of individuals with such disorders, information on any health disparities experienced by such individuals, and recommendations for improving the health and wellness and quality of life of such individuals;

''(6) contains a summary of recommendations from all heritable disorders research conferences sponsored by the Centers for Disease Control and Prevention; and

''(7) contains any recommendations of the Secretary regarding this section.

''(d) APPLICABILITY OF PRIVACY LAWS.—The provisions of this section shall be subject to the requirements of section 552a of title 5, United States Code. All Federal laws relating to the privacy of information shall apply to the data and information that is collected under this section.

''(e) COORDINATION.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall coordinate, to the extent practicable, programs under this section with programs on birth defects and developmental disabilities authorized under section 317C.

''(2) PRIORITY IN GRANTS AND CONTRACTS.—In making grants and contracts under this section, the Secretary shall give priority to entities that demonstrate the ability to coordinate activities under a grant or contract made under this section with existing birth defects surveillance activities.

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $15,000,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 through 2012.''.

Mr. HATCH. I am pleased to introduce today, along with my colleague Senator CHRISTOPHER DODD, the Newborn Screening Saves Lives Act of 2007.

Every State and U.S. territory routinely screens newborns for certain genetic, metabolic, hormonal and functional disorders. Most of these birth defects have no immediate visible effects on a baby but, unless detected and treated early, can cause physical problems, mental retardation and, in some cases, death.

Babies who have these diseases and babies who do not have these diseases look the same at birth. Fortunately, most babies are given a clean bill of health when tested. In cases where babies are found to have metabolic disorders or hearing impairment, early diagnosis and proper treatment can make the difference between healthy development and lifelong impairment.

Except for hearing screening, all newborn screening tests are done using a few drops of blood from the newborn's heel. Newborn screening checks for diseases that can cause problems with the way the body gets energy, how the body makes hormones, or how the body makes blood cells.

Currently each state or region operates by law its own newborn screening program. Individual programs vary widely in the number and types of conditions for which they test. According to the National Newborn Screening and Genetics Resources Center, some States test for as few as four disorders, while others test for 30 or more.

Disparities among States in screening tests given at birth result in too many babies with serious birth defects not being diagnosed and treated in time to avoid death or long term disability. Many States offer only limited educational materials for parents and health care providers about the availability of newborn screening tests; therefore parents are often unaware of the importance of testing and may learn too late that their newborn has an abnormal metabolic condition which could have been treated.

In 2004, the American College of Medical Genetics completed a report commissioned by the Department of Health and Human Services which recommended that every baby born in the United States be screened for 29 disorders, including certain metabolic conditions and hearing deficiency. Currently, only 11 States and the District of Columbia require the recommended screening for all 29 disorders.

Last year there was much success in improving newborn screening in my home State of Utah, which increased testing from 4 to 36 disorders. The expansion of newborn screening is a major advancement for children's healthcare in Utah, as the screening should identify an additional 15 to 20 Utah infants every year in time to help them get the treatment they need to live a fuller and healthier life.

Enactment of the Newborn Screening Saves Lives Act would provide necessary resource materials to educate parents and health providers about newborn screening and help states expand and improve their newborn screening programs. Other important provisions of this legislation help ensure the quality of laboratories involved in newborn screening and call for establishing a system for collecting and analyzing data from newborn screening programs.

The bill will establish grant programs to provide for education and outreach on newborn screening and coordinated follow-up care once newborn screening has been conducted. It will help States expand and improve their newborn screening programs, educate parents and providers and improve follow-up care for infants. The bill also contains provisions for a contingency plan for newborn screening in the case of a national public health emergency, such as that which was witnessed in the wake of Hurricanes Katrina and Rita.

The Newborn Screening Saves Lives Act of 2007 is endorsed by the March of Dimes, the American Academy of Pediatrics, Easter Seals, and the American Public Health Labs. These groups recognize that expanded newborn screening will help pediatricians and other healthcare providers identify rare disorders than can be easily confused with common pediatric problems. Diagnosing and treating these conditions will help prevent irreversible brain damage, permanent disabilities, and possibly death. I urge my colleagues to take a stand for newborn health and support this bill.

By Mr. SCHUMER:

S. 636. A bill to amend the Internal Revenue Code of 1986 to extend the reporting period for certain statements

sent to taxpayers; to the Committee on Finance.

Mr. SCHUMER. Mr. President, I rise today to introduce the ''Reduce Wasteful Tax Forms Act of 2007.'' This bill extends the deadline from January 31 to February 15 for certain types of 1099 forms to be sent to taxpayers. 1099 forms are used to report non-wage income, such as income from dividends and capital gains. These forms are distributed by brokerage firms and financial institutions to their investors, who must report the information on their income tax returns.

Due to recent changes in tax laws that govern income from interest and dividends, there has been a significant increase in the number of inaccurate forms sent out by firms in order to meet the January 31 deadline. The problem is that much of the tax data for certain types of investment income cannot be calculated until after the first of the year, resulting in a compressed window for calculating data in compliance with the new laws and mailing the forms. Once accurate data becomes available, financial institutions must send taxpayers an amended form with the correct information.

These amended forms create confusion for taxpayers, and in some cases, those who receive an amended 1099 may have to re-file their taxes. If taxpayers underpaid in their initial return, they could face interest charges and penalties if they do not file again before the April 15 deadline. The January 31 deadline results in tons of wasted paper, confusion for taxpayers, and wasted expenses incurred in sending the amended forms.

This problem affects an increasing number of taxpayers. According to recent press reports in the Wall Street Journal and USA Today, prior to 2003, an average of 5 to 8 percent of 1099 forms required correcting. That number has since jumped to an average of 13 percent, translating into millions of amended 1099s being sent to taxpayers each year.

My legislation would extend the deadline for sending 1099 forms to taxpayers to February 15, by which time the vast majority of required data will be available to ensure the accuracy of the forms. The bill extends the deadline only for certain types of 1099 forms used to report investment income; it would not extend the deadline for 1099 forms sent to independent contractors or for statements that only report interest earned on bank deposits. Accordingly, this extension will not delay filing for the vast majority of taxpayers.

This year, the IRS granted several brokerage firms an extension to the January 31 deadline. However, this bill would provide a permanent extension for all firms and financial institutions to remove the uncertainty for taxpayers that arises due to this unnecessarily early deadline. My bill will help taxpayers by reducing confusion, the financial industry by cutting costs and waste, and the environment by eliminating millions of unnecessary mailings.

I hope that my colleagues will join me in supporting this legislation, and I look forward to working with other Finance Committee members to have it considered during the 110th Congress. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 636

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 ''Reduce Wasteful Tax Forms Act of 2007''.

SEC. 2. EXTENSION OF REPORTING PERIOD FOR CERTAIN STATEMENTS SENT TO TAXPAYERS.

(a) IN GENERAL.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking ''January 31'' and inserting ''February 15'':

(1) Subsection (c) of section 6042 (returns regarding payments of dividends and corporate earnings and profits).

(2) Subsection (d) of section 6043A (returns relating to taxable mergers and acquisitions).

(3) Subsection (e) of section 6044 (returns regarding payments of patronage dividends).

(4) Subsection (b) of section 6045 (returns of brokers).

(5) Subsection (b) of section 6050N (returns regarding payments of royalties).

(b) STATEMENTS REGARDING CERTAIN RETURNS RELATING TO SECURITIES.—Section 6041(d) of the Internal Revenue Code of 1986 is amended by striking ''January 31'' and inserting ''January 31 (February 15, in the case of statements regarding returns relating to payments made by financial institutions to customers in connection with securities (including securities lending))''.

(c) STATEMENTS RELATING TO CERTAIN SUBSTITUTE PAYMENTS.—Section 6045(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''at such time and'', and

(2) by inserting after ''other item.'' the following new sentence: ''The written statement required under the preceding sentence shall be furnished on or before February 15 of the year following the calendar year during which such payment was made.''.

(d) STATEMENTS REGARDING CERTAIN REPORTS BY EMPLOYERS AND PLAN ADMINISTRATORS.—Section 6047(d)(2) of the Internal Revenue Code of 1986 is amended by inserting '', except that any report to any person other than the Secretary shall be furnished on or before February 15 of the year following the calendar year for which the report under paragraph (1) was required to be made'' after ''regulations''.

(e) CERTAIN STATEMENTS RELATING TO INTEREST PAYMENTS.—Section 6049(c)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''January 31'' and inserting ''February 15 (January 31, in the case of any statement regarding a return relating to payments of interest made by any obligor described in subparagraph (B) or (C) of subsection (b)(1), unless such statement is combined in a statement the due date for which is February 15)''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to returns, reports, and other statements the due date for which (determined without regard to extensions) is after December 31, 2007.

By Mr. DURBIN (for himself, Mr. KERRY, and Mr. MENENDEZ):

S. 642. A bill to codify Executive Order 12898, relating to environmental justice, to require the Administrator of the Environmental Protection Agency to fully implement the recommendations of the Inspector General of the Agency and the Comptroller General of the United States, and for other purposes; to the Committee on Environment and Public Works.

Mr. DURBIN. Mr. President, today I introduce, with Senators KERRY and MENENDEZ, an environmental justice bill that will help protect the well-being of minority and low-income communities throughout the United States.

In 1994, President Clinton issued an Executive Order instructing Government agencies to develop strategies to identify and address environmental inequities that might be created through agency programs. The Executive Order recognized that low-income and minority communities often end up with more than their fair share of pollution, associated health risks and environmental degradation.

More advantaged communities—with strong advocates, more resources, and better access to information—are less likely to have landfills, petrochemical plants, or waste incinerators built in their neighborhoods.

Unfortunately, the U.S. Environmental Protection Agency has not honored the 1994 Executive Order and the goal of environmental justice has not been met. In a March 2004 report, the EPA Inspector General concluded that the agency ''has not fully implemented Executive Order 12898 nor consistently integrated environmental justice into its day-to-day operations. EPA has not identified minority and low-income [populations] . . . and has neither defined nor developed criteria for determining [who is] disproportionately impacted. Moreover, in 2001, the Agency restated its commitment to environmental justice in a manner that does not emphasize minority and low-income populations, the intent of the Executive Order.''

Today, with the introduction of the Environmental Justice Act of 2007, we ask Congress to codify the Executive Order. The legislation also directs the EPA to implement recommendations in this area from both the EPA Inspector General and the Government Accountability Office. The recommendations include creating offices to review programs and policies for environmental justice implications, training staff to address environmental justice concerns in the rule making process and specifically assessing the impacts of future regulation and enforcement on the communities most at risk to human and environmental health problems. Finally, the bill establishes reporting requirements for the implementation of the recommendations.

I am pleased that our legislation currently has the support of 18 organizations, including: Earthjustice; Lawyers' Committee for Civil Rights Under

Law; Center for Health, Environment and Justice; Natural Resources Defense Council; Advocates for Environmental Human Rights and Labor Council for Latin American Advancement.

The bill we are introducing today is an important step toward shifting the balance of environmental hazards, so the burden is not shouldered unfairly by low-income and minority communities.

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. 642

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 ''Environmental Justice Act of 2007''.

SEC. 2. CODIFICATION OF EXECUTIVE ORDER 12898.

(a) IN GENERAL.—The President of the United States is authorized and directed to execute, administer and enforce as a matter of Federal law the provisions of Executive Order 12898, dated February 11, 1994, (''Federal Actions To Address Environmental Justice In Minority Populations and Low-Income Populations'') with such modifications as are provided in this section.

(b) DEFINITION OF ENVIRONMENTAL JUSTICE.—For purposes of carrying out the provisions of Executive Order 12898, the following definitions shall apply:

(1) The term ''environmental justice'' means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, educational level, or income with respect to the development, implementation, and enforcement of environmental laws and regulations in order to ensure that—

(A) minority and low-income communities have access to public information relating to human health and environmental planning, regulations and enforcement; and

(B) no minority or low-income population is forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazard.

(2) The term ''fair treatment'' means policies and practices that ensure that no group of people, including racial, ethnic, or socioeconomic groups bear disproportionately high and adverse human health or environmental effects resulting from Federal agency programs, policies, and activities.

(c) JUDICIAL REVIEW AND RIGHTS OF ACTION.—The provisions of section 6-609 of Executive Order 12898 shall not apply for purposes of this Act.

SEC. 3. IMPLEMENTATION OF RECOMMENDATIONS BY ENVIRONMENTAL PROTECTION AGENCY.

(a) INSPECTOR GENERAL RECOMMENDATIONS.—The Administrator of the Environmental Protection Agency shall, as promptly as practicable, carry out each of the following recommendations of the Inspector General of the agency as set forth in report # 2006-P-00034 entitled ''EPA needs to conduct environmental justice reviews of its programs, policies and activities'':

(1) The recommendation that the agency's program and regional offices identify which programs, policies, and activities need environmental justice reviews and require these offices to establish a plan to complete the necessary reviews.

(2) The recommendation that the Administrator of the agency ensure that these reviews determine whether the programs, policies, and activities may have a disproportionately high and adverse health or environmental impact on minority and low-income populations.

(3) The recommendation that each program and regional office develop specific environmental justice review guidance for conducting environmental justice reviews.

(4) The recommendation that the Administrator designate a responsible office to compile results of environmental justice reviews and recommend appropriate actions.

(b) GAO RECOMMENDATIONS.—In developing rules under laws administered by the Environmental Protection Agency, the Administrator of the Agency shall, as promptly as practicable, carry out each of the following recommendations of the Comptroller General of the United States as set forth in GAO Report numbered GAO-05-289 entitled ''EPA Should Devote More Attention to Environmental Justice when Developing Clean Air Rules'':

(1) The recommendation that the Administrator ensure that workgroups involved in developing a rule devote attention to environmental justice while drafting and finalizing the rule.

(2) The recommendation that the Administrator enhance the ability of such workgroups to identify potential environmental justice issues through such steps as providing workgroup members with guidance and training to helping them identify potential environmental justice problems and involving environmental justice coordinators in the workgroups when appropriate.

(3) The recommendation that the Administrator improve assessments of potential environmental justice impacts in economic reviews by identifying the data and developing the modeling techniques needed to assess such impacts.

(4) The recommendation that the Administrator direct appropriate agency officers and employees to respond fully when feasible to public comments on environmental justice, including improving the agency's explanation of the basis for its conclusions, together with supporting data.

(c) 2004 INSPECTOR GENERAL REPORT.—The Administrator of the Environmental Protection Agency shall, as promptly as practicable, carry out each of the following recommendations of the Inspector General of the agency as set forth in the report entitled ''EPA Needs to Consistently Implement the Intent of the Executive Order on Environmental Justice'' (Report No. 2004-P-00007):

(1) The recommendation that the agency clearly define the mission of the Office of Environmental Justice (OEJ) and provide agency staff with an understanding of the roles and responsibilities of the office.

(2) The recommendation that the agency establish (through issuing guidance or a policy statement from the Administrator) specific time frames for the development of definitions, goals, and measurements regarding environmental justice and provide the regions and program offices a standard and consistent definition for a minority and low-income community, with instructions on how the agency will implement and operationalize environmental justice into the agency's daily activities.

(3) The recommendation that the agency ensure the comprehensive training program currently under development includes standard and consistent definitions of the key environmental justice concepts (such as ''low-income'', ''minority'', and ''disproportionately impacted'') and instructions for implementation of those concepts.

(d) REPORT.—The Administrator shall submit an initial report to Congress within 6 months after the enactment of this Act regarding the Administrator's strategy for implementing the recommendations referred to in subsections (a), (b), and (c). Thereafter, the Administrator shall provide semi-annual reports to Congress regarding his progress in implementing such recommendations as well as his progress on modifying the Administrator's emergency management procedures to incorporate environmental justice in the agency's Incident Command Structure (in accordance with the December 18, 2006, letter from the Deputy Administrator to the Acting Inspector General of the agency).

By Mr. AKAKA:

S. 643. A bill to amend section 1922A of title 38, United States Code, to increase the amount of supplemental insurance available for totally disabled veterans; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce the Disabled Veterans Insurance Improvement Act of 2007. The legislation would increase the amount of supplemental life insurance available to totally disabled veterans from $20,000 to $40,000. Many totally disabled veterans find it difficult to obtain commercial life insurance. These are the veterans we are trying to help with this legislation by providing them with a reasonable amount of life insurance coverage.

VA's Service-Disabled Veterans' Insurance, commonly known as S-DVI, was established during the Korean War to provide life insurance for veterans with service-connected disabilities. This $10,000 benefit has never been increased.

In comparison, the Servicemembers' Group Life Insurance and Veterans' Group Life Insurance benefits, which were $10,000 and $20,000 respectively at their inception, have been increased over time to $400,000. The most recent increases to these programs have been in response to public sentiment and the determination by Congress that the amount provided to the beneficiaries of servicemembers who die while fighting in Operations Enduring Freedom and Iraqi Freedom is insufficient.

In 1992, Congress increased the amount of life insurance available to S-DVI policyholders by offering $20,000 worth of supplemental coverage to those who are considered totally disabled. Forty percent of the veterans enrolled in the S-DVI program are considered totally disabled and are eligible for a premium waiver for their basic coverage. In fiscal year 2006, thirty-two percent of veterans granted new policy waivers also opted to pay for this supplemental coverage. Even with $30,000 in coverage, the amount of life insurance available to disabled veterans falls well short of the death benefits available to servicemembers and veterans enrolled in the Servicemembers' Group Life Insurance and Veterans' Group Life Insurance programs.

The 2001 Congressionally mandated study entitled Program Evaluation of Benefits for Survivors of Veterans with

Service-Connected Disabilities found the lowest area of veteran satisfaction to be the maximum amount of coverage that veterans were authorized to purchase. My bill would allow totally disabled veterans to purchase an additional $20,000 in insurance coverage.

I ask my colleagues to support the Disabled Veterans Insurance Improvement Act of 2007. This is a modest and affordable way of increasing the life insurance coverage for those veterans with the greatest need. I realize that there are paygo implications associated with this legislation and I am actively looking for ways to pay for this bill.

I request 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. 643

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 ''Disabled Veterans Insurance Act of 2007''.

SEC. 2. SUPPLEMENTAL INSURANCE FOR TOTALLY DISABLED VETERANS.

Section 1922A(a) of title 38, United States Code, is amended by striking ''$20,000'' and inserting ''$40,000''.

By Mr. COLEMAN:

S. 646: A bill to increase the nursing workforce; to the Committee on the Judiciary.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 646

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 ''Rural Nursing Promotion Act''.

SEC. 2. ESTABLISHMENT OF A NURSE DISTANCE EDUCATION PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Health and Human Services, in conjunction with the Secretary of Education, shall establish a Nurse Distance Education Pilot Program through which grants may be awarded for the conduct of activities to increase accessibility to nursing education.

(b) PURPOSE.—The purpose of the Nurse Distance Education Pilot Program established under subsection (a) shall be to increase accessibility to nursing education to—

(1) provide assistance to individuals in rural areas who want to study nursing to enable such individuals to receive appropriate nursing education;

(2) promote the study of nursing at all educational levels;

(3) establish additional slots for nursing students at existing nursing education programs; and

(4) establish new nursing education programs at institutions of higher education.

(c) APPLICATION.—To be eligible to receive a grant under the Pilot Program under subsection (a), an entity shall submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, such sums as may be necessary to carry out this section.

SEC. 3. INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS.

(a) Not later than January 1, 2008, the Secretary of Health and Human Services, in conjunction with the Secretary of Education, shall—

(1) submit to Congress a report concerning the source of newly licensed nurses and physical therapists in each State, that shall include—

(A) for the most recent 3-year period for which data is available—

(i) separate data relating to teachers at institutions of higher education for each related occupation who have been teaching for not more than 5 years; and

(ii) separate data relating to all teachers at institutions of higher education for each related occupation regardless of length of service;

(B) for the most recent 3-year period for which data is available, separate data for each related occupation and for each State;

(C) a description of the barriers to increasing the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(D) separately identify those individuals receiving their initial nursing license and those individuals licensed by endorsement from another State;

(E) with respect to those individuals receiving their initial nursing license in each year, a description of the number of individuals who received their professional education in the United States and the number of individuals who received such education outside the United States;

(F) to the extent practicable, a description, by State of residence and country of education, of the number of nurses and physical therapists who were educated in any of the 5 countries (other than the United States) from which the most nurses and physical therapists arrived;

(G) recommendations of strategies to be utilized by Federal and State governments that would be effective in removing the barriers described in subparagraph (C), including strategies that address barriers to advancement to become registered nurses for other health care workers, such as home health aides and nurses assistants;

(H) recommendations for amendments to Federal laws that would increase the supply of nursing faculty, domestically trained nurses, and domestically trained physical therapists;

(I) recommendations for Federal grants, loans, and other incentives that would provide increases in nurse educators and nurse training facilities, and other measures to increase the domestic education of new nurses and physical therapists;

(J) identify the effects of nurse emigration on the health care systems in their countries of origin; and

(K) recommendation for amendments to Federal law that would minimize the effects of health care shortages in the countries of origin from which immigrant nurses arrived;

(2) enter into a contract with the Institute of Medicine of the National Academy of Sciences for the conduct of a study, and submission of a report, to determine the level of Federal investment under titles VII and VIII of the Public Health Service Act (42 U.S.C. 292 and 296 et seq.) that is necessary to eliminate the domestic nursing and physical therapist shortage by the date that is not later than 7 years after the date on which the report is submitted; and

(3) collaborate with the heads of other Federal agencies, as appropriate, in working with ministers of health or other appropriate officials of the 5 countries from which the most nurses and physical therapists arrived into the United States, to—

(A) address health worker shortages caused by emigration; and

(B) ensure that there is sufficient human resource planning or other technical assistance needed to reduce further health worker shortages in such countries.

SEC. 4. SHORTAGE OCCUPATIONS.

(a) EXCEPTION TO DIRECT NUMERICAL LIMITATIONS.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following new subparagraph:

''(F)(i) During the period beginning on the date of the enactment of the Rural Nursing Promotion Act and ending on September 30, 2017, an alien—

''(I) who is described in section 203(b); and

''(II) who is seeking admission to the United States to perform labor in shortage occupations designated by the Secretary of Labor for certification under section 212(a)(5)(A) due to the lack of sufficient United States workers able, willing, qualified, and available for such occupations and for which the employment of aliens will not adversely affect the terms and conditions of similarly employed United States workers.

''(ii) During the period described in clause (i), the spouse or dependent of an alien described in clause (i), if accompanying or following to join such alien.''.

(b) EXCEPTION TO NONDISCRIMINATION REQUIREMENTS.—Section 202(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(1)(A)) is amended by striking ''201(b)(2)(A)(i)'' and inserting ''201(b)''.

(c) EXCEPTION TO PER COUNTRY LEVELS FOR FAMILY-SPONSORED AND EMPLOYMENT-BASED IMMIGRANTS.—Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)), is amended by inserting '', except for aliens described in section 201(b),'' after ''any fiscal year''.

(d) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

''(l) The Secretary of Homeland Security shall provide a process for reviewing and making a determination upon a petition filed with respect to an alien described in section 201(b)(1)(F) not later than 30 days after the date a completed petition has been filed for such alien.''.

By Mr. WYDEN (for himself and Mr. SMITH):

S. 647. A bill to designate certain land in the State of Oregon as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, it has been more than 200 years since Lewis and Clark first laid eyes on Mount Hood. Today, I propose, with Senator SMITH, that the spectacular mountain, seen first by our pioneers, should be preserved for all time.

The Lewis and Clark Mount Hood Wilderness Act of 2007, which we introduce today, is similar to the bill Senator SMITH and I introduced in the last Congress. It does include several improvements that came about from comments and constructive suggestions

from a variety of groups at home in Oregon.

The legislation also includes input from the Energy and Natural Resources Committee. We appreciate their input and believe their views can help speed the bill's passage.

In tribute to the great river-dependent journey of Lewis and Clark, our legislation adds nine free-flowing stretches of rivers to the National Wild and Scenic River System. This reflects the views of Oregonians, but, frankly, I hear it from folks in the Midwest, where the Presiding Officer lives, and from people from every nook and cranny in this country who have all come to treasure our spectacular mountain.

This legislation contains a number of provisions of the original Mount Hood legislation I introduced in 2004. The bill protects the lower elevation forests surrounding Mount Hood and the Columbia River Gorge as Lewis and Clark saw them. These forests embody the natural beauty of our home State. They provide the clean water necessary for the survival of threatened steelhead, Coho, and Chinook salmon. They provide critical habitat and diverse ecosystems for elk, deer, lynx, and the majestic bald eagle. These are the forests that provide unparalleled recreational opportunities for Oregonians and the scores and scores of visitors we get from Minnesota and every other part of the country as well.

But the legislation I offer today with Senator SMITH differs from the bill I introduced several years ago because it responds to the many comments we have heard. We have received thousands of comments on our proposed legislation. Some comments came as a result of the general public meetings I held at home in Oregon. Many of the meetings lasted over 3 hours. Everybody who wanted to speak was given the opportunity to do so. Other comments came from the second Mount Hood summit that was held at Timberline Lodge, hosted by Congressmen WALDEN and BLUMENAUER. My staff and I met with over 100 community groups and local governments, the members of the Oregon congressional delegation, the Governor, and the Bush administration. More comments came from calls and letters from Oregonians who are saying that now, now, now is the time to preserve Mount Hood.

Overwhelmingly, these comments have urged that we build on Oregon's wilderness system. This goal is as important today as it was in 1804, when Lewis and Clark first viewed Mount Hood; in 1964, when the Wilderness Act was passed; or in 1984, when wilderness protections were last designated on Mount Hood. It is time to plan now to protect this treasure for future generations.

The Mount Hood National Forest is the seventh most visited national forest in our country. In the 22 years that have elapsed since any new wilderness has been designated on Mount Hood, the population in the local counties has increased significantly—25 percent in Multnomah County, 24 percent in Hood River County, and 28 percent in Clackamas County.

The predominant public use of this urban forest is nonmechanized activities such as hiking, camping, and fishing. With increasing emphasis on wild scenery, unspoiled wildlife habitats, free-flowing rivers, wilderness, and the need for opportunities for diverse outdoor recreation, sometimes it seems we are in jeopardy of loving our wild places to death. We all see Americans coming together to make sure the most special places are protected for future generations.

A few years ago, the Forest Service made a proposal to limit the number of people who could hike on the south side of Mount Hood. Suffice it to say, the public outcry in opposition was enormous. It seems to me, rather than tell people they are going to be restricted from using our public lands, part of the solution for Mount Hood lies in providing more opportunities for them to enjoy the mountain's great places. We ought to ensure that the Mount Hood National Forest can meet the increased demand for outdoor experiences, and the legislation I offer today with Senator SMITH provides these opportunities. Hundreds of people spoke at the public meetings I held throughout the State. I have received 2,500 written comments urging additional wilderness on Mount Hood. There are a few key areas the citizens continually come back and refer to:

First, by astonishing numbers, they want to see additional wilderness on Mount Hood. A large number of Oregonians didn't think enough wilderness had been included, for example, in the legislation that was considered by the other body.

A second area is mountain biking. Some mountain bikers expressed concern that their recreation opportunities not be unfairly curtailed. Senator SMITH and I had many discussions with them to ensure that would not be the case.

Third, fire protection and forest health was something referred to by many Oregonians. Citizens were concerned about the health of the forest. Those living in towns on the mountain and the gorge were concerned about fire protection in their communities, and we sought to address those issues as well.

An additional concern was developed recreation, with some citizens worried about maintaining a role for developed recreation, such as skiing, on Mount Hood.

In each of these areas, Senator SMITH and I tried to follow up and be responsive to what citizens at home were saying.

With respect to additional wilderness, there are currently 189,200 acres of designated wilderness in the Mount Hood National Forest. This bill increases wilderness on Mount Hood by designating approximately 128,000 acres of new wilderness.

The bill adds the areas surrounding the oldest Mount Hood wilderness—the mountain itself—which was designated in the original Wilderness Act of 1964. These additions include cathedral old growth forests, special trails, lava beds that were created during the Mount Hood eruptions, and much of the legendary route that Oregon's pioneers used when they came to our great State.

To the north and west of the mountain, we add the viewshed of the Columbia Gorge to the current Mark O. Hatfield Wilderness. These areas encompass the spectacular ridges that frame the gorge that we marvel at from I–84 and include perhaps the greatest concentration of waterfalls in all of North America.

To the southwest of the mountain, we add lands to the current Salmon Huckleberry Wilderness to conserve their diverse wildlife and protect unique recreational areas such as those around the extremely popular Mirror Lake. These lands include Alder Creek, the source of drinking water for the city of Sandy, and that city unanimously endorsed the draft proposal.

Over to the east are proposed additions to the Badger Creek Wilderness area. These areas provide a critical link between westside forests and eastside ecosystems. This area is known for its spectacular colors in the fall and the best deer and elk hunting in our entire Mount Hood National Forest.

Among the areas we are protecting is the newly designated Richard L. Kohnstamm Memorial area. It is dedicated in honor of Mr. Kohnstamm who restored the historic Timberline Lodge built originally by the Works Progress Administration in 1937. Our new 2007 bill adds 2,730 acres of Marion County lands in the Bull of the Woods Wilderness Additions, while removing lands where users identified potential conflicts.

Second, in the area of wild and scenic rivers, we protect over 79 miles of wild and scenic rivers on nine free-flowing rivers. This protects some of the most pristine rivers in our State. Among those proposed rivers are the picturesque waterfalls and glacial outwash of the East Fork of the Hood River, and the ancestral hunting and fishing grounds of Fish Creek. Over 17 miles of extraordinary salmon and steelhead habitat on the Collowash River have also been added for protection under our legislation.

Mountain biking is an area where there has been a lot of debate. We believed the local riders raised valid concerns, and we took two steps. First, we proposed the Mount Hood National Recreation Area. This area was so popular in our last bill that Senator SMITH and I decided to greatly expand it to include 34,640 acres, an increase of over 16,000 additional acres. It is going to offer permanent environmental protection to those beautiful areas, while

providing mountain bikers, recreational users, and others an opportunity to enjoy recreation on the mountain.

Additionally, I made boundary adjustments to ensure that all open mountain biking trails were not included in this proposed legislation.

With respect to fire protection and forest health, we tried to make clear that where there are healthy, older trees, they should not be harvested on Mount Hood or in the gorge. Older healthy stands are most resistant to fire and disease. However, there is an enormous backlog of overcrowded plantation, second growth that really ought to be thinned. The legislation includes provisions that would give the Forest Service a mandate to prepare an assessment for promoting forests resilient to fire, insects, and disease. This also includes provisions to study and encourage the development of biomass in conjunction with forest health work.

We happen to think that biomass is one of the most exciting new fields for Oregonians to get into. The opportunity to generate clean energy, help small rural communities, create family wage jobs, is something that we should not miss out on. This legislation tries to tap the potential for progress in the biomass field as well.

Finally, we add fire-safe community zones so that the Secretary of Agriculture will construct a system of fire-safe buffer zones around the communities of Cascade Locks and Government Camp.

With respect to developed recreation, we wanted to facilitate recreational opportunities in this area and thus adopted a provision that came from the other body known as ''fee retention'' that would establish a special account for the Mount Hood National Forest.

In addition, in order to help address growth while ensuring access to recreational opportunities, we have adopted provisions originally coming, again, from language from the other body directing the Secretary of Agriculture and the State of Oregon to develop an integrated transportation plan for the Mount Hood region.

I commend particularly my colleague in the other body, Congressman BLUMENAUER, one of the real pioneers in thinking about transportation.

Finally, with respect to key relationships with our tribes and our local governmental bodies, we have incorporated provisions on local and tribal relationships, emphasizing the rich history of the Mount Hood area and affirming the rights of Native peoples to access the mountains as they have for generations.

The protections of these important Oregon places is going to depend on the hard work and dedication of all Oregonians. I am very pleased—I am summing up, and the Senate has been patient in giving me this extra time—to say that this has been a bipartisan effort by the Oregon congressional delegation. Senator SMITH joins me in introducing this legislation. We believe this brings together our county commissioners, entrepreneurs, environmentalists, Chamber of Commerce, State-elected officials, the Governor. All of those who feel so strongly about protecting Mount Hood rolled up their sleeves, went to work, and joined myself and Senator SMITH to try to find common ground to make sure that Mount Hood would be protected for all time.

We are looking forward to perfecting the legislation together in the coming weeks and looking forward to seeing a swift adoption by Congress.

The grandeur of Mount Hood and our special treasures is pretty much in the chromosomes of Oregonians. Protecting our treasures is something about which we feel so strongly. Today is a special day for us because, once again, the citizens of our State have come together and have worked with myself and Senator SMITH to take action to protect our treasures.

Mr. President, Oregon's Mount Hood is a cherished State treasure. This wild place is often photographed, visited and enjoyed by scores of Oregonians and non-Oregonians. Today, I am introducing, along with my colleague Senator SMITH, a bi-partisan Oregon Wilderness bill: the ''Lewis and Clark Mount Hood Wilderness Act of 2007.'' This bill is similar to the one Senator SMITH and I introduced in the last Congress, but it includes several improvements that resulted from comments received from stakeholders. The bill also includes input from the Energy and Natural Resources Committee, which we hope will help speed the bill's passage. In tribute to the great river-dependent journey of Lewis and Clark, our legislation adds nine free-flowing stretches of rivers to the National Wild and Scenic River System. This reflects the Oregonian wish to protect but also actively experience our State's treasures.

This bill contains many elements of the Mount Hood bill I introduced in 2004, while also incorporating many new provisions to protect and improve the Mount Hood region. This bill protects the lower elevation forests surrounding Mount Hood and the Columbia River Gorge as Lewis and Clark saw them. These forests embody the natural beauty of Oregon. They provide the clean water necessary for the survival of threatened steelhead, Coho and Chinook salmon. These forests provide critical habitat and diverse ecosystems for elk, deer, lynx and the majestic bald eagle. And these are the forests that provide unparalleled recreational opportunities for Oregonians and our visitors.

But the bill I introduce today differs from the bill I introduced 2 years ago because it responds to the many comments I heard in the ensuing years. I received thousands of comments on proposed Mount Hood legislation. Some comments came as a result of the general public meetings I held in Oregon. Many of the meetings lasted over 3 hours, and everyone who wanted to speak was given an opportunity to do so. Other comments came from the second Mount Hood Summit held at Timberline Lodge hosted by Representatives WALDEN and BLUMENAUER. I and my staff met with over 100 community groups and local governments, the members of the Oregon congressional delegation, the Governor, and the Bush administration. And still more comments came from letters and phone calls from Oregonians.

Overwhelmingly, these comments urged me to protect and build on Oregon's Wilderness system. This goal is as important today as it was in 1804, when Lewis and Clark first viewed Mount Hood, 1964, when the Wilderness Act was passed, or 1984, when wilderness protections were last designated on Mount Hood—if not more so. To succeed, we must provide the tools that help us create a planned future on Mount Hood. This bill does both.

The Mount Hood National Forest is the seventh most visited National Forest in the United States. In the 22 years that have elapsed since any new wilderness has been designated in the Mount Hood area, the population in local counties has increased significantly—25 percent in Multnomah County, 24 percent in Hood River County, and 28 percent in Clackamas County.

The predominant public use of this urban forest is non-mechanized activity like hiking, camping, and fishing. With increasing emphasis on wild scenery, unspoiled wildlife habitats, free flowing rivers, wilderness and the need for opportunities for diverse outdoor recreation, sometimes it seems we are in jeopardy of ''loving our wild places to death.''

A few years ago, the Forest Service made a proposal to limit the number of people that could hike the south side of Mount Hood and the public outcry was enormous. Seems to me, rather than tell people that they are going to be restricted from using our public lands, part of the solution for the future of the Mountain lies in providing more opportunities for them to enjoy the Mountain's great places. We should ensure the Mount Hood National Forest can meet the increased use and demand for outdoor experiences—my bill will provide those opportunities.

Of the hundreds of people who attended the meetings I held throughout the State of Oregon, the vast majority spoke in favor of more wilderness. Additionally, I have received more than 2,500 written comments supporting additional wilderness for Mount Hood.

This is what I have heard: First and foremost, I heard that Oregonians in astonishing numbers support protecting Mount Hood and the Columbia River Gorge with additional wilderness. A large number of Oregonians didn't think that enough wilderness areas had been included in the House proposal.

Some mountain bikers expressed concerns that their recreation opportunities not be unfairly curtailed.

Some people were worried about forest health, and those living in towns on the mountain and in the gorge were concerned about fire protection for their communities.

Some people were worried about maintaining a role for developed recreation, like skiing, on Mt. Hood.

This is what my bill does to address those concerns: There are currently 189,200 acres of designated wilderness in the Mount Hood National Forest. This bill increases wilderness on Mount Hood by designating approximately 128,600 new acres of wilderness.

This bill adds the areas surrounding the oldest Mt. Hood Wilderness—the mountain itself—which was designated in the original Wilderness Act of 1964. These additions include cathedral old growth forests, the historic Tilly Jane trail, lava beds that were created during the Mt. Hood eruptions, and much of the legendary route that Oregon's pioneers used when they were settling our great State. To the north and west of the mountain, I would add the viewshed of the Columbia Gorge to the current Mark O. Hatfield wilderness. These areas encompass the spectacular ridges framing the Gorge that we all marvel at from I–84 and include perhaps the greatest concentration of waterfalls in North America. To the southwest of the mountain I add lands to the current Salmon Huckleberry Wilderness to conserve their diverse wildlife and protect unique recreational areas like those around popular Mirror Lake. These lands include Alder Creek, the source of drinking water for the City of Sandy, which unanimously endorsed the draft proposal. Over to the east are proposed additions to the Badger Creek Wilderness. These areas provide a critical link between Westside forests and Eastside ecosystems. This area is known for beautiful fall color and the best deer and elk hunting in the entire Mount Hood National Forest. Among the areas we are protecting is the newly designated Richard L. Kohnstamm Memorial Area. It is dedicated in honor of Mr. Kohnstamm who restored the historic Timberline Lodge—built originally by the Works Progress Administration in 1937—to its former grandeur. Our new 2007 bill adds 2730 acres of Marion County lands in the Bull of the Woods Wilderness Additions, while removing lands where users identified potential conflicts.

My proposal seeks to protect over 79.6 miles of wild and scenic rivers on nine free flowing rivers. This includes some of the most pristine and beautiful rivers in Oregon. Among those proposed rivers are the picturesque waterfalls and glacial outwash of the East Fork of the Hood River, and the ancestral hunting and fishing grounds of Fish Creek. Over 17 miles of superb salmon and steelhead habitat on the Collowash River have also been proposed for protection.

I believe that local riders raised some valid concerns, so I did two things. I have proposed Mount Hood National Recreation Area. This area was so popular in our last bill that Senator SMITH and I decided to greatly expand it to include 34,640 acres—an increase of over 16,700 acres. It will offer greater, permanent environmental protections to those beautiful areas, while providing mountain bikers and other recreational users an opportunity to continue to recreate in these areas. Additionally, I made boundary adjustments to ensure all open mountain biking trails were not included in my proposed wilderness.

I protect wilderness, where there are healthy, older trees that should never be harvested on Mount Hood or in the Gorge. Older, healthy stands are the most resistant to fire and disease. However, there is an enormous backlog of over-crowded, plantation, second-growth that should be thinned. My bill includes provisions that would give the Forest Service a mandate to prepare an assessment for promoting forests resilient to fire, insects and disease. This also includes provisions to study and encourage the development of biomass in conjunction with forest health work. In addition, I added fire safe community zones so that the Secretary will construct a system of fire safe buffer zones around the communities of Cascade Locks and Government Camp.

In order to facilitate developed recreation opportunities, I have adopted the House provisions establishing a ''fee-retention'' provision that will establish an account for the Mount Hood National Forest. In addition, in order to help address growth while ensuring access to recreational opportunities, I have adopted provisions, originally coming from the language passed in the House last Congress, directing the Secretary and the State of Oregon to develop an integrated transportation plan for the Mount Hood region.

I have also incorporated provisions on local and tribal relationships emphasizing the rich history of the Mount Hood region and affirming the rights of Native peoples to access the mountain's resources, as they have for generations.

The protection of these important Oregon places will depend on the hard work and dedication of all Oregonians and particularly that of my Oregon colleagues here in the Congress. I am especially pleased that Senator SMITH has joined me in developing this bipartisan legislation and putting forth our proposal for wilderness. I am hopeful everyone will pull together: county Commissioners, environmentalists, entrepreneurs, chambers of commerce, State elected officials, the Governor, and the Oregon delegation here in the Capitol. I look forward to perfecting legislation together in the coming weeks, and seeing its swift adoption by Congress thereafter. Then the grandeur of Mount Hood and other Oregon treasures can be assured for future generations.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 647

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 ''Lewis and Clark Mount Hood Wilderness Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—DESIGNATION OF WILDERNESS AREAS

Sec. 101. Designation of Lewis and Clark Mount Hood wilderness areas.
Sec. 102. Richard L. Kohnstamm Memorial Area.
Sec. 103. Map and legal descriptions.
Sec. 104. Administration.
Sec. 105. Buffer zones.
Sec. 106. Fire safe community zones.
Sec. 107. Fish and wildlife; hunting and fishing.
Sec. 108. Fire, insects, and diseases.
Sec. 109. Land reclassification.
Sec. 110. Valid existing rights and withdrawal.
Sec. 111. Maintenance and replacement of foot bridges in wilderness areas.

TITLE II—DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER PROTECTION IN THE MOUNT HOOD AREA

Sec. 201. Purpose.
Sec. 202. Wild and Scenic River designations, Mount Hood National Forest.
Sec. 203. Impact on water rights and flow requirements.
Sec. 204. Culvert replacement.
Sec. 205. Protection for Hood River, Oregon.

TITLE III—MOUNT HOOD NATIONAL RECREATION AREA

Sec. 301. Designation.

TITLE IV—TRANSPORTATION AND COMMUNICATION SYSTEMS

Sec. 401. Definition of Mount Hood region.
Sec. 402. Transportation plan.
Sec. 403. Study relating to gondola connection and intermodal transportation center.
Sec. 404. Burial of power lines.
Sec. 405. Clarification of treatment of State highways.

TITLE V—LAND EXCHANGE

Subtitle A—Cooper Spur-Government Camp Land Exchange

Sec. 501. Purposes.
Sec. 502. Definitions.
Sec. 503. Cooper Spur-Government Camp land exchange.
Sec. 504. Concessionaires at the Inn at Cooper Spur and the Cooper Spur Ski Area.

Subtitle B—Port of Cascade Locks Land Exchange

Sec. 511. Definitions.
Sec. 512. Land exchange, Port of Cascade Locks-Pacific Crest National Scenic Trail.

Subtitle C—Hunchback Mountain Land Exchange and Boundary Adjustment

Sec. 521. Definitions.
Sec. 522. Hunchback Mountain land exchange, Clackamas County.
Sec. 523. Boundary adjustment.

TITLE VI—MOUNT HOOD NATIONAL FOREST AND WATERSHED STEWARDSHIP
Sec. 601. Findings and purpose.
Sec. 602. Forest stewardship assessment.
Sec. 603. Sustainable biomass utilization study.
Sec. 604. Watershed management memoranda of understanding.
Sec. 605. Termination of authority.
TITLE VII—CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT
Sec. 701. Findings and purpose.
Sec. 702. Establishment of Crystal Springs Watershed Special Resources Management Unit.
Sec. 703. Administration of Management Unit.
Sec. 704. Acquisition of lands.
Sec. 705. Effective date.
TITLE VIII—LOCAL AND TRIBAL RELATIONSHIPS
Sec. 801. Findings and purpose.
Sec. 802. First foods gathering areas.
Sec. 803. Forest Service coordination with State and local governments.
Sec. 804. Savings provisions regarding relations with Indian tribes.
Sec. 805. Improved natural disaster preparedness.
TITLE IX—RECREATION
Sec. 901. Findings and purpose.
Sec. 902. Retention of Mount Hood National Forest land use fees from special use authorizations.
Sec. 903. Use of funds in special account to support recreation.
Sec. 904. Annual reporting requirement.
Sec. 905. Mount Hood National Forest Recreational Working Group.
Sec. 906. Consideration of conversion of forest roads to recreational uses.
Sec. 907. Improved trail access for persons with disabilities.
TITLE X—AUTHORIZATION OF APPROPRIATIONS
Sec. 1001. Authorization of appropriations.

SEC. 2. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) MOUNTAIN BIKE.—The term ''mountain bike'' does not include a motorized vehicle.

(3) SECRETARY.—The term ''Secretary'' means—

(A) when used in reference to Forest Service land, the Secretary of Agriculture; and

(B) when used in reference to Bureau of Land Management land, the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of Oregon.

TITLE I—DESIGNATION OF WILDERNESS AREAS

SEC. 101. DESIGNATION OF LEWIS AND CLARK MOUNT HOOD WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) BADGER CREEK WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 4,139 acres, as generally depicted on the maps entitled ''Badger Creek'' and ''Bonney Butte'', dated February 2007, which are incorporated in, and considered to be a part of, the Badger Creek Wilderness, as designated by section 3(3) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(2) BULL OF THE WOODS WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service, comprising approximately 9,814 acres, as generally depicted on the map entitled ''Bull of the Woods'', dated February 2007, which is incorporated in, and considered to be a part of, the Bull of the Woods Wilderness, as designated by section 3(4) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(3) CLACKAMAS WILDERNESS.—Certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 11,532 acres, as generally depicted on the maps entitled ''Clackamas Canyon'', ''Big Bottom'', ''Memaloose Lake'', ''South Fork Clackamas'', ''Sisi Butte'', and ''Upper Big Bottom'', dated February 2007, which shall be known as the ''Clackamas Wilderness''.

(4) MARK O. HATFIELD WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 25,807 acres, as generally depicted on the maps entitled ''Gorge Face'' and ''Larch Mountain'', dated February 2007, which shall be known as the ''Mark O. Hatfield Wilderness Additions''.

(5) MOUNT HOOD WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 20,230 acres, as generally depicted on the maps entitled ''Elk Cove/Mazama'', ''Sandy Additions'', ''Tilly Jane'', ''Sand Canyon'', ''Twin Lakes'', ''Barlow Butte'', ''White River'', and ''Richard L. Kohnstamm Memorial Area'', dated February 2007, which are incorporated in, and considered to be a part of, the Mount Hood Wilderness as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)), and enlarged by section 3(d) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 43).

(6) ROARING RIVER WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 37,590 acres, as generally depicted on the map entitled ''Roaring River Wilderness'', dated February 2007, which shall be known as the ''Roaring River Wilderness''.

(7) SALMON-HUCKLEBERRY WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 16,704 acres, as generally depicted on the maps entitled ''Alder Creek Addition'', ''Eagle Creek Addition'', ''Mirror Lake'', ''Inch Creek'', ''Salmon River Meadows'', and ''Hunchback Mountain'', dated February 2007, which are incorporated in, and considered to be a part of, the Salmon-Huckleberry Wilderness, as designated by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(8) LOWER WHITE RIVER WILDERNESS.—Certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 2,844 acres, as generally depicted on the map entitled ''Lower White River'', dated February 2007, which shall be known as the ''Lower White River Wilderness''.

SEC. 102. RICHARD L. KOHNSTAMM MEMORIAL AREA.

(a) DESIGNATION.—Certain Federal land managed by the Forest Service, as generally depicted on the map entitled ''Richard L. Kohnstamm Wilderness'', dated February 2007, and including approximately 157 acres of designated wilderness, as generally depicted on the map entitled ''Richard L. Kohnstamm Wilderness'', dated February 2007, shall be known and designated as the ''Richard L. Kohnstamm Wilderness''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to an area described in subsection (a) shall be deemed to be a reference to the Richard L. Kohnstamm Wilderness.

(c) BOUNDARY.—

(1) IN GENERAL.—The memorial area shall consist of land located within the boundary depicted on the map entitled ''Richard L. Kohnstamm Wilderness'', dated February 2007.

(2) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

SEC. 103. MAP AND LEGAL DESCRIPTIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map entitled ''Lewis and Clark Mount Hood Wilderness Additions of 2007'', dated February 2007, and a legal description of each wilderness area designated by this title, with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Natural Resources of the House of Representatives.

(b) FORCE OF LAW.—The map and legal descriptions filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct typographical errors in the map and each legal description.

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

(d) DESCRIPTION OF LANDS.—The boundaries of the areas designated as wilderness by section 101 where generally depicted on the map as immediately adjacent to a utility right of way or a Federal Energy Regulatory Commission project boundary shall be 100 feet from the boundary of the right of way.

SEC. 104. ADMINISTRATION.

(a) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this Act shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the wilderness.

(b) CONSISTENT INTERPRETATION TO THE PUBLIC.—Notwithstanding their separate jurisdictions, the Secretary of Agriculture and the Secretary of the Interior shall collaborate to ensure that the wilderness areas designated by this title, if appropriate, are interpreted for the public as an overall complex related by—

(1) common location in the Mount Hood-Columbia River Gorge region;

(2) the abundant history of Native American use;

(3) the epic journey of Lewis and Clark;

(4) the pioneer settlement and growth of the State; and

(5) water sources for more than 40 percent of the residents of the State.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundary of a wilderness area designated by this Act that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this Act, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(d) WILDERNESS AREAS DESIGNATED IN NATIONAL RECREATION AREAS.—Any portion of a wilderness area designated by section 101(a) that is located within a national recreation area shall be administrated in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 105. BUFFER ZONES.

(a) IN GENERAL.—As provided in the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–328), Congress does not intend for designation of wilderness areas in the State under this title to lead to the creation of protective perimeters or buffer zones around each wilderness area.

(b) ACTIVITIES OR USES UP TO BOUNDARIES.—The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude the activities or uses up to the boundary of the wilderness area.

SEC. 106. FIRE SAFE COMMUNITY ZONES.

Consistent with the Mount Hood National Forest Management Plan and the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.), the Secretary shall construct a strategic system of defensible fuel profile zones (including shaded fuelbreaks, thinning, individual tree selection, and other methods of vegetation management) between the wilderness boundary and the community boundary around Cascade Locks and Government Camp.

SEC. 107. FISH AND WILDLIFE; HUNTING AND FISHING.

As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section shall be construed as affecting the jurisdiction or responsibilities of the State with respect to fish and wildlife in the State.

SEC. 108. FIRE, INSECTS, AND DISEASES.

As provided in section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), within the wilderness areas designated by this Act, the Secretary of Agriculture (in collaboration with the Secretary of the Interior, where appropriate) may take such measures as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary of Agriculture (in collaboration with the Secretary of the Interior where appropriate) determines to be desirable and appropriate.

SEC. 109. LAND RECLASSIFICATION.

(a) OREGON AND CALIFORNIA RAILROAD LAND.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall identify any Oregon and California Railroad Land that is subject to section 201 of the Act of August 28, 1937 (43 U.S.C. 1181f), within the boundary of the Clackamas Wilderness, as generally depicted on the map entitled ''South Fork Clackamas'', dated February 2007.

(b) PUBLIC DOMAIN LAND.—

(1) DEFINITION OF PUBLIC DOMAIN LAND.—In this section, the term ''public domain land''—

(A) has the meaning given the term ''public land'' in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702); and

(B) does not include any land managed under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(2) IDENTIFICATION.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall identify public domain land within the State that—

(A) is approximately equal in acreage of land described in subsection (a); and

(B) would be appropriate for administration in accordance with the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(3) MAPS.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress and publish in the Federal Register, 1 or more maps depicting the land identified under subsections (a) and this subsection.

(4) RECLASSIFICATION.—After providing an opportunity for public comment, the Secretary of the Interior shall administratively reclassify—

(A) the land described in subsection (a) as public domain land that is not subject to section 201 of the Act of August 28, 1937 (43 U.S.C. 1181f); and

(B) the land described in this subsection as Oregon and California Railroad Land that is subject to the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

SEC. 110. VALID EXISTING RIGHTS AND WITHDRAWAL.

Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as wilderness by this Act is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

SEC. 111. MAINTENANCE AND REPLACEMENT OF FOOT BRIDGES IN WILDERNESS AREAS.

(a) IN GENERAL.—In the case of each wilderness area designated or expanded by section 102, it is the intent of Congress that the Secretary be able to provide for—

(1) the maintenance of any foot bridge crossing located in a wilderness area; and

(2) when needed, the replacement of the foot bridge crossings to ensure public access and safety.

(b) MINIMUM TOOL POLICIES.—The Secretary shall carry out foot bridge replacement and maintenance work under subsection (a) subject to the minimum requirement for the administration of the area.

TITLE II—DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER PROTECTION IN THE MOUNT HOOD AREA

SEC. 201. PURPOSE.

The purpose of this title is to designate approximately 81 miles of waterways in the Mount Hood National Forest as additions to the National Wild and Scenic Rivers System.

SEC. 202. WILD AND SCENIC RIVER DESIGNATIONS, MOUNT HOOD NATIONAL FOREST.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by redesignating paragraph (167) (relating to the Musconetcong River, New Jersey) as paragraph (169);

(2) by designating the undesignated paragraph relating to the White Salmon River, Washington, as paragraph (167);

(3) by designating the undesignated paragraph relating to the Black Butte River, California, as paragraph (168); and

(4) by adding at the end the following:

''(170) SOUTH FORK CLACKAMAS RIVER.—The 4.2-mile segment of the South Fork Clackamas River from its confluence with the East Fork of the South Fork Clackamas to its confluence with the Clackamas River, to be administered by the Secretary as a wild river.

''(171) EAGLE CREEK.—The 8.3-mile segment of Eagle Creek from its headwaters to the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture as a wild river.

''(172) MIDDLE FORK HOOD RIVER.—The 3.7-mile segment of the Middle Fork Hood River from the confluence of Clear and Coe Branches to the north section line of section 11, township 1 south, range 9 east, to be administered by the Secretary of Agriculture as a scenic river.

''(173) SOUTH FORK ROARING RIVER.—The 4.6-mile segment of the South Fork Roaring River from its headwaters to its confluence with Roaring River, to be administered by the Secretary of Agriculture as a wild river.

''(174) ZIG ZAG RIVER.—The 2.9-mile segment of the Zig Zag River from its headwaters to the Mount Hood Wilderness boundary, to be administered by the Secretary of Agriculture as a wild river.

''(175) FIFTEENMILE CREEK.—

''(A) IN GENERAL.—The 11.1-mile segment of Fifteenmile Creek from its source at Senecal Spring to the eastern edge of the northwest quarter of section 20, township 2 south, range 12 east, to be administered by the Secretary of Agriculture in the following classes:

''(i) the 2.6-mile segment from its source at Senecal Spring to the Badger Creek Wilderness boundary, as a wild river;

''(ii) the 0.4-mile segment from the Badger Creek Wilderness boundary to the point 0.4 miles downstream, as a scenic river;

''(iii) the 7.9-mile segment from the point 0.4 miles downstream of the Badger Creek Wilderness boundary to the western edge of section 20, township 2 south, range 12 east as a wild river; and

''(iv) the 0.2-mile segment from the western edge of section 20, township 2 south, range 12 east, to the eastern edge of the northwest quarter of the northwest quarter of section 20, township 2 south, range 12 east as a scenic river.

''(B) INCLUSIONS.—Notwithstanding section 3(b) of this Act, the lateral boundaries of both the wild river area and the scenic river area along Fifteenmile Creek shall include an average of not more than 640 acres per mile measured from the ordinary high water mark on both sides of the river.

''(176) EAST FORK HOOD RIVER.—The 13.5-mile segment of the East Fork Hood River from Oregon State Highway 35 to the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture as a recreational river.

''(177) COLLAWASH RIVER.—The 17.8-mile segment of the Collawash River from the headwaters of the East Fork Collawash to the confluence of the mainstream of the Collawash River with the Clackamas River, to be administered in the following classes:

''(A) the 11.0-mile segment from the headwaters of the East Fork Collawash River to Buckeye Creek, as a scenic river; and

''(B) the 6.8-mile segment from Buckeye Creek to the Clackamas River, as a recreational river.

''(178) FISH CREEK.—The 13.5-mile segment of Fish Creek from its headwaters to the confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a recreational river.''.

SEC. 203. IMPACT ON WATER RIGHTS AND FLOW REQUIREMENTS.

(a) RELATION TO EXISTING REQUIREMENTS.—Congress does not intend for the designation of any portion of the Hood River under section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), as amended by this Act, to have any impact on any water right or flow requirement relating to—

(1) the Middle Fork Irrigation District;

(2) the East Fork Irrigation District; or

(3) the Mt. Hood Meadows Ski Resort.

(b) EXCLUSION OF OPERATIONAL AREAS.—Congress does not intend for the designation of any portion of the Hood River under section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), as amended by this Act, to include any portion of the operational area of—

(1) the Middle Fork Irrigation District;

(2) the East Fork Irrigation District; or

(3) the Mt. Hood Meadows Ski Resort.

SEC. 204. CULVERT REPLACEMENT.

Culvert replacement carried out by the Forest Service or the Bureau of Land Management to improve fish passage and the ecology of the wilderness designated by this Act shall not be considered water and resource development.

SEC. 205. PROTECTION FOR HOOD RIVER, OREGON.

Section 13(a)(4) of the ''Columbia River Gorge National Scenic Area Act'' (16 U.S.C. 544k(a)(4)) is amended by striking ''for a period not to exceed twenty years from the date of enactment of this Act,''.

TITLE III—MOUNT HOOD NATIONAL RECREATION AREA

SEC. 301. DESIGNATION.

(a) DESIGNATION.—In order to best provide for the protection, preservation, and enhancement of its recreational, ecological, scenic, watershed, and fish and wildlife values, there is hereby established the Mount Hood National Recreation Area within the Mount Hood National Forest.

(b) BOUNDARY.—The Mount Hood National Recreation Area shall consist of land located within the boundary depicted on the map entitled ''Mount Hood National Recreation Area'' and dated February 2007.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

(d) ADMINISTRATION.—The Secretary shall administer the Mount Hood National Recreation Area in accordance with the laws, rules and regulations applicable to the national forests and the purposes and values identified in subsection (a). The Secretary shall only allow such uses as are consistent with the purposes and values identified in subsection (a).

(e) TIMBER.—The cutting, sale, or removal of timber within the Mount Hood National Recreation Area may be permitted—

(1) to the extent necessary to improve the health of the forest in a manner that—

(A) maximizes the retention of large trees as appropriate to the forest type, to the extent that those trees promote stands that are fire-resilient and healthy;

(B) improves the habitats of threatened, endangered, proposed, or sensitive species; or

(C) maintains or restores the composition and structure of the ecosystem by reducing the risk of uncharacteristic wildfire effects;

(2) to accomplish an approved management activity in furtherance of the purposes established by this subsection, if the cutting, sale, or removal of timber is incidental to the management activity; or

(3) for de minimus personal or administrative use within the Mount Hood National Recreation Area, where such use will not impair the purposes established by this subsection.

(f) ROAD CONSTRUCTION.—No new or temporary roads are to be constructed or reconstructed except where it is required—

(1) to protect the health and safety of individuals in cases of an imminent threat of flood, fire, or any other catastrophic event that, without intervention, would cause the loss of life or property;

(2) to conduct environmental cleanup required by the Federal Government;

(3) to allow for reserved or outstanding rights provided for by a statute or treaty;

(4) to prevent irreparable resource damage by an existing road;

(5) to rectify a hazardous road condition; or

(6) in conjunction with—

(A) the continuation, extension, or renewal of a mineral lease on land that is under lease; or

(B) a new mineral lease that is issued immediately after the expiration of an existing mineral lease.

TITLE IV—TRANSPORTATION AND COMMUNICATION SYSTEMS

SEC. 401. DEFINITION OF MOUNT HOOD REGION.

In this title, the term ''Mount Hood region'' means—

(1) Mount Hood and the other land located adjacent to the mountain;

(2) any segment of the Oregon State Highway 26 corridor that is located in or near Mount Hood National Forest;

(3) any segment of the Oregon State Highway 35 corridor that is located in or near Mount Hood National Forest;

(4) each other road of the Forest Service, State, or county that is located in and near Mount Hood National Forest; and

(5) any gateway community located adjacent to any highway or road described in paragraph (2), (3), or (4).

SEC. 402. TRANSPORTATION PLAN.

(a) IN GENERAL.—The Secretary shall participate with the State, local governments, and other Federal agencies in the development of an integrated, multimodal transportation plan for the Mount Hood region to achieve comprehensive solutions to transportation challenges in the Mount Hood region—

(1) to promote appropriate economic development;

(2) to preserve the landscape of the Mount Hood region; and

(3) to enhance public safety.

(b) PLANNING PROCESS.—The transportation plan under subsection (a) shall—

(1) conform with Federal and Oregon transportation planning requirements; and

(2) be developed through a collaborative process, preferably through the use of a commission composed of interested persons appointed by the State, with representation from the Forest Service and local governments in the Mount Hood region.

(c) SCOPE OF PLAN.—The transportation plan under subsection (a) shall address issues relating to—

(1) the transportation of individuals to and from areas outside the Mount Hood region on major corridors traversing that region; and

(2) the transportation of individuals to and from locations that are located within the Mount Hood region.

(d) CONTENTS OF PLAN.—At a minimum, the transportation plan under subsection (a) shall consider—

(1) transportation alternatives between and among recreation areas and gateway communities that are located within the Mount Hood region;

(2) establishing park-and-ride facilities that shall be located at gateway communities;

(3) establishing intermodal transportation centers to link public transportation, parking, and recreation destinations;

(4) creating a new interchange on Oregon State Highway 26 that shall be located adjacent to or within Government Camp;

(5) designating, maintaining, and improving alternative routes using Forest Service or State roads for—

(A) providing emergency routes; or

(B) improving access to, and travel within, the Mount Hood region;

(6) reconstructing the segment of Oregon State Highway 35 that is located between Mineral Creek and Baseline Road to address ongoing debris flow locations; and

(7) creating mechanisms for funding the implementation of the transportation plan under subsection (a), including—

(A) funds provided by the Federal Government;

(B) public-private partnerships;

(C) incremental tax financing; and

(D) other financing tools that link transportation infrastructure improvements with development.

(e) COMPLETION OF PLAN.—Not later than 2 years after the date on which funds are first made available to carry out this section, the Secretary shall complete the transportation plan under subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000.

SEC. 403. STUDY RELATING TO GONDOLA CONNECTION AND INTERMODAL TRANSPORTATION CENTER.

(a) FEASIBILITY STUDY.—The Oregon Department of Transportation, along with the participation of the Secretary, shall carry out a study of the feasibility of establishing—

(1) a gondola connection that—

(A) connects Timberline Lodge to Government Camp; and

(B) is located in close proximity to the site of the historic gondola corridor; and

(2) an intermodal transportation center to be located in close proximity to Government Camp.

(b) CONSIDERATION OF MULTIPLE SITES.—In carrying out the feasibility study under subsection (a), the Secretary may consider 1 or more sites.

(c) RELIANCE ON PAST STUDIES.—To the extent that prior studies have been completed that can assist in the assessment of the Gondola connection, those may be utilized.

SEC. 404. BURIAL OF POWER LINES.

Because of the incongruent presence of power lines adjacent to wilderness areas, the Secretary may provide to Cascade Locks and Hood River County funds through the Forest Service State and Private Forestry program to bury ground power lines adjacent to the Mount Hood wilderness areas, including wilderness areas designated by this Act.

SEC. 405. CLARIFICATION OF TREATMENT OF STATE HIGHWAYS.

(a) EXCLUSION.—Any part of Oregon State Highway 35 or other any other State highway in existence on the date of enactment of this Act (including all existing rights-of-way and 150 feet on each side of the centerline, whichever is greater, that is adjacent to wilderness areas in the Mount Hood National Forest, including wilderness areas designated by this Act) shall be excluded from wilderness under this Act.

(b) NO NET EFFECT.—The designation of wilderness or wild and scenic rivers under this Act or an amendment made by this Act shall not limit or restrict the ability of the State, and in consultation with the Forest Service—

(1) to operate, maintain, repair, reconstruct, protect, realign, expand capacity, or make any other improvement to Oregon State Highway 35 or any other State highway in existence on the date of enactment of this Act;

(2) to use any site that is not within a highway right-of-way to operate, maintain, repair, reconstruct, protect, realign, expand capacity, or make any other improvement to those highways; or

(3) to take any action outside of a highway right-of-way that is necessary to operate, maintain, repair, reconstruct, protect, realign, expand capacity, or make any other improvement to those highways.

(c) FLOOD PLAIN.—Congress encourages the carrying out of projects that will reduce the impact of Oregon State Highway 35 on the flood plain of the East Fork Hood River.

TITLE V—LAND EXCHANGE

Subtitle A—Cooper Spur-Government Camp Land Exchange

SEC. 501. PURPOSES.

The purposes of this subtitle are—

(1) to recognize the years of work by local residents and political and business leaders from throughout the States of Oregon and Washington to protect the north side of Mount Hood; and

(2) to authorize the exchange of the Federal land and non-Federal land.

SEC. 502. DEFINITIONS.

In this subtitle:

(1) COUNTY.—The term ''County'' means Hood River County, Oregon.

(2) EXCHANGE MAP.—The term ''exchange map'' means the map entitled ''Cooper Spur-Government Camp Land Exchange'' and dated September 2006.

(3) FEDERAL LAND.—The term ''Federal land'' means—

(A) the parcel of approximately 80 acres of National Forest System land in Mount Hood National Forest in Government Camp, Clackamas County, Oregon, as depicted on the exchange map; and

(B) the parcel of approximately 40 acres of National Forest System land in Mount Hood National Forest in Government Camp, Clackamas County, Oregon, as depicted on the exchange map.

(4) MT. HOOD MEADOWS.—The term ''Mt. Hood Meadows'' means the Mt. Hood Meadows Oreg., Limited Partnership.

(5) NON-FEDERAL LAND.—The term ''non-Federal land'' means—

(A) the parcel of approximately 770 acres of private land at Cooper Spur, as depicted on the exchange map;

(B) any buildings, furniture, fixtures, and equipment at the Inn at Cooper Spur and the Cooper Spur Ski Area covered by an appraisal described in section 503(d).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(7) TRAIL MAP.—The term ''trail map'' means the map entitled ''Government Camp Trail Map'' and dated September 2006.

SEC. 503. COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.

(a) CONVEYANCE OF FEDERAL LAND.—Subject to the provisions of this section, if Mt. Hood Meadows offers to convey to the United States all right, title, and interest of Mt. Hood Meadows in and to the non-Federal land, the Secretary shall convey to Mt. Hood Meadows all right, title, and interest of the United States in and to the Federal land (other than any easements reserved under subsection (g)).

(b) CONDITIONS ON ACCEPTANCE.—Title to the non-Federal land to be acquired by the Secretary under this section must be acceptable to the Secretary, and the conveyances shall be subject to valid existing rights of record and such terms and conditions the Secretary may prescribe. The non-Federal land shall conform with the title approval standards applicable to Federal land acquisitions.

(c) APPLICABLE LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchange under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(d) APPRAISALS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(2) REQUIREMENTS.—An appraisal under paragraph (1) shall—

(A) be conducted in accordance with nationally recognized appraisal standards, including—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference; and

(ii) the Uniform Standards of Professional Appraisal Practice;

(B) incorporate the dates of the appraisals of the Federal land and non-Federal land performed in 2005 by Appraiser Steven A. Hall, MAI, CCIM; and

(C) be approved by the Secretary, the County, and Mt. Hood Meadows.

(e) SURVEYS.—

(1) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(2) COSTS.—The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the County.

(f) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that, not later than 16 months after the date of enactment of this Act, the Secretary shall—

(1) complete all legal and regulatory processes required for the exchange of the Federal land and the non-Federal land; and

(2) close on the Federal land and the non-Federal land.

(g) RESERVATION OF EASEMENTS.—As a condition of the conveyance of the Federal land, the Secretary shall reserve—

(1) a conservation easement to the Federal land to protect existing wetland on the conveyed parcels, as identified by the Oregon Department of State Lands, that allows equivalent wetland mitigation measures to compensate for minor wetland encroachments necessary for the orderly development of the Federal land; and

(2) a trail easement to the Federal land that allows—

(A) the nonmotorized functional use by the public of identified existing trails located on the Federal land, as depicted on the trail map;

(B) roads, utilities, and infrastructure facilities to cross the trails; and

(C) improvement or relocation of the trails to accommodate development of the Federal land.

SEC. 504. CONCESSIONAIRES AT THE INN AT COOPER SPUR AND THE COOPER SPUR SKI AREA.

(a) PROSPECTUS.—Not later than 60 days after the date on which the land exchange is completed under section 503, the Secretary shall publish in the Federal Register a proposed prospectus to solicit 1 or more new concessionaires for the Inn at Cooper Spur and the Cooper Spur Ski Area, as reconfigured in accordance with the exchange map.

(b) COMPETITIVE PROCESS.—Prospective concessionaires shall submit bids to compete for the right to operate the Inn at Cooper Spur, the Cooper Spur Ski Area, or both the Inn and the Ski Area.

(c) CONSIDERATIONS.—In selecting a concessionaire, the Secretary shall consider—

(1) which bid is highest in terms of monetary value; and

(2) other attributes of the bids submitted.

(d) CONSULTATION.—The Secretary shall consult with Mt. Hood Meadows, Meadows North, LLC, North Face Inn, LLC, the Hood River Valley Residents Committee, the Cooper Spur Wild and Free Coalition, and the Hood River County Commission—

(1) in selecting a new concessionaire for the Inn at Cooper Spur and the Cooper Spur Ski Area; and

(2) in preparing for the orderly and smooth transition of the operation of the Inn at Cooper Spur and the Cooper Spur Ski Area to the new concessionaire.

(e) TREATMENT OF PROCEEDS.—Any amounts received under a concession contract under this section shall—

(1) be deposited in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a); and

(2) remain available to the Secretary until expended, without further appropriation, for use in the Mount Hood National Forest, with priority given to using amounts in the Hood River Ranger District for restoration projects on the North side of Mount Hood.

(f) ALTERNATIVE CONVEYANCE AND SPECIAL USE PERMIT.—

(1) IN GENERAL.—If the Secretary has not selected a concessionaire for the Inn at Cooper Spur and the Cooper Spur Ski Area by the date that is 1 year after the date on which the prospectus is published under subsection (a), the Secretary may—

(A) convey to the County, without consideration, the improvements described in section 502(5)(B); or

(B) continue to allow Mt. Hood Meadows to operate as the concessionaire while the Secretary continues to seek an alternate concessionaire.

(2) SPECIAL USE PERMIT.—If the Secretary conveys improvements to the County under paragraph (1)(A), the Secretary shall issue to the County a special use permit that would allow reasonable access to, and management of, the improvements under terms similar to the Cooper Spur Ski Area Special Use Permit.

Subtitle B—Port of Cascade Locks Land Exchange

SEC. 511. DEFINITIONS.

In this subtitle:

(1) EXCHANGE MAP.—The term ''exchange map'' means the map entitled ''Port of Cascade Locks-Pacific Crest National Scenic Trail Land Exchange'' and dated June 2006.

(2) FEDERAL LAND.—The term ''Federal land'' means the parcel of land consisting of approximately 10 acres of National Forest System land in the Columbia River Gorge National Scenic Area, as depicted on the exchange map.

(3) NON-FEDERAL LAND.—The term ''non-Federal land'' means the parcel of land consisting of approximately 40 acres, as depicted on the exchange map.

(4) PORT.—The term ''Port'' means the Port of Cascade Locks, Cascade Locks, Oregon.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 512. LAND EXCHANGE, PORT OF CASCADE LOCKS-PACIFIC CREST NATIONAL SCENIC TRAIL.

(a) CONVEYANCE REQUIRED.—Subject to the provisions of this section, if the Port offers to convey to the United States all right, title, and interest of the Port in and to the non-Federal land, the Secretary shall convey to the Port all right, title, and interest of the United States in and to the Federal land.

(b) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchange under this section in the manner provided in section 206 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1716).

(c) CONDITIONS ON ACCEPTANCE.—Title to the non-Federal land to be acquired by the Secretary under this section must be acceptable to the Secretary, and the conveyances shall be subject to valid existing rights of record and such terms and conditions the Secretary may prescribe. The non-Federal land shall conform with the title approval standards applicable to Federal land acquisitions.

(d) SURVEYS.—

(1) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(2) COSTS.—The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the Port.

(e) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that, not later than 16 months after the date of enactment of this Act, the Secretary shall—

(1) complete all legal and regulatory processes required for the exchange of the Federal land and the non-Federal land; and

(2) close on the Federal land and the non-Federal land.

Subtitle C—Hunchback Mountain Land Exchange and Boundary Adjustment

SEC. 521. DEFINITIONS.

In this subtitle:

(1) BOUNDARY EXTENSION MAP.—The term ''boundary extension map'' means the map entitled ''Mount Hood National Forest Hunchback Exchange Boundary Adjustment'' and dated January 2007.

(2) COUNTY.—The term ''County'' means Clackamas County, Oregon.

(3) EXCHANGE MAP.—The term ''exchange map'' means the map entitled ''Hunchback Mountain Land Exchange-Clackamas County'' and dated June 2006.

(4) FEDERAL LAND.—The term ''Federal land'' means the parcel of land consisting of approximately 160 acres of National Forest System land in the Mount Hood National Forest, as depicted on the exchange map.

(5) NON-FEDERAL LAND.—The term ''non-Federal land'' means the parcel of land consisting of approximately 160 acres, as depicted on the exchange map.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 522. HUNCHBACK MOUNTAIN LAND EXCHANGE, CLACKAMAS COUNTY.

(a) CONVEYANCE REQUIRED.—Subject to the provisions of this section, if the County offers to convey to the United States all right, title, and interest of the County in and to the non-Federal land, the Secretary shall convey to the County all right, title, and interest of the United States in and to the Federal land.

(b) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchange under this section in the manner provided in section 206 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1716).

(c) CONDITIONS ON ACCEPTANCE.—Title to the non-Federal land to be acquired by the Secretary under this section must be acceptable to the Secretary, and the conveyances shall be subject to valid existing rights of record and such terms and conditions the Secretary may prescribe. The non-Federal land shall conform with the title approval standards applicable to Federal land acquisitions.

(d) SURVEYS.—

(1) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(2) COSTS.—The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the County.

(e) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that, not later than 16 months after the date of enactment of this Act, the Secretary shall—

(1) complete all legal and regulatory processes required for the exchange of the Federal land and the non-Federal land; and

(2) close on the Federal land and the non-Federal land.

SEC. 523. BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundary of the Mount Hood National Forest is adjusted as depicted on the map entitled ''Boundary extension map'', dated January 2007.

(b) AVAILABILITY OF BOUNDARY EXTENSION MAP.—The boundary extension map shall be on file and available for public inspection in the office of the Chief of the Forest Service.

(c) CORRECTION AUTHORITY.—The Secretary may make minor corrections to the boundary extension map.

(d) ADDITIONS TO THE NATIONAL FOREST SYSTEM.—The Secretary shall administer any land that is conveyed to the United States and is located in the Mount Hood National Forest in accordance with—

(1) the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 480 et seq.); and

(2) any laws (including regulations) applicable to the National Forest System.

(e) AUTHORITY OF SECRETARY TO ADJUST BOUNDARIES.—Nothing in this Act shall limit the authority or responsibility of the Secretary to adjust the boundaries of the Mount Hood National Forest under section 11 of the Act of March 1, 1911 (16 U.S.C. 521).

(f) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9), the boundaries of the Mount Hood National Forest modified by this Act shall be considered to be the boundaries of the Mount Hood National Forest in existence as of January 1, 1965.

TITLE VI—MOUNT HOOD NATIONAL FOREST AND WATERSHED STEWARDSHIP

SEC. 601. FINDINGS AND PURPOSE.

The purpose of this title is to direct the Forest Service to prepare an assessment to promote forested landscapes resilient to catastrophic fire, insects, and disease, to protect homes and communities from property damage and threats to public safety, and to protect and enhance existing community or municipal watersheds. It is the intent of Congress that site-specific forest health projects undertaken pursuant to this assessment shall be completed in accordance with existing law.

SEC. 602. FOREST STEWARDSHIP ASSESSMENT.

(a) PREPARATION OF ASSESSMENT.—The Secretary of Agriculture shall prepare an assessment to identify the forest health needs in those areas of the Mount Hood National Forest with a high incidence of insect or disease infestation (or both), heavily overstocked tree stands, or moderate-to-high risk of unnatural catastrophic wildfire for the purpose of improving condition class, which significantly improves the forest health and water quality. The Secretary may utilize existing information to complete the assessment. The assessment shall also identify specific projects to address these issues.

(b) IMPROVED MAPPING.—The assessment will include peer reviewed mapping of condition class 2 and condition class 3 areas and other areas identified in subsection (a) in Mount Hood National Forest.

(c) COMPLETION.—The Secretary of Agriculture shall complete the assessment not later than 1 year after the date of enactment of this Act.

(d) DURATION OF STUDY.—The assessment shall cover a 10-year period.

(e) IMPLEMENTATION.—Not later than 1 year after completion of the assessment, the Secretary shall commence implementation of projects to address the needs identified in the assessment. These projects shall be implemented using authorities available to the Secretary to manage the Mount Hood National Forest to achieve the purpose specified in subsection (a).

(f) DELAY.—During development of the assessment under this section, a forest management project that is unaffiliated with the assessment and has completed review as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in accordance with existing law, need not be delayed in the event the Secretary fails to meet the deadline specified in subsection (c).

(g) RELATION TO EXISTING LAW AND PLANS.—Nothing in this section grants the Secretary any authority to manage the Mount Hood National Forest contrary to existing law. The assessment conducted by the Secretary under this section shall not supersede, be considered a supplement or amendment to, or in any way affect the legal or regulatory authority of the Mount Hood National Forest Land and Resource Management Plan or the collection of documents entitled ''Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl'' and ''Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest-Related Species Within the Range of the Northern Spotted Owl''.

(h) PUBLIC PARTICIPATION.—The Secretary shall provide an opportunity for interested persons to be involved in development of the assessment conducted by the Secretary under this section.

SEC. 603. SUSTAINABLE BIOMASS UTILIZATION STUDY.

(a) STUDY REQUIRED.—The Secretary of Agriculture shall conduct a study to assess the amount of long-term sustainable biomass available in the Mount Hood National Forest that, consistent with applicable law, could be made available as a raw material for—

(1) the production of electric energy, sensible heat, transportation fuel, or substitutes for petroleum-based products;

(2) dimensional lumber, fencing, framing material, poles, firewood, furniture, chips, or pulp for paper; or

(3) other commercial purposes.

(b) DEFINITION.—In this section, the term ''biomass'' means small diameter trees and understory vegetation that is removed from forested land as a by-product of forest restoration efforts.

SEC. 604. WATERSHED MANAGEMENT MEMORANDA OF UNDERSTANDING.

(a) COMPLETION OF MEMORANDA OF UNDERSTANDING.—To the extent that memoranda of understanding or other legal agreements involving watersheds of Mount Hood National Forest do not exist between irrigation districts or municipalities and the Forest Service, the Secretary of Agriculture may complete memoranda of understanding that outline stewardship goals to manage the watersheds for water quality and water quantity.

(b) ELEMENTS OF MEMORANDUM.—A memorandum of understanding involving a watershed of Mount Hood National Forest shall encourage adaptability, establish benchmarks regarding water quality and water quantity, and require monitoring to determine progress in meeting such benchmarks. The memorandum of understanding may restrict public access to areas of the watershed where appropriate.

(c) PUBLIC PROCESS REQUIRED.—

(1) COLLABORATION AND CONSULTATION.—The Secretary of Agriculture shall ensure that the process by which the Secretary enters into a memorandum of understanding with an irrigation district, local government, or other entity involving a watershed of Mount Hood National Forest is based on collaboration and cooperation between the Forest Service and local jurisdictions and other interested persons.

(2) PUBLIC MEETING REQUIRED.—The Secretary and the other party or parties to the proposed memorandum of understanding shall hold at least 1 joint public meeting before completing a final draft of the memorandum of understanding.

(3) PUBLIC COMMENT.—A draft memorandum of understanding shall also be open to public comment before being finalized.

SEC. 605. TERMINATION OF AUTHORITY.

The authority provided by this title shall terminate on the date that is 10 years after the date of enactment of this Act.

TITLE VII—CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT

SEC. 701. FINDINGS AND PURPOSE.

The purpose of this title is to establish a special resources management unit to ensure protection of the quality and quantity of the Crystal Springs watershed as a clean drinking water source for the residents of Hood River County, Oregon, while also allowing visitors to enjoy its special scenic, natural, cultural, and wildlife values.

SEC. 702. ESTABLISHMENT OF CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT.

(a) ESTABLISHMENT.—Effective as provided by section 705, the Secretary of Agriculture shall establish a special resources management unit in the State consisting of all National Forest System land that is located within 200 yards from any point on the perimeter of the Crystal Springs Zone of Contribution, as determined by the Crystal Springs Water District, and other National Forest System land in and around the Inn at Cooper Spur and the Cooper Spur Ski Area, as depicted on the map entitled ''Crystal Springs Watershed Special Resources Management Unit'' and dated June 2006 (in this subtitle referred to as the ''official map'').

(b) DESIGNATION.—The special resources management unit established pursuant to subsection (a) shall be known as the Crystal Springs Watershed Special Resources Management Unit, in this title referred to as the ''Management Unit''.

(c) EXCLUSION OF CERTAIN LAND.—The Management Unit does not include any National Forest System land otherwise covered by subsection (a) that is designated as wilderness by title I.

(d) WITHDRAWAL.—Subject to valid existing rights, National Forest System land included in the Management Unit are permanently withdrawn from all forms of appropriation under the public land laws, including the mining laws and mineral and geothermal leasing laws.

(e) MAPS AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF LEGAL DESCRIPTIONS.—As soon as practicable after the effective date specified in section 705, the Secretary shall prepare and submit to Congress a legal description of the Management Unit.

(2) FORCE OF LAW.—The map referred to in subsection (a) and the legal descriptions prepared under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct technical errors in the map and legal descriptions. The map of the Crystal Springs Zone of Contribution is incorporated in this Act to delineate the boundaries of the Management Unit, and the delineation of these boundaries is not intended to affect the specific uses that may occur on private land within the boundaries of the Management Unit.

(3) PUBLIC AVAILABILITY.—The map referred to in subsection (a) and the legal descriptions prepared under paragraph (1) shall be filed and made available for public inspection in the appropriate offices of the Forest Service.

SEC. 703. ADMINISTRATION OF MANAGEMENT UNIT.

(a) GENERAL APPLICABILITY OF EXISTING LAWS.—Except as provided in this title, all other laws and regulations affecting National Forest System lands shall continue to apply to the National Forest System lands included in the Management Unit.

(b) AUTHORIZED ACTIVITIES.—

(1) PROCESS FOR ALLOWING ACTIVITIES.—Only activities described in this subsection may occur in the Management Unit, and the Secretary of Agriculture may permit an activity described in this subsection to occur in the Management Unit only after the Secretary—

(A) obtains the review and opinions of the Crystal Springs Water District regarding the effect of the activity on the purposes of the Management Unit;

(B) complies with all applicable Federal law regarding development and implementation of the activity; and

(C) when appropriate, provides to the general public advance notice of the activity, an opportunity to comment on the activity, and appeal rights regarding the activity.

(2) RECREATION.—The Secretary may—

(A) continue to maintain recreational opportunities and trails, in existence in the Management Unit as of the effective date specified in section 705, within their existing and historic footprints or at an alternative location; and

(B) develop new footpaths or cross-county skiing trails in the Management Unit.

(3) LEASE OF CERTAIN IMPROVEMENTS.—The Secretary may lease improvements and facilities, in existence in the Management Unit as of the effective date specified in section 705, within their existing and designated footprints to 1 or more concessionaires.

(4) ROAD MAINTENANCE.—Subject to subsection (d), the Secretary may maintain National Forest System roads, in existence in the Management Unit as of the effective date specified in section 705 or as directed by the management plan required by subsection (d). Maintenance may include the installation of culverts and drainage improvements and other similar activities.

(5) FUEL REDUCTION IN PROXIMITY TO IMPROVEMENTS AND PRIMARY PUBLIC ROADS.—To protect the water quality, water quantity, scenic, cultural, historic, natural, and wildlife values of the Management Unit, the Secretary may permit fuel reduction on National Forest System land in the Management Unit—

(A) extending up to 400 feet from structures on National Forest System land or structures on adjacent private land; and

(B) extending up to 400 feet from the Cooper Spur Road, the Cloud Cap Road, and the Cooper Spur ski area loop road.

(6) OTHER FUEL REDUCTION AND FOREST HEALTH ACTIVITIES.—The Secretary may conduct fuel reduction and forest health management activities in the Management Unit, with priority given to activities that restore previously harvested stands, including the removal of logging slash, smaller diameter material, and ladder fuels. The purpose of any fire risk reduction or forest health management activity conducted in the Management Unit shall be the maintenance and restoration of fire-resilient forest structures containing late successional forest structure characterized by large trees and multi-storied canopies (where ecologically appropriate) and the protection of the water quality, water quantity, scenic, cultural, historic, natural, and wildlife values of the Management Unit.

(c) SPECIFICALLY PROHIBITED ACTIVITIES.—The following activities may not occur on National Forest System land in the Management Unit, whether separately or, except as provided in paragraph (2), as part of an activity authorized by subsection (b):

(1) New road construction or renovation of existing non-System roads.

(2) Projects undertaken for the purpose of harvesting commercial timber. The harvest of merchantable products that are by-products of activities conducted pursuant to subsection (b)(6) and carried out pursuant to a stewardship contract are not prohibited by this subsection.

(3) Commercial livestock grazing.

(4) The placement or maintenance of fuel storage tanks.

(5) The application of any toxic chemicals, including pesticides, rodenticides, herbicides, or retardants, for any purpose, except with the consent of the Crystal Springs Water District.

(d) MANAGEMENT PLAN.—

(1) PLAN REQUIRED.—Within 9 months after the effective date specified in section 605, the Secretary of Agriculture shall adopt a management plan for the Management Unit that, while providing for the limited activities specifically authorized by subsection (b), protects the watershed from illegal dumping, human waste, fires, vandalism, and other risks to water quality.

(2) CONSULTATION AND PUBLIC PARTICIPATION.—The Secretary shall prepare the management plan in consultation with the Crystal Springs Water District, the Cooper Spur Wild and Free Coalition, and Hood River County and provide for public participation as described in subsection (b)(1)(C).

(e) FOREST ROAD CLOSURES.—As part of the management plan required by subsection (d), the Secretary of Agriculture may provide for the closure or gating to the general public of any Forest Service road within the Management Unit, except for the road commonly known as Cloud Cap Road.

(f) PRIVATE LAND.—Nothing in this section affects the use of, or access to, any private property within the Crystal Springs Zone of Contribution by the owners of the private property and their guests. The Secretary is encouraged to work with interested private landowners who have voluntarily agreed to cooperate with the Secretary to further the purposes of this title.

(g) RELATIONSHIP WITH WATER DISTRICT.—Except as provided in this section, the Crystal Springs Water District has no authorities over management or use of National Forest System land included in the Management Unit.

SEC. 704. ACQUISITION OF LANDS.

(a) ACQUISITION AUTHORITY.—The Secretary of Agriculture may acquire from willing landowners any lands located in the Crystal Springs Zone of Contribution within the boundaries of Mount Hood National Forest. Lands so acquired shall automatically be added to the Management Unit.

(b) PROHIBITION ON SUBSEQUENT CONVEYANCE.—The Secretary may not sell, trade, or otherwise transfer ownership of any land within the Management Unit, including any of the land acquired under subsection (a) or received by the Secretary as part of the Cooper Spur-Government Camp land exchange authorized by subtitle A of title V and included within the Management Unit, to any person.

SEC. 705. EFFECTIVE DATE.

The Secretary of Agriculture shall establish the Management Unit as soon as practicable after the final closing of the Cooper Spur-Government Camp land exchange authorized by subtitle A of title V, but in no case later than 30 days after the date of the final closing of such land exchange. The Management Unit may not be established before final closing of the land exchange.

TITLE VIII—LOCAL AND TRIBAL RELATIONSHIPS

SEC. 801. FINDINGS AND PURPOSE.

The purpose of this title is to recognize and support the ability of Native Americans to continue to gather first foods in the Mount Hood National Forest using traditional methods and the central role of the State and local governments in management of issues dealing with natural and developed environments in the vicinity of the national forest.

SEC. 802. FIRST FOODS GATHERING AREAS.

(a) PRIORITY USE AREAS.—The Secretary of Agriculture shall identify, establish, develop, and manage priority-use areas in Mount Hood National Forest for the gathering of first foods by members of Indian tribes with treaty-reserved gathering rights on lands encompassed by the national forest. The priority-use areas shall be identified, established, developed, and managed in a manner consistent with the memorandum of understanding entered into between the Department of Agriculture, the Bureau of Land Management, the Bureau of Indian Affairs, and the Confederated Tribes of the Warm Springs Reservation of Oregon (in this section referred to as the ''Warm Springs Tribe'') and dated April 23, 2003, and such further agreements as are necessary between the Secretary of Agriculture and the Warm Springs Tribe to carry out the purposes of this section.

(b) PRIORITY USE.—Members of Indian tribes with treaty-reserved gathering rights on lands encompassed by Mount Hood National Forest shall, in cooperation with the Mount Hood National Forest, gather first foods in the priority-use areas established pursuant to subsection (a).

(c) APPLICABLE LAW.—In considering and selecting National Forest System land for inclusion in a priority-use area under subsection (a), the Secretary of Agriculture shall comply with the land and resource management plan for Mount Hood National Forest and applicable laws.

(d) DEFINITION.—In this section, the term ''first foods'' means roots, berries, and plants on National Forest System land in Mount Hood National Forest that have been gathered for traditional and cultural purposes by members of Indian tribes with treaty-reserved gathering rights on lands encompassed by Mount Hood National Forest.

SEC. 803. FOREST SERVICE COORDINATION WITH STATE AND LOCAL GOVERNMENTS.

Congress encourages the Secretary of Agriculture to cooperate with the State, local communities, counties, and Indian tribes in the vicinity of Mount Hood National Forest, and the heads of other Federal agencies to identify common ground, coordinate planning efforts around the national forest, and make the Federal Government a better partner in building cooperative and lasting solutions for management of Mount Hood National Forest and non-Federal land in the vicinity of the national forest.

SEC. 804. SAVINGS PROVISIONS REGARDING RELATIONS WITH INDIAN TRIBES.

(a) TREATY RIGHTS.—Nothing in this Act is intended to alter, modify, enlarge, diminish, or extinguish the treaty rights of any Indian tribe, including the off-reservation reserved rights established by the Treaty of June 25, 1855, with the Tribes and Bands of Middle Oregon (12 Stat. 963). Section 702 is consistent with and intended to implement the gathering rights reserved by such treaty.

(b) TRIBAL LANDS.—Nothing in this Act is intended to affect lands held in trust by the Secretary of the Interior for Indian tribes or individual members of Indian tribes or other lands acquired by the Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes and individual members of Indian tribes.

(c) HUNTING AND FISHING.—Nothing in this Act is intended to affect the laws, rules, and regulations pertaining to hunting and fishing under existing State and Federal laws and Indian treaties.

SEC. 805. IMPROVED NATURAL DISASTER PREPAREDNESS.

(a) IMPOSITION OF STANDARDS.—New development occurring on land conveyed by the Secretary of Agriculture under title V or undertaken or otherwise permitted by the Secretary of Agriculture on National Forest System land in Mount Hood National Forest after the date of the enactment of this Act shall be constructed or altered in compliance with—

(1) 1 of—

(A) the nationally recognized model building codes; and

(B) nationally recognized wildland-urban interface codes and standards; or

(2) 1 of the other applicable nationally recognized codes and standards relating to—

(A) fire protection infrastructure in the wildland urban interface;

(B) land development in wildland areas; or

(C) wild fire hazard mitigation.

(b) INCLUSION OF STANDARDS IN LAND CONVEYANCES.—In the case of each of the land conveyances described in title V, the Secretary shall impose the requirements of subsection (a) as a condition on the conveyance of the Federal land under the conveyance.

(c) EFFECT ON STATE AND LOCAL LAW.—To the maximum extent feasible, the codes imposed pursuant to subsection (a) shall be consistent with the nationally recognized codes and development standards adopted or referenced by the State or political subdivisions of the State. This section shall not be construed to limit the power of the State or a political subdivision of the State to implement or enforce any law, rule, regulation, or standard concerning fire prevention and control.

(d) ENFORCEMENT.—The codes imposed pursuant to subsection (a) may be enforced by the same entities otherwise enforcing codes, ordinances, and standards relating to new development occurring on land conveyed by the Secretary of Agriculture under title V.

TITLE IX—RECREATION

SEC. 901. FINDINGS AND PURPOSE.

The purpose of this title is to recognize and support recreation as a dynamic social and economic component of the legacy and future of the Mount Hood National Forest.

SEC. 902. RETENTION OF MOUNT HOOD NATIONAL FOREST LAND USE FEES FROM SPECIAL USE AUTHORIZATIONS.

(a) SPECIAL ACCOUNT.—The Secretary of the Treasury shall establish a special account in the Treasury for Mount Hood National Forest.

(b) DEPOSITS.—Except as provided in section 7 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act; 16 U.S.C. 580d), the National Forest Organizational Camp Fee Improvement Act of 2003 (title V of division F of Public Law 108–107; 16 U.S.C. 6231 et seq.), Public Law 106–206 (commonly known as the Commercial Filming Act; 16 U.S.C. 460l–d), and the Federal Lands Recreation Enhancement Act (title VIII of division J of Public Law 108–477; 16 U.S.C. 6801 et seq.), all land use fees received after the date which is 6 months after the date of enactment of this Act from special use authorizations, such as recreation residences, resorts, winter recreation resorts, communication uses, and linear rights-of-way, and all other special use types issued with regard to Mount Hood National Forest shall be deposited in the special account established under subsection (a).

(c) AVAILABILITY.—Subject to subsection (d), amounts in the special account established under subsection (a) shall remain available, without further appropriation and until expended, for expenditure as provided in section 903. Upon request of the Secretary of Agriculture, the Secretary of the Treasury shall transfer to the Secretary of Agriculture from the special account such funds as the Secretary of Agriculture may request. The Secretary shall accept and use the funds in accordance with section 903.

(d) TERMINATION OF SPECIAL ACCOUNT.—The special account required by subsection (a) shall terminate at the end of the 10-year period beginning on the date of enactment of this Act. Any amounts remaining in the special account at the end of such period shall be transferred to the general fund of the Treasury.

SEC. 903. USE OF FUNDS IN SPECIAL ACCOUNT TO SUPPORT RECREATION.

(a) AUTHORIZED USES.—The Secretary of Agriculture shall use funds received from the special account under section 902(c) for the following purposes related to Mount Hood National Forest:

(1) Installation, repair, maintenance, and facility enhancement related directly to visitor enjoyment, visitor access, and health and safety, such as—

(A) the improvement and maintenance of trails, including trails used for hiking, biking, snowmobiling, horseback riding, cross-country skiing, and off-highway vehicles;

(B) water system improvements; and

(C) personal sanitation facilities improvements.

(2) Interpretive programs, visitor information, visitor services, visitor needs assessments, mapping, signage, Leave-No-Trace materials, and wilderness rangers.

(3) Habitat restoration directly related to recreation.

(4) Cooperative environmental restoration projects with non-Federal partnership groups and associations, including groups and associations that work with youth.

(5) Law enforcement and rescue and recovery efforts related to public use and recreation, such as law enforcement at recreation events, search and rescue operations, illegal recreation activities investigations, and enforcement.

(6) Improving administration of special use authorizations.

(7) Preparation of documents required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in connection with the improvement or development of recreational opportunities.

(8) Other projects or partnerships recommended by the Mount Hood National Forest Recreation Working Group established by section 905.

(b) ALLOCATION REQUIREMENTS.—Of the total funds received by the Secretary of Agriculture from the special account under section 902(c) for a fiscal year, the Secretary shall allocate the funds as follows:

(1) 95 percent of the funds to Mount Hood National Forest.

(2) 5 percent of the funds to the Regional Office for the Pacific Northwest Region of the Forest Service to develop needed policy and training to support programs in wilderness areas, special uses, trails, developed and dispersed recreation, and interpretation related to Mount Hood National Forest.

SEC. 904. ANNUAL REPORTING REQUIREMENT.

The Secretary of Agriculture shall submit to Congress an annual report specifying—

(1) the total funds received by the Secretary from the special account under section 902(c) for the preceding fiscal year;

(2) how the funds were allocated and expended; and

(3) the results from such expenditures.

SEC. 905. MOUNT HOOD NATIONAL FOREST RECREATIONAL WORKING GROUP.

(a) ESTABLISHMENT AND PURPOSE.—The Secretary of Agriculture shall establish the Mount Hood National Forest Recreational Working Group for the purpose of providing advice and recommendations to the Forest Service on planning and implementing recreation enhancements in Mount Hood National Forest, including advice and recommendations regarding how the funds in the special

account established under section 902 should be requested and expended.

(b) DUTIES.—The Working Group shall—

(1) review projects proposed by the Secretary for Mount Hood National Forest under section 903(a);

(2) propose projects under section 903(a) to the Secretary;

(3) recommend the amount of funds from the special account established under section 902 to be used to fund projects under section 903; and

(4) provide opportunities for citizens, organizations, Indian tribes, the Forest Service, and other interested parties to participate openly and meaningfully, beginning at the early stages of the development of projects under section 903(a).

(c) APPOINTMENT.—

(1) APPOINTMENT AND TERM.—The Regional Forester, acting on behalf of the Secretary of Agriculture, shall appoint the members of the Working Group for a term of 3 years beginning on the date of appointment. A member may be reappointed to subsequent 3-year terms.

(2) INITIAL APPOINTMENT.—The Regional Forester shall make initial appointments to the Working Group not later than 180 days after the date of enactment of this Act.

(3) VACANCIES.—The Regional Forester shall make appointments to fill vacancies on the Working Group as soon as practicable after the vacancy has occurred.

(4) COMPENSATION.—Members of the Working Group shall not receive any compensation for their service on the Working Group.

(5) NOMINATIONS.—The State, county, and Tribal governments for each county directly adjacent to or containing any portion of Mount Hood National Forest may submit a nomination to the Regional Forester for each activity or interest group category described in subsection (d).

(6) BROAD AND BALANCED REPRESENTATION.—In appointing the members of the Working Group, the Regional Forester shall provide for a balanced and broad representation from the recreation community.

(d) COMPOSITION OF WORKING GROUP.—The Working Group shall be composed of 15 members, selected so that the following activities and interest groups are represented:

(1) Summer non-mechanized recreation, such as hiking.

(2) Winter non-motorized recreation, such as snowshoeing and backcountry skiing.

(3) Mountain biking.

(4) Hunting and fishing.

(5) Summer motorized recreation, such as off-highway vehicle use.

(6) Local environmental groups.

(7) Winter motorized recreation, such as snowmobiling.

(8) Permitted ski areas.

(9) Forest products industry.

(10) Affected Indian tribes.

(11) Local holder of a recreation residence permit.

(12) Local government interests, such as a county commissioner or city mayor in an elected position representing a county or city directly adjacent or containing any portion of Mount Hood National Forest.

(13) A resident of Government Camp.

(14) The State.

(15) Operators of campground facilities open to the general public.

(e) CHAIRPERSON.—The chairperson of the Working Group shall be selected by a majority of the Working Group.

(f) OTHER WORKING GROUP AUTHORITIES AND REQUIREMENTS.—

(1) STAFF ASSISTANCE.—The Secretary of Agriculture shall provide staff assistance to the Working Group from Federal employees under the jurisdiction of the Secretary.

(2) MEETINGS.—All meetings of the Working Group shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

(3) RECORDS.—The Working Group shall maintain records of the meetings of the Working Group and make the records available for public inspection.

(g) LIMITATION ON ADMINISTRATIVE ASSISTANCE.—Not more than 5 percent of the funds allocated under section 903(b) to Mount Hood National Forest for a fiscal year may be used to provide administrative assistance to the Working Group during that fiscal year.

(h) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Working Group.

(i) TERMINATION OF WORKING GROUP.—The Working Group shall terminate at the end of the 10-year period beginning on the date of enactment of this Act.

SEC. 906. CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.

(a) EVALUATION OF CURRENTLY CLOSED ROADS.—

(1) CONSIDERATION FOR RECREATIONAL USE.—The Secretary of Agriculture may make a determination regarding whether the Forest Service roads in Mount Hood National Forest that were selected before the date of enactment of this Act for closure and decommissioning, but have not yet been decommissioned, should be converted to recreational uses to enhance recreational opportunities in the national forest, such as conversion to single-track trails for mountain bikes and trails for snowmobiling, off-road vehicle use, horseback riding, hiking, cross-country skiing, and other recreational uses.

(2) CONSIDERATION OF ENVIRONMENTAL AND ECONOMIC IMPACTS.—In evaluating the feasibility and suitability of converting Forest Service roads under this subsection to recreational uses, and the types of recreational uses to be authorized, the Secretary shall take into account the environmental and economic impacts of implementing the conversion and of the resulting recreational uses.

(3) PUBLIC PROCESS.—The consideration and selection of Forest Service roads under this subsection for conversion to recreational uses, and the types of recreational uses to be authorized, shall be a public process, including consultation by the Secretary of Agriculture with the Mount Hood National Forest Recreational Working Group.

(b) FUTURE CLOSURE CONSIDERATIONS.—Whenever the Secretary of Agriculture considers a Forest Service road in Mount Hood National Forest for possible closure and decommissioning after the date of enactment of this Act, the Secretary shall include, as an alternative to decommissioning the road, consideration of converting the road to recreational uses to enhance recreational opportunities in the Mount Hood National Forest.

SEC. 907. IMPROVED TRAIL ACCESS FOR PERSONS WITH DISABILITIES.

(a) CONSTRUCTION OF TRAIL.—The Secretary of Agriculture may enter into a contract with a partner organization or other person to design and construct a trail at a location selected by the Secretary in Mount Hood National Forest suitable for use by persons with disabilities.

(b) PUBLIC PROCESS.—The selection of the trail location under subsection (a) and the preparation of the design of the trail shall be a public process, including consultation by the Secretary of Agriculture with the Mount Hood National Forest Recreational Working Group.

(c) FUNDING.—The Secretary of Agriculture may use funds in the special account established under section 902 to carry out this section.

TITLE X—AUTHORIZATION OF APPROPRIATIONS

SEC. 1001. AUTHORIZATION OF APPROPRIATIONS.

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

By Mr. REID:

S. 650. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to provide for certain nuclear weapons program workers to be included in the Special Exposure Cohort under the compensation program established by that Act; to the Committee on Health, Education, Labor and Pensions.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 650

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 ''Nevada Test Site Veterans' Compensation Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The contribution of the State of Nevada to the security of the United States throughout the Cold War and since has been unparalleled.

(2) In 1950, President Harry S Truman designated what would later be called the Nevada Test Site as the country's nuclear proving grounds and, a month later, the first atmospheric test at the Nevada Test Site was detonated.

(3) The United States conducted 100 aboveground and 828 underground nuclear tests at the Nevada Test Site from 1951 to 1992.

(4) Out of the 1,054 nuclear tests conducted in the United States, 928, or 88 percent, were conducted at the Nevada Test Site.

(5) The Nevada Test Site has served, and continues to serve, as the premier research, testing, and development site for the nuclear defense capabilities of the United States.

(6) The Nevada Test Site and its workers are an essential and irreplaceable part of the Nation's defense capabilities.

(7) Individuals working on Cold War-era nuclear weapons programs were employed in facilities owned by the Federal Government and the private sector producing and testing nuclear weapons and engaging in related atomic energy defense activities for the national defense beginning in the 1940s.

(8) These Cold War atomic energy veterans helped to build and test the nuclear arsenal that served as a deterrent during the Cold War, sacrificing their personal health and well-being in service to the United States.

(9) During the Cold War, many of these workers were exposed to radiation, beryllium, and silica, and were placed in harm's way by the Department of Energy and contractors, subcontractors, and vendors of the Department without the workers' knowledge or consent, without adequate radiation monitoring, and without necessary protections from internal or external occupational radiation exposure.

(10) The Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) (in this section referred to as ''EEOICPA'') was enacted to ensure fairness and equity for the men and women who, during the past 60 years, performed duties uniquely related to the nuclear weapons

production and testing programs of the Department of Energy, its predecessor agencies, and its contractors by establishing a program that would provide timely, uniform, and adequate compensation for beryllium- and radiation-related health conditions.

(11) Research by the Department of Energy, the National Institute for Occupational Safety and Health (NIOSH), NIOSH contractors, the President's Advisory Board on Radiation and Worker Health, and congressional committees indicates that at certain nuclear weapons facilities—

(A) workers were not adequately monitored for internal or external exposure to ionizing radiation; and

(B) records were not maintained, are not reliable, are incomplete, or fail to indicate the radioactive isotopes to which workers were exposed.

(12) Due to the inequities posed by the factors described above and the resulting harm to the workers, Congress designated classes of atomic weapons employees at the Paducah, Kentucky, Portsmouth, Ohio, Oak Ridge K–25, Tennessee, and the Amchitka Island, Alaska, sites as members of the Special Exposure Cohort under EEOICPA.

(13) It has become evident that it is not feasible to estimate with sufficient accuracy in a timely manner the radiation dose received by employees at the Department of Energy facility at the Nevada Test Site for many reasons, including the following:

(A) The NIOSH Technical Basis Document, the threshold document for radiation dose reconstruction under EEOICPA, has incomplete radionuclide lists.

(B) NIOSH has not demonstrated that it can estimate dose from exposure to large, nonrespirable hot particles.

(C) There are significant gaps in environmental measurement and exposure data.

(D) Resuspension doses have been seriously underestimated.

(E) NIOSH has not been able to estimate accurately exposures to bomb assembly workers and radon levels.

(F) NIOSH has not demonstrated that it can accurately sample tritiated water vapor.

(G) External dose records lack integrity.

(H) There are no beta dose data from before 1966.

(I) There are no neutron dose data from before 1966 and only partial data after such date.

(J) There are no internal dose data from before late 1955 or 1956, and limited data until well into the 1960s.

(K) NIOSH has ignored exposure from more than a dozen underground tests that vented, including Blanca, Des Moines, Baneberry, Camphor, Diagonal Line, Riola, Agrini, Midas Myth, Misty Rain, and Mighty Oak.

(L) Instead of monitoring individuals, groups were monitored, resulting in unreliable personnel monitoring.

(14) Some Nevada Test Site workers, despite having worked with significant amounts of radioactive materials and having known exposures leading to serious health effects, have been denied compensation under EEOICPA as a result of flawed calculations based on records that are incomplete or in error, or based on faulty assumptions and incorrect models.

(15) Although basal cell carcinoma and chronic lymphocytic leukemia are both radiogenic cancers that employees at the Nevada Test Site may have contracted in the scope of their work, EEOICPA currently will not include individuals with basal cell carcinoma as members of the Special Exposure Cohort, nor does it provide for compensation for employees with chronic lymphocytic leukemia.

SEC. 3. INCLUSION OF CERTAIN NUCLEAR WEAPONS PROGRAM WORKERS IN SPECIAL EXPOSURE COHORT UNDER ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384*l*) is amended—

(1) in paragraph (9), by adding at the end the following new subparagraph:

''(C) An individual described in paragraph (14)(D).''; and

(2) in paragraph (14), by adding at the end the following new subparagraph:

''(D) The employee was so employed at the Nevada Test Site or other similar sites located in Nevada during the period beginning on January 1, 1950, and ending on December 31, 1993, and contracted an occupational illness, basal cell carcinoma, or chronic lymphocytic leukemia, and, during such employment—

''(i) was present during an atmospheric or underground nuclear test or performed drillbacks, tunnel re-entry, or clean-up work following such a test (without regard to the duration of employment);

''(ii) was present at an event involving the venting of an underground test or during a planned or unplanned radiation release (without regard to the duration of employment);

''(iii) was present during testing or post-test activities related to nuclear rocket or ramjet engine testing at the Nevada Test Site (without regard to the duration of employment);

''(iv) was assigned to work at Area 51 or other classified program areas of the Nevada Test Site (without regard to the duration of employment); or

''(v) was employed at the Nevada Test Site, and was employed in a job activity that—

''(I) was monitored for exposure to ionizing radiation; or

''(II) was comparable to a job that is, was, or should have been monitored for exposure to ionizing radiation at the Nevada Test Site.''.

(b) DEADLINE FOR CLAIMS ADJUDICATION.—Claims for compensation under section 3621(14)(D) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as added by subsection (a), shall be adjudicated and a final decision issued—

(1) in the case of claims pending as of the date of the enactment of this Act, not later than 30 days after such date; and

(2) in the case of claims filed after the date of the enactment of this Act, not later than 30 days after the date of such filing.

By Mr. HARKIN (for himself and Mrs. CLINTON):

S. 651. A bill to help promote the national recommendation of physical activity to kids, families, and communities across the United States; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, as you may have heard, today we are launching the Partnership for Play Every Day and it has been spearheaded by three terrific organizations: the YMCA, the National Recreation and Park Association, and the National Association for Sport and Physical Education. Together, they have 350 years of experience in helping our kids to be physically active or, to use the old-fashioned word, ''to play.''

More than a century ago, these groups came together to support the Playground Movement, which took kids out of factories and coal mines, and gave them parks and playgrounds where they could be children again.

Well, today we face a different challenge. As we confront an epidemic of childhood obesity, as many new elementary schools are built without playgrounds, as recess and PE are phased out of so many of our schools, we need a 21st century Playground Movement. And that's what we are launching this morning.

On a personal note, I have been a lifelong admirer of the YMCA. When I was in my early 20s and aspiring to join the Navy as a fighter pilot, they told me: First you've got to learn how to swim. So what did I do? I signed up at the Y in downtown Des Moines for swimming lessons.

Well, the Y was there for me, just as the Y is there for millions of American families, giving them the facilities and tools to stay fit and healthy.

You know, there is something fundamentally wrong when kids spend their free time parked in front of the TV instead of playing in parks.

I mentioned the childhood obesity epidemic. ''Epidemic'' is not my word. That's what the Centers for Disease Control and Prevention call it. Today, nearly 15 percent of American children and teenagers are obese. A quarter of the children between the ages of 5 and 10 already show the early warning signs of heart disease. Cases of adult-onset diabetes in children—which used to be almost unheard of—have exploded tenfold in the last two decades.

Add it all up, and experts say there is a very real prospect that today's kids could be the first generation in American history to have a shorter lifespan than their parent's generation.

And that is unacceptable. We are not going to let that happen. And that is why we have set the goal of ensuring that every child in America gets 60 minutes of play and physical activity every day.

Hand in hand with this important new initiative, today I am honored to introduce with Senator HILLARY CLINTON a bill called the PLAY Every Day Act. That first word, PLAY, is an acronym for ''Promoting Lifelong Active Communities.''

The PLAY Every Day Act will help to promote the national physical-activity standards for both children and adults.

To that end, the legislation will do two things:

One, it will mandate the development of a well-validated assessment tool called the ''community play index,'' to identify barriers preventing young people from being physically active in a given community.

And two, it will help local coalitions to use this ''community play index'' as they craft plans to promote physical activity and wellness in their communities.

My vision is to have every community in America focused on promoting

health and preventing disease—instead of just dealing with the bad consequences of obesity, diabetes, and heart disease.

By the way, I am grateful to the good corporate citizens that are joining in the Partnership for Play Every Day, including PepsiCo, Toyota, Kellogg Company, General Mills, PlayCore, and Landscape Structures. Your support of this legislation and new initiative is going to be critical to the Partnership's success.

So, again, I salute all the players in this new Partnership. Together, we can build a better, healthier future for America's children.

By Mr. DURBIN (for himself and Mr. SCHUMER):

S. 654. A bill to establish the Food Safety Administration to protect the public health by preventing food-borne illness, ensuring the safety of food, improving research on contaminants leading to food-borne illness, and improving security of food from intentional contamination, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, years ago, a friend from Chicago went out and bought hamburger meat at a local grocery store. She took it home, cooked it, and gave it to her five-year-old boy. That poor boy was exposed to E. coli and died a few days later, a gruesome, horrible death.

In 1992, four children died and 700 people were sickened by an E. coli outbreak that was traced to hamburgers served at Jack in the Box restaurants. That outbreak proved to be a pivotal moment in the history of the beef industry. The Federal Government revamped the meat inspection program which has led a decline in the number of illnesses from beef since 2000.

The E. coli outbreaks from fresh produce that occurred at the end of 2006 may prove to be the critical events for the produce industry as the Jack in the Box outbreak was for the meat industry. Three people died and nearly 200 were sickened in 26 States due to E. coli that was traced back to packaged spinach.

The breadth of the problem of foodborne illness is stunning. The Centers for Disease Control and Prevention estimate that as many as 76 million people suffer from food poisoning each year. Of those individuals, approximately 325,000 will be hospitalized and more than 5,000 will die. Children and the elderly are especially vulnerable to foodborne pathogens. Despite these statistics, our food supply is still the safest in the world; however, there are widening gaps in our food safety system due to the fact that food safety oversight has evolved over time and is spread across several agencies.

As the number of foods imported from outside the United States continues to increase so do concerns that terrorists could easily attack our food supply and distribute a harmful product widely. It is more important now then ever to reinforce any potential weak spots in our food safety system.

Last month, the Government Accountability Office (GAO) designated the Federal oversight of food safety as a high-risk area. In order to achieve greater effectiveness and accountability, there needs to be a broad-based transformation of our federal food safety oversight. GAO concluded that the fragmented federal system, with 15 agencies collectively administering at least 30 laws, has caused inconsistent oversight and an inefficient use of resources. An accidental or deliberate contamination of the food supply could undermine consumer confidence and cause severe economic consequences. It is not a surprise that GAO placed food safety oversight on its high-risk list this year. GAO has been calling for a single food safety agency for the past 30 years.

Here is one example of where our current food safety system doesn't make sense. Take a pre-packaged ham and cheese sandwich that's available at your local convenience store. The way the sandwich is regulated depends on how it is presented. USDA has jurisdiction if the sandwich is a packaged open-face meat or poultry sandwich that contains one slice of bread. If the sandwich is a closed-face meat or poultry sandwich, meaning it has two slices of bread, FDA inspects it. USDA inspects the open-face sandwiches that are sold in interstate commerce on a daily basis while FDA inspects closed-face sandwiches an average of once every five years.

Here's another example that illustrates the inefficient use of resources. The U.S. Department of Agriculture (USDA) and the Food and Drug Administration (FDA) both inspect shipments of imported food at 18 U.S. ports-of-entry; however the two agencies do not share inspection resources at these ports. USDA import inspectors are assigned to USDA-approved import inspection facilities at these ports and some of the ports also handle FDA-regulated products. USDA does not have jurisdiction over the FDA-regulated products. USDA has inspectors assigned to these facilities every day while the FDA-regulated products may remain at the facilities for some time awaiting FDA inspection. In fiscal year 2003, USDA spent nearly $16 million on imported food inspections and FDA spent over $115 million. This is just one example of where millions of dollars could have been saved if one agency oversaw the inspection process.

Please join me in sponsoring the Safe Food Act of 2007, which addresses our Nation's fractured food safety system. The Safe Food Act of 2007 would create a single, independent Federal food safety agency to administer all aspects of Federal food safety efforts, including inspections, enforcement, standards-setting and research, in order to protect public health. The agencies and sub-agencies now charged with protecting the food supply, primarily housed at the Food and Drug Administration and the Department of Agriculture, would be transferred to this new agency.

A single food safety agency with authority based on sound scientific principles would provide this country with the greatest hope of reducing foodborne illness, and would also prevent or minimize the harm of a bioterrorist attack on our food supply. The Safe Food Act of 2007 would put authority for imported and domestic food in the hands of one Food Safety Administrator. The Administrator would oversee one science-based food safety law that would harmonize the various authorities that currently govern food safety regulation.

Our food distribution system has undergone many changes over the years. For example, in the past, it was likely that produce that ended up in a local grocery store came from a farm not too far from the retailer. Fast forward to today produce grown on a single farm in one state could end up on dinner tables in many states across the country. We cannot continue trying to use a 1950s food safety model to oversee a 21st Century food distribution system. That's like asking a propeller plane to keep up with an F–18. We need to change, to shed the old bureaucratic shackles that have tied us to the overlapping and inefficient ad hoc food safety system of the past and create a system fit for the 21st Century.

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. 654

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 ''Safe Food Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings; purposes.
Sec. 3. Definitions.

TITLE I—ESTABLISHMENT OF FOOD SAFETY ADMINISTRATION

Sec. 101. Establishment of Food Safety Administration.
Sec. 102. Consolidation of separate food safety and inspection services and agencies.
Sec. 103. Additional duties of the Administration.

TITLE II—ADMINISTRATION OF FOOD SAFETY PROGRAM

Sec. 201. Administration of national program.
Sec. 202. Registration of food establishments and foreign food establishments.
Sec. 203. Preventative process controls to reduce adulteration of food.
Sec. 204. Performance standards for contaminants in food.
Sec. 205. Inspections of food establishments.
Sec. 206. Food production facilities.
Sec. 207. Federal and State cooperation.

Sec. 208. Imports.
Sec. 209. Resource plan.
Sec. 210. Traceback.
TITLE III—RESEARCH AND EDUCATION
Sec. 301. Public health assessment system.
Sec. 302. Public education and advisory system.
Sec. 303. Research.
TITLE IV—ENFORCEMENT
Sec. 401. Prohibited Acts.
Sec. 402. Food detention, seizure, and condemnation.
Sec. 403. Notification and recall.
Sec. 404. Injunction proceedings.
Sec. 405. Civil and criminal penalties.
Sec. 406. Presumption.
Sec. 407. Whistleblower protection.
Sec. 408. Administration and enforcement.
Sec. 409. Citizen civil actions.
TITLE V—IMPLEMENTATION
Sec. 501. Definition.
Sec. 502. Reorganization plan.
Sec. 503. Transitional authorities.
Sec. 504. Savings provisions.
Sec. 505. Conforming amendments.
Sec. 506. Additional technical and conforming amendments.
Sec. 507. Regulations.
Sec. 508. Authorization of appropriations.
Sec. 509. Limitation on authorization of appropriations.
Sec. 510. Effective date.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the safety of the food supply of the United States is vital to the public health, to public confidence in the food supply, and to the success of the food sector of the Nation's economy;

(2) lapses in the protection of the food supply and loss of public confidence in food safety are damaging to consumers and the food industry, and place a burden on interstate commerce;

(3) the safety and security of the food supply requires an integrated, system-wide approach to preventing food-borne illness, a thorough and broad-based approach to basic and applied research, and intensive, effective, and efficient management of the Nation's food safety program;

(4) the task of preserving the safety of the food supply of the United States faces tremendous pressures with regard to—

(A) emerging pathogens and other contaminants and the ability to detect all forms of contamination;

(B) an aging and immune compromised population, with a growing number of people at high-risk for food-borne illnesses, including infants and children;

(C) an increasing volume of imported food, without adequate monitoring and inspection; and

(D) maintenance of rigorous inspection of the domestic food processing and food service industries;

(5) Federal food safety standard setting, inspection, enforcement, and research efforts should be based on the best available science and public health considerations and food safety resources should be systematically deployed in ways that most effectively prevent food-borne illness;

(6) the Federal food safety system is fragmented, with at least 12 Federal agencies sharing responsibility for food safety, and operates under laws that do not reflect current conditions in the food system or current scientific knowledge about the cause and prevention of food-borne illness;

(7) the fragmented Federal food safety system and outdated laws preclude an integrated, system-wide approach to preventing food-borne illness, to the effective and efficient operation of the Nation's food safety program, and to the most beneficial deployment of food safety resources;

(8) the National Academy of Sciences recommended in the report ''Ensuring Safe Food from Production to Consumption'' that Congress establish by statute a unified and central framework for managing Federal food safety programs, and recommended modifying Federal statutes so that inspection, enforcement, and research efforts are based on scientifically supportable assessments of risks to public health; and

(9) the lack of a single focal point for food safety leadership in the United States undercuts the ability of the United States to exert food safety leadership internationally, which is detrimental to the public health and the international trade interests of the United States.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish a single agency to be known as the ''Food Safety Administration'' to—

(A) regulate food safety and labeling to strengthen the protection of the public health;

(B) ensure that food establishments fulfill their responsibility to produce food in a manner that protects the public health of all people in the United States;

(C) lead an integrated, system-wide approach to food safety and to make more effective and efficient use of resources to prevent food-borne illness;

(D) provide a single focal point for food safety leadership, both nationally and internationally; and

(E) provide an integrated food safety research capability, utilizing internally-generated, scientifically and statistically valid studies, in cooperation with academic institutions and other scientific entities of the Federal and State governments, to achieve the continuous improvement of research on food-borne illness and contaminants;

(2) to transfer to the Food Safety Administration the food safety, labeling, inspection, and enforcement functions that, as of the day before the effective date of this Act, are performed by other Federal agencies; and

(3) to modernize and strengthen the Federal food safety laws to achieve more effective application and efficient management of the laws for the protection and improvement of public health.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term ''Administration'' means the Food Safety Administration established under section 101(a)(1).

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of Food Safety appointed under section 101(a)(3).

(3) ADULTERATED.—

(A) IN GENERAL.—The term ''adulterated'' has the meaning described in subsections (a) through (c) of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342).

(B) INCLUSION.—The term ''adulterated'' includes bearing or containing a contaminant that causes illness or death among sensitive populations.

(4) AGENCY.—The term ''agency'' has the meaning given that term in section 551 of title 5, United States Code.

(5) CATEGORY 1 FOOD ESTABLISHMENT.—The term ''category 1 food establishment'' means a food establishment that slaughters animals for food.

(6) CATEGORY 2 FOOD ESTABLISHMENT.—The term ''category 2 food establishment'' means a food establishment that processes raw meat, poultry, seafood products, regardless of whether the establishment also has a kill step, and animal feed and other products that the Administrator determines by regulation to be at high risk of contamination and the processes of which do not include a step validated to destroy contaminants.

(7) CATEGORY 3 FOOD ESTABLISHMENT.—The term ''category 3 food establishment'' means a food establishment that processes meat, poultry, seafood products, and other products that the Administrator determines by regulation to be at high risk of contamination and whose processes include a step validated to destroy contaminants.

(8) CATEGORY 4 FOOD ESTABLISHMENT.—The term ''category 4 food establishment'' means a food establishment that processes all other categories of food products not described in paragraphs (5) through (7).

(9) CATEGORY 5 FOOD ESTABLISHMENT.—The term ''category 5 food establishment'' means a food establishment that stores, holds, or transports food products prior to delivery for retail sale.

(10) CONTAMINANT.—The term ''contaminant'' includes a bacterium, chemical, natural or manufactured toxin, virus, parasite, prion, physical hazard, or other human pathogen that when found on or in food can cause human illness, injury, or death.

(11) CONTAMINATION.—The term ''contamination'' refers to a presence of a contaminant in food.

(12) FOOD.—

(A) IN GENERAL.—The term ''food'' means a product intended to be used for food or drink for a human or an animal.

(B) INCLUSIONS.—The term ''food'' includes any product (including a meat food product, as defined in section 1(j) of the Federal Meat Inspection Act (21 U.S.C. 601(j))), capable for use as human food that is made in whole or in part from any animal, including cattle, sheep, swine, or goat, or poultry (as defined in section 4 of the Poultry Products Inspection Act (21 U.S.C. 453)), and animal feed.

(C) EXCLUSION.—The term ''food'' does not include dietary supplements, as defined in section 201(ff) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff)).

(13) FOOD ESTABLISHMENT.—

(A) IN GENERAL.—The term ''food establishment'' means a slaughterhouse, factory, warehouse, or facility owned or operated by a person located in any State that processes food or a facility that holds, stores, or transports food or food ingredients.

(B) EXCLUSIONS.—For the purposes of registration, the term ''food establishment'' does not include a farm, restaurant, other retail food establishment, nonprofit food establishment in which food is prepared for or served directly to the consumer, or fishing vessel (other than a fishing vessel engaged in processing, as that term is defined in section 123.3 of title 21, Code of Federal Regulations).

(14) FOOD PRODUCTION FACILITY.—The term ''food production facility'' means any farm, ranch, orchard, vineyard, aquaculture facility, or confined animal-feeding operation.

(15) FOOD SAFETY LAW.—The term ''food safety law'' means—

(A) the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) related to and requiring the safety, labeling, and inspection of food, infant formulas, food additives, pesticide residues, and other substances present in food under that Act;

(B) the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and of any other Act that are administered by the Center for Veterinary Medicine of the Food and Drug Administration;

(C) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.);

(D) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);

(E) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.);

(F) the Sanitary Food Transportation Act of 1990 (49 U.S.C. App. 2801 et seq.);

(G) the amendments made by the Sanitary Food Transportation Act of 2005 (subtitle B of title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) (21 U.S.C. 301 note);

(H) the provisions of the Humane Methods of Slaughter Act of 1978 (21 U.S.C. 601 note) administered by the Food Safety and Inspection Service;

(I) the provisions of this Act; and

(J) such other provisions of law related to and requiring food safety, labeling, inspection, and enforcement as the President designates by Executive order as appropriate to include within the jurisdiction of the Administration.

(16) FOREIGN FOOD ESTABLISHMENT.—The term ''foreign food establishment'' means a slaughterhouse, factory, warehouse, or facility located outside the United States that processes food for consumption that is imported into the United States or food ingredients.

(17) INTERSTATE COMMERCE.—The term ''interstate commerce'' has the meaning given that term in section 201(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(b)).

(18) MISBRANDED.—The term ''misbranded'' has the meaning given that term in section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343).

(19) PROCESS.—The term ''process'' or ''processing'' means the commercial harvesting, slaughter, packing, preparation, or manufacture of food.

(20) SAFE.—The term ''safe'' refers to human and animal health.

(21) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(22) VALIDATION.—The term ''validation'' means the obtaining of evidence that the food hygiene control measure or measures selected to control a hazard in food is capable of effectively and consistently controlling the hazard.

(23) STATISTICALLY VALID.—With respect to a study, the term ''statistically valid'' means evaluated and conducted under standards set by the National Institute of Standards and Technology.

TITLE I—ESTABLISHMENT OF FOOD SAFETY ADMINISTRATION

SEC. 101. ESTABLISHMENT OF FOOD SAFETY ADMINISTRATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the executive branch an agency to be known as the ''Food Safety Administration''.

(2) STATUS.—The Administration shall be an independent establishment (as defined in section 104 of title 5, United States Code).

(3) HEAD OF ADMINISTRATION.—The Administration shall be headed by the Administrator of Food Safety, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) DUTIES OF ADMINISTRATOR.—The Administrator shall—

(1) administer and enforce the food safety law;

(2) serve as a representative to international food safety bodies and discussions;

(3) promulgate regulations to ensure the security of the food supply from all forms of contamination, including intentional contamination; and

(4) oversee—

(A) implementation of Federal food safety inspection, enforcement, and research efforts, to protect the public health;

(B) development of consistent and science-based standards for safe food;

(C) coordination and prioritization of food safety research and education programs with other Federal agencies;

(D) prioritization of Federal food safety efforts and deployment of Federal food safety resources to achieve the greatest possible benefit in reducing food-borne illness;

(E) coordination of the Federal response to food-borne illness outbreaks with other Federal and State agencies; and

(F) integration of Federal food safety activities with State and local agencies.

SEC. 102. CONSOLIDATION OF SEPARATE FOOD SAFETY AND INSPECTION SERVICES AND AGENCIES.

(a) TRANSFER OF FUNCTIONS.—For each Federal agency specified in subsection (b), there are transferred to the Administration all functions that the head of the Federal agency exercised on the day before the effective date of this Act (including all related functions of any officer or employee of the Federal agency) that relate to administration or enforcement of the food safety law, as determined by the President.

(b) TRANSFERRED AGENCIES.—The Federal agencies referred to in subsection (a) are—

(1) the Food Safety and Inspection Service of the Department of Agriculture;

(2) the Center for Food Safety and Applied Nutrition of the Food and Drug Administration;

(3) the part of the Agriculture Marketing Service that administers shell egg surveillance services established under the Egg Products Inspection Act (21 U.S.C. 1031 et seq.);

(4) the resources and facilities of the Office of Regulatory Affairs of the Food and Drug Administration that administer and conduct inspections of food establishments and imports;

(5) the resources and facilities of the Office of the Commissioner of the Food and Drug Administration that support—

(A) the Center for Food Safety and Applied Nutrition;

(B) the Center for Veterinary Medicine; and

(C) the Office of Regulatory Affairs facilities and resources described in paragraph (4);

(6) the Center for Veterinary Medicine of the Food and Drug Administration;

(7) the resources and facilities of the Environmental Protection Agency that control and regulate pesticide residues in food;

(8) the part of the Research, Education, and Economics mission area of the Department of Agriculture related to food safety and animal feed research;

(9) the part of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration of the Department of Commerce that administers the seafood inspection program;

(10) the Animal and Plant Inspection Health Service of the Department of Agriculture; and

(11) such other offices, services, or agencies as the President designates by Executive order to carry out this Act.

SEC. 103. ADDITIONAL DUTIES OF THE ADMINISTRATION.

(a) OFFICERS AND EMPLOYEES.—The Administrator may—

(1) appoint officers and employees for the Administration in accordance with the provisions of title 5, United States Code, relating to appointment in the competitive service; and

(2) fix the compensation of those officers and employees in accordance with chapter 51 and with subchapter III of chapter 53 of that title, relating to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—The Administrator may—

(1) procure the services of temporary or intermittent experts and consultants as authorized by section 3109 of title 5, United States Code; and

(2) pay in connection with those services the travel expenses of the experts and consultants, including transportation and per diem in lieu of subsistence while away from the homes or regular places of business of the individuals, as authorized by section 5703 of that title.

(c) BUREAUS, OFFICES, AND DIVISIONS.—The Administrator may establish within the Administration such bureaus, offices, and divisions as the Administrator determines are necessary to perform the duties of the Administrator.

(d) ADVISORY COMMITTEES.—

(1) IN GENERAL.—The Administrator shall establish advisory committees that consist of representatives of scientific expert bodies, academics, industry specialists, and consumers.

(2) DUTIES.—The duties of an advisory committee established under paragraph (1) may include developing recommendations with respect to the development of new processes, research, communications, performance standards, and inspection.

TITLE II—ADMINISTRATION OF FOOD SAFETY PROGRAM

SEC. 201. ADMINISTRATION OF NATIONAL PROGRAM.

(a) IN GENERAL.—The Administrator shall—

(1) administer a national food safety program (referred to in this section as the ''program'') to protect public health; and

(2) ensure that persons who produce or process food meet their responsibility to prevent or minimize food safety hazards related to their products.

(b) COMPREHENSIVE ANALYSIS.—The program shall be based on a comprehensive analysis of the hazards associated with different food and with the processing of different food, including the identification and evaluation of—

(1) the severity of the potential health risks;

(2) the sources and specific points of potential contamination extending from the farm or ranch to the consumer that may render food unsafe;

(3) the potential for persistence, multiplication, or concentration of naturally occurring or added contaminants in food;

(4) opportunities across the food production, processing, distribution, and retail system to reduce potential health risks; and

(5) opportunities for intentional contamination.

(c) PROGRAM ELEMENTS.—In carrying out the program, the Administrator shall—

(1) adopt and implement a national system for the registration of food establishments and foreign food establishments and regular unannounced inspection of food establishments;

(2) enforce the adoption of process controls in food establishments, based on best available scientific and public health considerations and best available technologies;

(3) establish and enforce science-based standards for—

(A) substances that may contaminate food; and

(B) safety and sanitation in the processing and handling of food;

(4) implement a statistically valid sampling program to ensure that industry programs and procedures that prevent food contamination are effective on an ongoing basis and that food meets the standards established under this Act;

(5) implement procedures and requirements to ensure the safety and security of imported food;

(6) coordinate with other agencies and State or local governments in carrying out inspection, enforcement, research, and monitoring;

(7) have access to the surveillance data of the Centers for Disease Control and Prevention, and other Federal Government agencies, in order to implement a national surveillance system to assess the health risks associated with the human consumption of food or to create surveillance data and studies;

(8) develop public education risk communication and advisory programs;

(9) implement a basic and applied research program to further the purposes of this Act; and

(10) coordinate and prioritize food safety research and educational programs with other agencies, including State or local agencies.

SEC. 202. REGISTRATION OF FOOD ESTABLISHMENTS AND FOREIGN FOOD ESTABLISHMENTS.

(a) IN GENERAL.—The Administrator shall by regulation require that any food establishment or foreign food establishment engaged in processing food in the United States be registered with the Administrator.

(b) REGISTRATION REQUIREMENTS.—

(1) IN GENERAL.—To be registered under subsection (a)—

(A) in the case of a food establishment, the owner, operator, or agent in charge of the food establishment shall submit a registration to the Administrator; and

(B) in the case of a foreign food establishment, the owner, operator, or agent in charge of the foreign food establishment shall—

(i) submit a registration to the Administrator; and

(ii) provide the name, address, and emergency contact information of the United States agent for the foreign food establishment.

(2) REGISTRATION.—A food establishment or foreign food establishment shall submit a registration under paragraph (1) to the Administrator that—

(A) identifies the name, address, and emergency contact information of each food establishment or foreign food establishment that the registrant operates under this Act and all trade names under which the registrant conducts business relating to food;

(B) lists the primary purpose and business activity of each food establishment or foreign food establishment, including the dates of operation if the food establishment or foreign food establishment is seasonal;

(C) lists the types of food processed or sold at each food establishment or, for foreign food establishments selling food for consumption in the United States, identifies the specific food categories of that food as listed under section 170.3 of title 21, Code of Federal Regulations; and

(D) not later than 30 days after a change in the products, function, or legal status of the food establishment or foreign food establishment (including cessation of business activities), notifies the Administrator of the change.

(3) PROCEDURE.—Upon receipt of a completed registration described in paragraph (1), the Administrator shall notify the registrant of the receipt of the registration, designate each establishment as a category 1, 2, 3, 4, or 5 food establishment, and assign a registration number to each food establishment and foreign food establishment.

(4) LIST.—The Administrator shall compile and maintain an up-to-date list of food establishments and foreign food establishments that are registered under this section. The Administrator may establish regulations by which such list may be shared with other governmental authorities.

(5) DISCLOSURE EXEMPTION.—The disclosure requirements under section 552 of title 5, United States Code, shall not apply to—

(A) the list compiled under paragraph (4); and

(B) information derived from the list under paragraph (4), to the extent that it discloses the identity or location of a specific registered person.

(6) SUSPENSION OF REGISTRATION.—

(A) IN GENERAL.—The Administrator may suspend the registration of a food establishment or foreign food establishment, including the facility of an importer, for violation of a food safety law.

(B) NOTICE AND OPPORTUNITY FOR HEARING.—The Administrator shall provide notice to a registrant immediately upon the suspension of the registration of the facility and provide registrant with an opportunity for a hearing within 3 days of the suspension.

(7) REINSTATEMENT.—A registration that is suspended under this section may be reinstated pursuant to criteria published in the Federal Register by the Administrator.

SEC. 203. PREVENTATIVE PROCESS CONTROLS TO REDUCE ADULTERATION OF FOOD.

(a) IN GENERAL.—The Administrator shall, upon the basis of best available public health, scientific, and technological data, promulgate regulations to ensure that food establishments carry out their responsibilities to—

(1) process food in a sanitary manner so that it is free of dirt and filth;

(2) limit the presence of potentially harmful contaminants in food;

(3) implement appropriate measures of preventative process control to minimize and reduce the presence and growth of contaminants in food and meet the performance standards established under section 204;

(4) process all fully processed or ready-to-eat food in a sanitary manner, using reasonably available techniques and technologies to eliminate any potentially harmful contaminants; and

(5) label food intended for final processing outside commercial food establishments with instructions for handling and preparation for consumption that will destroy contaminants.

(b) REGULATIONS.—Not later than 1 year after the effective date of this Act, the Administrator shall promulgate regulations that—

(1) require all food establishments to adopt preventative process controls that are—

(A) adequate to protect the public health;

(B) meet relevant regulatory and food safety standards; and

(C) limit the presence and growth of contaminants in food prepared in a food establishment;

(2) set standards for sanitation;

(3) meet any performance standards for contaminants established under section 204;

(4) require recordkeeping to monitor compliance;

(5) require sampling and testing at a frequency and in a manner sufficient to ensure that process controls are effective on an ongoing basis and that regulatory standards are being met; and

(6) provide for agency access to records kept by food establishments and submission of copies of the records to the Administrator, as the Administrator determines appropriate.

(c) PROCESSING CONTROLS.—The Administrator may require any person with responsibility for or control over food or food ingredients to adopt process controls, if the process controls are needed to ensure the protection of the public health.

SEC. 204. PERFORMANCE STANDARDS FOR CONTAMINANTS IN FOOD.

(a) IN GENERAL.—To protect the public health, the Administrator shall establish by regulation and enforce performance standards that define, with respect to specific food-borne contaminants and foods, the level of food safety performance that a person responsible for producing, processing, or selling food shall meet.

(b) IDENTIFICATION OF CONTAMINANTS; PERFORMANCE STANDARDS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall identify the food-borne contaminants and food that contribute significantly to the risk of food-borne illness.

(2) PERFORMANCE STANDARDS.—As soon as practicable after the identification of the contaminants under paragraph (1), the Administrator shall establish appropriate performance standards to protect against all food-borne contaminants.

(3) SIGNIFICANT CONTAMINANTS.—The Administrator shall establish performance standards for the 5 contaminants that contribute to the greatest number of illnesses or deaths associated with raw meat, poultry, and seafood not later than 3 years after the date of enactment of this Act. The Administrator shall revise such standards not less often than every 3 years.

(c) PERFORMANCE STANDARDS.—

(1) IN GENERAL.—The performance standards established under this section shall include—

(A) health-based standards that set the level of a contaminant that can safely and lawfully be present in food;

(B) zero tolerances, including zero tolerances for fecal matter, in addition to any zero-tolerance standards in effect on the day before the date of enactment of this Act, when necessary to protect against significant adverse health outcomes;

(C) process standards, such as log reduction criteria for cooked products, when sufficient to ensure the safety of processed food; and

(D) in the absence of data to support a performance standard described in subparagraph (A), (B), or (C), standards that define required performance in terms of ''best reasonably achievable performance'', using best available technologies, interventions, and practices.

(2) BEST REASONABLY ACHIEVABLE PERFORMANCE STANDARDS.—In developing best reasonably achievable performance standards, the Administrator shall collect, or contract for the collection of, data on current best practices and food safety outcomes related to the contaminants and foods in question, as the Administrator determines necessary.

(3) REVOCATION BY ADMINISTRATOR.—All performance standards, tolerances, action levels, or other similar standards in effect on the date of enactment of this Act shall remain in effect until revised or revoked by the Administrator.

(d) ENFORCEMENT.—

(1) IN GENERAL.—Not later than 1 year after the promulgation of a performance standard under this section, the Administrator shall implement a statistically significant sampling program to determine whether food establishments are complying with the performance standards promulgated under this section. The program established under this paragraph shall be at least as stringent as the Hazard Analysis and Critical Control Point System requirements established under part 417 of title 9, Code of Federal Regulations (or successor regulation).

(2) INSPECTIONS.—If the Administrator determines that a food establishment fails to meet a standard promulgated under this section, and such establishment fails to take

appropriate corrective action as determined by the Administrator, the Administrator shall, as appropriate—

(A) detain, seize, or condemn food from the food establishment under section 402;

(B) order a recall of food from the food establishment under section 403;

(C) increase the inspection frequency for the food establishment;

(D) withdraw the mark of inspection from the food establishment, if in use; or

(E) take other appropriate enforcement action concerning the food establishment, including withdrawal of registration.

(e) NEWLY IDENTIFIED CONTAMINANTS.—Notwithstanding any other provision of this section, the Administrator shall promulgate interim performance standards for newly identified contaminants as necessary to protect the public health.

SEC. 205. INSPECTIONS OF FOOD ESTABLISHMENTS.

(a) IN GENERAL.—The Administrator shall establish an inspection program, which shall include sampling and testing of food and food establishments, to determine if each food establishment—

(1) is operating in a sanitary manner;

(2) has continuous systems, interventions, and processes in place to minimize or eliminate contaminants in food;

(3) is in compliance with applicable performance standards established under section 204, and other regulatory requirements;

(4) is processing food that is safe and not adulterated or misbranded;

(5) maintains records of process control plans under section 203, and other records related to the processing, sampling, and handling of food; and

(6) is in compliance with the requirements of the food safety law.

(b) ESTABLISHMENT CATEGORIES AND INSPECTION FREQUENCIES.—The resource plan required under section 209, including the description of resources required to carry out inspections of food establishments, shall be based on the following categories and inspection frequencies, subject to subsections (c), (d), and (e):

(1) CATEGORY 1 FOOD ESTABLISHMENTS.—A category 1 food establishment shall be subject to antemortem, postmortem, and continuous inspection of each slaughter line during all operating hours, and other inspection on a daily basis, sufficient to verify that—

(A) diseased animals are not offered for slaughter;

(B) the food establishment has successfully identified and removed from the slaughter line visibly defective or contaminated carcasses, has avoided cross-contamination, and destroyed or reprocessed them in a manner acceptable to the Administrator; and

(C) that applicable performance standards and other provisions of the food safety law, including those intended to eliminate or reduce pathogens, have been satisfied.

(2) CATEGORY 2 FOOD ESTABLISHMENTS.—A category 2 food establishment shall be randomly inspected at least daily.

(3) CATEGORY 3 FOOD ESTABLISHMENTS.—A category 3 food establishment shall—

(A) have ongoing verification that its processes are controlled; and

(B) be randomly inspected at least monthly.

(4) CATEGORY 4 FOOD ESTABLISHMENTS.—A category 4 food establishment shall be randomly inspected at least quarterly.

(5) CATEGORY 5 FOOD ESTABLISHMENTS.—A category 5 food establishment shall be randomly inspected at least annually.

(c) ESTABLISHMENT OF INSPECTION PROCEDURES.—The Administrator shall establish procedures under which inspectors or safety officers shall take random samples, photographs, and copies of records in food establishments.

(d) ALTERNATIVE INSPECTION FREQUENCIES.—With respect to a category 2, 3, 4, or 5 food establishment, the Administrator may establish alternative increasing or decreasing inspection frequencies for subcategories of food establishments or individual establishments, to foster risk-based allocation of resources, subject to the following criteria and procedures:

(1) Subcategories of food establishments and their alternative inspection frequencies shall be defined by regulation, subject to paragraphs (2) and (3).

(2) Regulations of alternative inspection frequencies for subcategories of food establishments under paragraph (1) and for a specific food establishment under paragraph (4) shall provide that—

(A) category 2 food establishments shall be inspected at least monthly; and

(B) category 3, 4, and 5 food establishments shall be inspected at least annually.

(3) In defining subcategories of food establishments and their alternative inspection frequencies under paragraphs (1) and (2), the Administrator shall consider—

(A) the nature of the food products being processed, stored, or transported;

(B) the manner in which food products are processed, stored, or transported;

(C) the inherent likelihood that the products will contribute to the risk of food-borne illness;

(D) the best available evidence concerning reported illnesses associated with the foods produced in the proposed subcategory of establishments; and

(E) the overall record of compliance with the food safety law among establishments in the proposed subcategory, including compliance with applicable performance standards and the frequency of recalls.

(4) The Administrator may adopt alternative inspection frequencies for increased or decreased inspection for a specific establishment, subject to paragraphs (2) and (5) and shall periodically publish a list of establishments subject to alternative inspections.

(5) In adopting alternative inspection frequencies for a specific establishment, the Administrator shall consider—

(A) the criteria in paragraph (3);

(B) whether products from the specific establishment have been associated with a case or an outbreak of food-borne illness; and

(C) the record of the establishment of compliance with the food safety law, including compliance with applicable performance standards and the frequency of recalls.

(6) Before establishing decreased alternative inspection frequencies for subcategories of establishments or individual establishments, the Administrator shall—

(A) determine, based on the best available evidence, that the alternative uses of the resources required to carry out the inspection activity would make a greater contribution to protecting the public health and reducing the risk of food-borne illness than the use of resources described in subsection (b);

(B) describe the alternative uses of resources in general terms when issuing the regulation or order that establishes the alternative inspection frequency;

(C) consider the supporting evidence that an individual food establishment shall submit related to whether an alternative inspection frequency should be established for such establishment by the Administrator; and

(D) include a description of the alternative uses in the annual resource plan required in section 209.

(e) INSPECTION TRANSITION.—The Administrator shall manage the transition to the inspection system described in this Act as follows:

(1) In the case of a category 1 or 2 food establishment, the Administrator shall continue to implement the applicable inspection mandates of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) until—

(A) regulations required to implement this section have been promulgated;

(B) the performance standards required by section 204(c) have been promulgated and implemented for 1 year; and

(C) the establishment has achieved compliance with the other applicable provisions of the food safety law.

(2) In the case of a category 1 or 2 food establishment that, within 2 years after the promulgation of the performance standards required by section 204(c), has not achieved compliance with the food safety law, the Administrator shall—

(A) issue an order prohibiting the establishment from operating pending a demonstration by the establishment that sufficient changes in facilities, procedures, personnel, or other aspects of the process control system have been made such that the Administrator determines that compliance with the food safety law is achieved; and

(B) following the demonstration required in subparagraph (A), issue an order authorizing the food establishment to operate subject, at a minimum, to—

(i) the inspection requirement applicable to the establishment under subsection (b) (1) or (2); and

(ii) such other inspection or compliance measures determined by the Administrator necessary to assure compliance with the applicable food safety law.

(3) In the case of a category 3 food establishment, the Administrator shall continue to implement the applicable inspection mandates of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) until—

(A) the regulations required to implement this section have been promulgated;

(B) the first resource plan under section 209 has been submitted; and

(C) for individual establishments, compliance with the food safety law has been demonstrated.

(4) In the case of a category 3 food establishment that, within 1 year after the promulgation of the regulations required to implement this section, have not demonstrated compliance with the food safety law, the Administrator shall—

(A) issue an order prohibiting the establishment from operating, pending a demonstration by the establishment that sufficient changes in facilities, procedures, personnel, or other aspects of the process control system have been made such that the Administrator determines that compliance with the food safety law is achieved; and

(B) following the demonstration required in subparagraph (A), issue an order authorizing the establishment to operate subject, at a minimum, to—

(i) the inspection requirement applicable to the establishment under subsection (b)(3); and

(ii) such other inspection or compliance measures determined by the Administrator necessary to assure compliance with the food safety law.

(5) In the case of a category 4 or 5 food establishment, the inspection requirements of this Act shall be implemented as soon as possible after—

(A) the promulgation of the regulations required to implement this section;

(B) the publication of the first resource plan under section 209; and

(C) the commencement of the first fiscal year in which the Administration is operating with budgetary resources that Congress has appropriated following consideration of the resource plan under section 209.

(f) OFFICIAL MARK.—

(1) IN GENERAL.—

(A) ESTABLISHMENT.—Before the completion of the transition process under paragraphs (1) through (3) of subsection (e), the Administrator shall by regulation establish an official mark that shall be affixed to a food product produced in a category 1, 2, or 3 establishment, subject to subparagraph (B).

(B) PREREQUISITE.—The official mark required under subparagraph (A) shall be affixed to a food product by the Administrator if the establishment has been inspected by the Administrator in accordance with the inspection frequencies under this section and the establishment is in compliance with the food safety law.

(C) REMOVAL OF OFFICIAL MARK.—The Administrator shall promulgate regulations that provide for the removal of the official mark under this subsection if the Administrator makes a finding that the establishment is not in compliance with the food safety law.

(2) CATEGORY 1, 2, OR 3 FOOD ESTABLISHMENTS.—In the case of products produced in a category 1, 2, or 3 food establishment—

(A) products subject to Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), the Egg Products Inspection Act (21 U.S.C. 1031 et seq.), and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) as of the date of enactment of this Act shall remain subject to the requirement under those Acts that they bear the mark of inspection pending completion of the transition process under paragraphs (1) through (3) of subsection (e);

(B) the Administrator shall publicly certify on a monthly basis that the inspection frequencies required under this Act have been achieved; and

(C) a product from an establishment that has not been inspected in accordance with the required frequencies under this section shall not bear the official mark and shall not be shipped in interstate commerce.

(3) CATEGORY 4 AND 5 FOOD ESTABLISHMENTS.—In the case of a product produced in a category 4 or 5 food establishment the Administrator shall provide by regulation for the voluntary use of the official mark established under paragraph (1), subject to—

(A) such minimum inspection frequencies as determined appropriate by the Administrator;

(B) compliance with applicable performance standards and other provisions of the food safety law; and

(C) such other requirements the Administrator considers appropriate.

(g) IMPLEMENTATION.—Not later than 1 year after the effective date of this Act, the Administrator shall issue regulations to implement subsections (b) through (e).

(h) MAINTENANCE AND INSPECTION OF RECORDS.—

(1) IN GENERAL.—

(A) RECORDS.—A food establishment shall—

(i) maintain such records as the Administrator shall require by regulation, including all records relating to the processing, distributing, receipt, or importation of any food; and

(ii) permit the Administrator, in addition to any authority of the food safety agencies in effect on the day before the date of enactment of this Act, upon presentation of appropriate credentials and at reasonable times and in a reasonable manner, to have access to and copy all records maintained by or on behalf of such food establishment representative in any format (including paper or electronic) and at any location, that are necessary to assist the Administrator—

(I) to determine whether the food is contaminated or not in compliance with the food safety law; or

(II) to track the food in commerce.

(B) REQUIRED DISCLOSURE.—A food establishment shall have an affirmative obligation to disclose to the Administrator the results of testing or sampling of food, equipment, or material in contact with food, that is positive for any contaminant.

(2) MAINTENANCE OF RECORDS.—The records in paragraph (1) shall be maintained for a reasonable period of time, as determined by the Administrator.

(3) REQUIREMENTS.—The records in paragraph (1) shall include records describing—

(A) the origin, receipt, delivery, sale, movement, holding, and disposition of food or ingredients;

(B) the identity and quantity of ingredients used in the food;

(C) the processing of the food;

(D) the results of laboratory, sanitation, or other tests performed on the food or in the food establishment;

(E) consumer complaints concerning the food or packaging of the food;

(F) the production codes, open date codes, and locations of food production; and

(G) other matters reasonably related to whether food is unsafe, is adulterated or misbranded, or otherwise fails to meet the requirements of this Act.

(i) PROTECTION OF SENSITIVE INFORMATION.—

(1) IN GENERAL.—The Administrator shall develop and maintain procedures to prevent the unauthorized disclosure of any trade secret or confidential information obtained by the Administrator.

(2) LIMITATION.—The requirement under this subsection does not—

(A) limit the authority of the Administrator to inspect or copy records or to require the establishment or maintenance of records under this Act;

(B) have any legal effect on section 1905 of title 18, United States Code;

(C) extend to any food recipe, financial data, pricing data, personnel data, or sales data (other than shipment dates relating to sales);

(D) limit the public disclosure of distribution records or other records related to food subject to a voluntary or mandatory recall under section 403; or

(E) limit the authority of the Administrator to promulgate regulations to permit the sharing of data with other governmental authorities.

(j) BRIBERY OF OR GIFTS TO INSPECTOR OR OTHER OFFICERS AND ACCEPTANCE OF GIFTS.—Section 22 of the Federal Meat Inspection Act (21 U.S.C. 622) shall apply under this Act.

SEC. 206. FOOD PRODUCTION FACILITIES.

In carrying out the duties of the Administrator and the purposes of this Act, the Administrator shall have the authority, with respect to food production facilities, to—

(1) visit and inspect food production facilities in the United States and in foreign countries to investigate bioterrorism threats and for other critical food safety purposes;

(2) review food safety records as required to be kept by the Administrator to carry out traceback and for other critical food safety purposes;

(3) set good practice standards to protect the public and animal health and promote food safety;

(4) conduct monitoring and surveillance of animals, plants, products, or the environment, as appropriate; and

(5) collect and maintain information relevant to public health and farm practices.

SEC. 207. FEDERAL AND STATE COOPERATION.

(a) IN GENERAL.—The Administrator shall work with the States to carry out activities and programs that create a national food safety program so that Federal and State programs function in a coordinated and cost-effective manner.

(b) STATE ACTION.—The Administrator shall work with States to—

(1) continue, strengthen, or establish State food safety programs, especially with respect to the regulation of retail commercial food establishments, transportation, harvesting, and fresh markets;

(2) continue, strengthen, or establish inspection programs and requirements to ensure that food under the jurisdiction of the State is safe; and

(3) support recall authorities at the State and local levels.

(c) ASSISTANCE.—To assist in planning, developing, and implementing a food safety program, the Administrator may provide and continue to a State—

(1) advisory assistance;

(2) technical and laboratory assistance and training (including necessary materials and equipment); and

(3) financial, in kind, and other aid.

(d) SERVICE AGREEMENTS.—

(1) IN GENERAL.—The Administrator may, under agreements entered into with Federal, State, or local agencies, use on a reimbursable basis or otherwise, the personnel and services of those agencies in carrying out this Act.

(2) TRAINING.—Agreements with a State under this subsection may provide for training of State employees.

(3) MAINTENANCE OF AGREEMENTS.—The Administrator shall maintain any agreement that is in effect on the day before the date of enactment of this Act until the Administrator evaluates such agreement and determines whether to maintain or substitute such agreement.

(e) AUDITS.—

(1) IN GENERAL.—The Administrator shall annually conduct a comprehensive review of each State program that provides services to the Administrator in carrying out the responsibilities under this Act, including mandated inspections under section 205.

(2) REQUIREMENTS.—The review shall—

(A) include a determination of the effectiveness of the State program; and

(B) identify any changes necessary to ensure enforcement of Federal requirements under this Act.

(f) NO FEDERAL PREEMPTION.—Nothing in this Act shall be construed to preempt the enforcement of State food safety laws and standards that are at least as stringent as those under this Act.

SEC. 208. IMPORTS.

(a) IN GENERAL.—Not later than 2 years after the effective date of this Act, the Administrator shall establish a system under which a foreign government or foreign food establishment seeking to import food to the United States shall submit a request for certification to the Administrator.

(b) CERTIFICATION STANDARD.—A foreign government or foreign food establishment requesting a certification to import food to the United States shall demonstrate, in a manner determined appropriate by the Administrator, that food produced under the supervision of a foreign government or by the foreign food establishment has met standards for food safety, inspection, labeling, and consumer protection that are at least equivalent to standards applicable to food produced in the United States.

(c) CERTIFICATION APPROVAL.—

(1) REQUEST BY FOREIGN GOVERNMENT.—Prior to granting the certification request of a foreign government, the Administrator shall review, audit, and certify the food safety program of a requesting foreign government (including all statutes, regulations, and inspection authority) as at least equivalent to the food safety program in the United States, as demonstrated by the foreign government.

(2) REQUEST BY FOREIGN FOOD ESTABLISHMENT.—Prior to granting the certification request of a foreign food establishment, the Administrator shall certify, based on an onsite inspection, the food safety programs and procedures of a requesting foreign firm as at least equivalent to the food safety programs and procedures of the United States.

(d) LIMITATION.—A foreign government or foreign firm approved by the Administrator to import food to the United States under this section shall be certified to export only the approved food products to the United States for a period not to exceed 5 years.

(e) WITHDRAWAL OF CERTIFICATION.—The Administrator may withdraw certification of any food from a foreign government or foreign firm—

(1) if such food is linked to an outbreak of human illness;

(2) following an investigation by the Administrator that finds that the foreign government programs and procedures or foreign food establishment is no longer equivalent to the food safety programs and procedures in the United States; or

(3) following a refusal to allow United States officials to conduct such audits and investigations as may be necessary to fulfill the requirements under this section.

(f) RENEWAL OF CERTIFICATION.—The Administrator shall audit foreign governments and foreign food establishments at least every 5 years to ensure the continued compliance with the standards set forth in this section.

(g) REQUIRED ROUTINE INSPECTION.—The Administrator shall routinely inspect food and food animals (via a physical examination) before it enters the United States to ensure that it is—

(1) safe;

(2) labeled as required for food produced in the United States; and

(3) otherwise meets requirements under the food safety law.

(h) ENFORCEMENT.—The Administrator is authorized to—

(1) deny importation of food from any foreign government that does not permit United States officials to enter the foreign country to conduct such audits and inspections as may be necessary to fulfill the requirements under this section;

(2) deny importation of food from any foreign government or foreign firm that does not consent to an investigation by the Administration when food from that foreign country or foreign firm is linked to a foodborne illness outbreak or is otherwise found to be adulterated or mislabeled; and

(3) promulgate rules and regulations to carry out the purposes of this section, including setting terms and conditions for the destruction of products that fail to meet the standards of this Act.

(i) DETENTION AND SEIZURE.—Any food imported for consumption in the United States may be detained, seized, or condemned pursuant to section 402.

SEC. 209. RESOURCE PLAN.

(a) IN GENERAL.—The Administrator shall prepare and update annually a resource plan describing the resources required, in the best professional judgment of the Administrator, to develop and fully implement the national food safety program established under this Act.

(b) CONTENTS OF PLAN.—The resource plan shall—

(1) describe quantitatively the personnel, financial, and other resources required to carry out the inspection of food establishments under section 205 and other requirements of the national food safety program;

(2) allocate inspection resources in a manner reflecting the distribution of risk and opportunities to reduce risk across the food supply to the extent feasible based on the best available information, and subject to section 205; and

(3) describe the personnel, facilities, equipment, and other resources needed to carry out inspection and other oversight activities, at a total resource level equal to at least 50 percent of the resources required to carry out inspections in food establishments under section 205—

(A) in foreign establishments;

(B) at the point of importation; and

(C) at the point of production on farms, ranches, and feedlots.

(c) GRANTS.—The resource plan shall include recommendations for funding to provide grants to States and local governments to carry out food safety activities in retail and food service facilities and the required inspections in food establishments.

(d) SUBMISSION OF PLAN.—The Administrator shall submit annually to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and other relevant committees of Congress, the resource plan required under this section.

SEC. 210. TRACEBACK.

(a) IN GENERAL.—The Administrator, in order to protect the public health, shall establish requirements for a national system for tracing food and food producing animals from point of origin to retail sale, subject to subsection (b).

(b) APPLICABILITY.—Traceability requirements shall—

(1) be established in accordance with regulations and guidelines issued by the Administrator; and

(2) apply to food production facilities and food establishments.

(c) RELATIONSHIP TO COUNTRY OF ORIGIN LABELING.—Nothing contained in this section prevents or interferes with implementation of the country of origin labeling requirements of subtitle D of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638 et seq.).

TITLE III—RESEARCH AND EDUCATION

SEC. 301. PUBLIC HEALTH ASSESSMENT SYSTEM.

(a) IN GENERAL.—The Administrator, acting in coordination with the Director of the Centers for Disease Control and Prevention and with the Research Education and Economics mission area of the Department of Agriculture, shall—

(1) have access to the applicable data systems of the Centers for Disease Control and Prevention and to the databases made available by a State;

(2) maintain an active surveillance system of food, food products, and epidemiological evidence submitted by States to the Centers for Disease Control and Prevention based on a representative proportion of the population of the United States;

(3) assess the frequency and sources of human illness in the United States associated with the consumption of food;

(4) maintain a state-of-the-art DNA matching system and epidemiological system dedicated to food-borne illness identification, outbreaks, and containment; and

(5) have access to the surveillance data created via monitoring and statistical studies conducted as part of its own inspection.

(b) PUBLIC HEALTH SAMPLING.—

(1) IN GENERAL.—Not later than 1 year after the effective date of this Act, the Administrator shall establish guidelines for a sampling system under which the Administrator shall take and analyze samples of food—

(A) to assist the Administrator in carrying out this Act; and

(B) to assess the nature, frequency of occurrence, and quantities of contaminants in food.

(2) REQUIREMENTS.—The sampling system described in paragraph (1) shall provide—

(A) statistically valid monitoring, including market-based studies, on the nature, frequency of occurrence, and quantities of contaminants in food available to consumers; and

(B) at the request of the Administrator, such other information, including analysis of monitoring and verification samples, as the Administrator determines may be useful in assessing the occurrence of contaminants in food.

(c) ASSESSMENT OF HEALTH HAZARDS.—

(1) IN GENERAL.—Through the surveillance system referred to in subsection (a) and the sampling system described in subsection (b), the Administrator shall—

(A) rank food categories based on the hazard to human health presented by the food category;

(B) identify appropriate industry and regulatory approaches to minimize hazards in the food supply; and

(C) assess the public health environment for emerging diseases, including zoonosis, for their risk of appearance in the United States food supply.

(2) COMPONENTS OF ANALYSIS.—The analysis under subsection (b)(1) may include—

(A) a comparison of the safety of commercial processing with the health hazards associated with food that is harvested for recreational or subsistence purposes and prepared noncommercially;

(B) a comparison of the safety of food that is domestically processed with the health hazards associated with food that is processed outside the United States;

(C) a description of contamination originating from handling practices that occur prior to or after the sale of food to consumers; and

(D) use of comparative risk assessments.

SEC. 302. PUBLIC EDUCATION AND ADVISORY SYSTEM.

(a) PUBLIC EDUCATION.—

(1) IN GENERAL.—The Administrator, in cooperation with private and public organizations, including the cooperative extension services and building on the efforts of appropriate State and local entities, shall establish a national public education program on food safety.

(2) REQUIREMENTS.—The program shall provide—

(A) information to the public regarding Federal standards and best practices and promotion of public awareness, understanding, and acceptance of those standards and practices;

(B) information for health professionals—

(i) to improve diagnosis and treatment of food-related illness; and

(ii) to advise individuals at special risk for food-related illnesses; and

(C) such other information or advice to consumers and other persons as the Administrator determines will promote the purposes of this Act.

(b) HEALTH ADVISORIES.—The Administrator, in consultation with other Federal departments and agencies as the Administrator determines necessary, shall work with the States and other appropriate entities—

(1) to develop and distribute regional and national advisories concerning food safety;

(2) to develop standardized formats for written and broadcast advisories;

(3) to incorporate State and local advisories into the national public education program established under subsection (a); and

(4) to present prompt, specific information regarding foods found to pose a threat to the public health.

SEC. 303. RESEARCH.

(a) IN GENERAL.—The Administrator shall conduct research to carry out this Act, including studies to—

(1) improve sanitation and food safety practices in the processing of food;

(2) develop improved techniques to monitor and inspect food;

(3) develop efficient, rapid, and sensitive methods to detect contaminants in food;

(4) determine the sources of contamination of contaminated food;

(5) develop food consumption data;

(6) identify ways that animal production techniques could improve the safety of the food supply;

(7) draw upon research and educational programs that exist at the State and local level;

(8) utilize the DNA matching system and other processes to identify and control pathogens;

(9) address common and emerging zoonotic diseases;

(10) develop methods to reduce or destroy harmful pathogens before, during, and after processing;

(11) analyze the incidence of antibiotic resistence as it pertains to the food supply and develop new methods to reduce the transfer of antibiotic resistance to humans; and

(12) conduct other research that supports the purposes of this Act.

(b) CONTRACT AUTHORITY.—The Administrator may enter into contracts and agreements with any State, university, Federal Government agency, or person to carry out this section.

TITLE IV—ENFORCEMENT

SEC. 401. PROHIBITED ACTS.

It is prohibited—

(1) to manufacture, introduce, deliver for introduction, or receive into interstate commerce any food that is adulterated, misbranded, or otherwise unsafe;

(2) to adulterate or misbrand any food in interstate commerce;

(3) for a food establishment or foreign food establishment to fail to register under section 202, or to operate without a valid registration;

(4) to refuse to permit access to a food establishment for the inspection and copying of a record as required under section 205(h);

(5) to fail to establish or maintain any record or to make any report as required under section 205(h);

(6) to refuse to permit entry to or inspection of a food establishment as required under section 205;

(7) to fail to provide to the Administrator the results of a testing or sampling of a food, equipment, or material in contact with contaminated food under section 205(i);

(8) to fail to comply with a provision, regulation, or order of the Administrator under section 202, 203, 204, or 208;

(9) to slaughter an animal that is capable for use in whole or in part as human food at a food establishment processing any such food for commerce, except in compliance with the food safety law;

(10) to transfer food in violation of an administrative detention order under section 402 or to remove or alter a required mark or label identifying the food as detained;

(11) to fail to comply with a recall or other order under section 403; or

(12) to otherwise violate the food safety law.

SEC. 402. FOOD DETENTION, SEIZURE, AND CONDEMNATION.

(a) ADMINISTRATIVE DETENTION OF FOOD.—

(1) EXPANDED AUTHORITY.—The Administrator shall have authority under section 304 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334) to administratively detain and seize any food that the Administrator has reason to believe is unsafe, is adulterated or misbranded, or otherwise fails to meet the requirements of the food safety law.

(2) DETENTION AUTHORITY.—If, during an inspection conducted in accordance with section 205 or 208, an officer, employee, or agent of the Administration making the inspection has reason to believe that a domestic food, imported food, or food offered for import is unsafe, is adulterated or misbranded, or otherwise fails to meet the requirements of this Act, the officer or employee may order the food detained.

(3) PERIOD OF DETENTION.—

(A) IN GENERAL.—A food may be detained for a reasonable period, not to exceed 20 days, unless a longer period, not to exceed 30 days, is necessary for the Administrator to institute a seizure action.

(B) PERISHABLE FOOD.—The Administrator shall provide by regulation for procedures to institute a seizure action on an expedited basis with respect to perishable food.

(4) SECURITY OF DETAINED FOOD.—

(A) IN GENERAL.—A detention order—

(i) may require that the food be labeled or marked as detained; and

(ii) shall require that the food be removed to a secure facility, if appropriate.

(B) FOOD SUBJECT TO AN ORDER.—A food subject to a detention order shall not be transferred by any person from the place at which the food is removed, until released by the Administrator or until the expiration of the detention period applicable under the order, whichever occurs first.

(C) DELIVERY OF FOOD.—This subsection does not authorize the delivery of a food in accordance with execution of a bond while the article is subject to the order.

(b) APPEAL OF DETENTION ORDER.—

(1) IN GENERAL.—A person who would be entitled to be a claimant for a food subject to a detention order if the food were seized under section 304 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334), may appeal the order to the Administrator.

(2) ACTION BY THE ADMINISTRATOR.—Not later than 5 days after an appeal is filed under paragraph (1), the Administrator, after providing an opportunity for an informal hearing, shall confirm, modify, or terminate the order involved.

(3) FINAL AGENCY ACTION.—Confirmation, modification, or termination by the Administrator under paragraph (2) shall be considered a final agency action for purposes of section 702 of title 5, United States Code.

(4) TERMINATION.—The order shall be considered to be terminated if, after 5 days, the Administrator has failed—

(A) to provide an opportunity for an informal hearing; or

(B) to confirm, modify, or terminate the order.

(5) EFFECT OF INSTITUTING COURT ACTION.—If the Administrator initiates an action under section 302 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 332) or section 304(a) of that Act (21 U.S.C. 334(a)), the process for the appeal of the detention order shall terminate.

(c) CONDEMNATION OF FOOD.—

(1) IN GENERAL.—After confirming a detention order, the Administrator may order the food condemned.

(2) DESTRUCTION OF FOOD.—Any food condemned shall be destroyed under the supervision of the Administrator.

(3) RELEASE OF FOOD.—If the Administrator determines that, through reprocessing, relabeling, or other action, a detained food can be brought into compliance with this Act, the food may be released following a determination by the Administrator that the relabeling or other action as specified by the Administrator has been performed.

(d) TEMPORARY HOLDS AT PORTS OF ENTRY.—

(1) IN GENERAL.—If an officer or qualified employee of the Administration has reason to believe that a food is unsafe, is adulterated or misbranded, or otherwise fails to meet the requirements of this Act, and the officer or qualified employee is unable to inspect, examine, or investigate the food when the food is offered for import at a port of entry into the United States, the officer or qualified employee shall request the Secretary of Homeland Security to hold the food at the port of entry for a reasonable period of time, not to exceed 24 hours, to enable the Administrator to inspect or investigate the food as appropriate.

(2) REMOVAL TO SECURE FACILITY.—The Administrator shall work in coordination with the Secretary of Homeland Security to remove a food held in accordance with paragraph (1) to a secure facility as appropriate.

(3) PROHIBITION ON TRANSFER.—During the period in which the food is held, the food shall not be transferred by any person from the port of entry into the United States, or from the secure facility to which the food has been removed.

(4) DELIVERY IN ACCORDANCE WITH A BOND.—The delivery of the food in accordance with the execution of a bond while the food is held is not authorized.

(5) PROHIBITION ON REEXPORT.—A food found unfit for human or animal consumption shall be prohibited from reexport without further processing to remove the contamination and reinspection by the Administration.

SEC. 403. NOTIFICATION AND RECALL.

(a) NOTICE TO ADMINISTRATOR OF VIOLATION.—

(1) IN GENERAL.—A person that has reason to believe that any food introduced into or in interstate commerce, or held for sale (whether or not the first sale) after shipment in interstate commerce, may be in violation of the food safety law shall immediately notify the Administrator of the identity and location of the food.

(2) MANNER OF NOTIFICATION.—Notification under paragraph (1) shall be made in such manner and by such means as the Administrator may require by regulation.

(b) RECALL AND CONSUMER NOTIFICATION.—

(1) VOLUNTARY ACTIONS.—If the Administrator determines that food is in violation of the food safety law when introduced into or while in interstate commerce or while held for sale (whether or not the first sale) after shipment in interstate commerce and that there is a reasonable probability that the food, if consumed, would present a threat to public health, as determined by the Administrator, the Administrator shall give the appropriate persons (including the manufacturers, importers, distributors, or retailers of the food) an opportunity to—

(A) cease distribution of the food;

(B) notify all persons—

(i) processing, distributing, or otherwise handling the food to immediately cease such activities with respect to the food; or

(ii) to which the food has been distributed, transported, or sold, to immediately cease distribution of the food;

(C) recall the food;

(D) in conjunction with the Administrator, provide notice of the finding of the Administrator—

(i) to consumers to whom the food was, or may have been, distributed; and

(ii) to State and local public health officials; or

(E) take any combination of the measures described in this paragraph, as determined by the Administrator to be appropriate in the circumstances.

(2) MANDATORY ACTIONS.—If a person referred to in paragraph (1) refuses to or does not adequately carry out the actions described in that paragraph within the time period and in the manner prescribed by the Administrator, the Administrator shall—

(A) have authority to control and possess the food, including ordering the shipment of the food from the food establishment to the Administrator—

(i) at the expense of the food establishment; or

(ii) in an emergency (as determined by the Administrator), at the expense of the Administration; and

(B) by order, require, as the Administrator determines to be necessary, the person to immediately—

(i) cease distribution of the food; and

(ii) notify all persons—

(I) processing, distributing, or otherwise handling the food to immediately cease such activities with respect to the food; or

(II) if the food has been distributed, transported, or sold, to immediately cease distribution of the food.

(3) NOTIFICATION TO CONSUMERS BY ADMINISTRATOR.—The Administrator shall, as the Administrator determines to be necessary, provide notice of the finding of the Administrator under paragraph (1)—

(A) to consumers to whom the food was, or may have been, distributed; and

(B) to State and local public health officials.

(4) NONDISTRIBUTION BY NOTIFIED PERSONS.—A person that processes, distributes, or otherwise handles the food, or to which the food has been distributed, transported, or sold, and that is notified under paragraph (1)(B) or (2)(B) shall immediately cease distribution of the food.

(5) AVAILABILITY OF RECORDS TO ADMINISTRATOR.—Each person referred to in paragraph (1) that processed, distributed, or otherwise handled food shall make available to the Administrator information necessary to carry out this subsection, as determined by the Administrator, regarding—

(A) persons that processed, distributed, or otherwise handled the food; and

(B) persons to which the food has been transported, sold, distributed, or otherwise handled.

(c) INFORMAL HEARINGS ON ORDERS.—

(1) IN GENERAL.—The Administrator shall provide any person subject to an order under subsection (b) with an opportunity for an informal hearing, to be held as soon as practicable but not later than 2 business days after the issuance of the order.

(2) SCOPE OF THE HEARING.—In a hearing under paragraph (1), the Administrator shall consider the actions required by the order and any reasons why the food that is the subject of the order should not be recalled.

(d) POST-HEARING RECALL ORDERS.—

(1) AMENDMENT OF ORDER.—If, after providing an opportunity for an informal hearing under subsection (c), the Administrator determines that there is a reasonable probability that the food that is the subject of an order under subsection (b), if consumed, would present a threat to the public health, the Administrator, as the Administrator determines to be necessary, may—

(A) amend the order to require recall of the food or other appropriate action;

(B) specify a timetable in which the recall shall occur;

(C) require periodic reports to the Administrator describing the progress of the recall; and

(D) provide notice of the recall to consumers to whom the food was, or may have been, distributed.

(2) VACATION OF ORDERS.—If, after providing an opportunity for an informal hearing under subsection (c), the Administrator determines that adequate grounds do not exist to continue the actions required by the order, the Administrator shall vacate the order.

(e) REMEDIES NOT EXCLUSIVE.—The remedies provided in this section shall be in addition to, and not exclusive of, other remedies that may be available.

SEC. 404. INJUNCTION PROCEEDINGS.

(a) JURISDICTION.—The district courts of the United States, and the United States courts of the territories and possessions of the United States, shall have jurisdiction, for cause shown, to restrain a violation of section 202, 203, 204, 207, or 401 (or a regulation promulgated under that section).

(b) TRIAL.—In a case in which violation of an injunction or restraining order issued under this section also constitutes a violation of the food safety law, trial shall be by the court or, upon demand of the accused, by a jury.

SEC. 405. CIVIL AND CRIMINAL PENALTIES.

(a) CIVIL SANCTIONS.—

(1) CIVIL PENALTY.—

(A) IN GENERAL.—Any person that commits an act that violates the food safety law (including a regulation promulgated or order issued under a Federal food safety law) may be assessed a civil penalty by the Administrator of not more than $10,000 for each such act.

(B) SEPARATE OFFENSE.—Each act described in subparagraph (A) and each day during which that act continues shall be considered a separate offense.

(2) OTHER REQUIREMENTS.—

(A) WRITTEN ORDER.—The civil penalty described in paragraph (1) shall be assessed by the Administrator by a written order, which shall specify the amount of the penalty and the basis for the penalty under subparagraph (B) considered by the Administrator.

(B) AMOUNT OF PENALTY.—Subject to paragraph (1)(A), the amount of the civil penalty shall be determined by the Administrator, after considering—

(i) the gravity of the violation;

(ii) the degree of culpability of the person;

(iii) the size and type of the business of the person; and

(iv) any history of prior offenses by the person under the food safety law.

(C) REVIEW OF ORDER.—The order may be reviewed only in accordance with subsection (c).

(b) CRIMINAL SANCTIONS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a person that knowingly produces or introduces into commerce food that is unsafe or otherwise adulterated or misbranded shall be imprisoned for not more than 1 year or fined not more than $10,000, or both.

(2) SEVERE VIOLATIONS.—A person that commits a violation described in paragraph (1) after a conviction of that person under this section has become final, or commits such a violation with the intent to defraud or mislead, shall be imprisoned for not more than 3 years or fined not more than $100,000, or both.

(3) EXCEPTION.—No person shall be subject to the penalties of this subsection—

(A) for having received, proffered, or delivered in interstate commerce any food, if the receipt, proffer, or delivery was made in good faith, unless that person refuses to furnish (on request of an officer or employee designated by the Administrator)—

(i) the name, address and contact information of the person from whom that person purchased or received the food;

(ii) copies of all documents relating to the person from whom that person purchased or received the food; and

(iii) copies of all documents pertaining to the delivery of the food to that person; or

(B) if that person establishes a guaranty signed by, and containing the name and address of, the person from whom that person received in good faith the food, stating that the food is not adulterated or misbranded within the meaning of this Act.

(c) JUDICIAL REVIEW.—

(1) IN GENERAL.—An order assessing a civil penalty under subsection (a) shall be a final order unless the person—

(A) not later than 30 days after the effective date of the order, files a petition for judicial review of the order in the United States court of appeals for the circuit in which that person resides or has its principal place of business or the United States Court of Appeals for the District of Columbia; and

(B) simultaneously serves a copy of the petition by certified mail to the Administrator.

(2) FILING OF RECORD.—Not later than 45 days after the service of a copy of the petition under paragraph (1)(B), the Administrator shall file in the court a certified copy of the administrative record upon which the order was issued.

(3) STANDARD OF REVIEW.—The findings of the Administrator relating to the order shall be set aside only if found to be unsupported by substantial evidence on the record as a whole.

(d) COLLECTION ACTIONS FOR FAILURE TO PAY.—

(1) IN GENERAL.—If any person fails to pay a civil penalty assessed under subsection (a) after the order assessing the penalty has become a final order, or after the court of appeals described in subsection (b) has entered final judgment in favor of the Administrator, the Administrator shall refer the matter to the Attorney General, who shall institute in a United States district court of competent jurisdiction a civil action to recover the amount assessed.

(2) LIMITATION ON REVIEW.—In a civil action under paragraph (1), the validity and appropriateness of the order of the Administrator assessing the civil penalty shall not be subject to judicial review.

(e) PENALTIES PAID INTO ACCOUNT.—The Administrator—

(1) shall deposit penalties collected under this section in an account in the Treasury; and

(2) may use the funds in the account, without further appropriation or fiscal year limitation—

(A) to carry out enforcement activities under food safety law; or

(B) to provide assistance to States to inspect retail commercial food establishments or other food or firms under the jurisdiction of State food safety programs.

(f) DISCRETION OF THE ADMINISTRATOR TO PROSECUTE.—Nothing in this Act requires the Administrator to report for prosecution, or for the commencement of an action, the violation of the food safety law in a case in which the Administrator finds that the public interest will be adequately served by the assessment of a civil penalty under this section.

(g) REMEDIES NOT EXCLUSIVE.—The remedies provided in this section may be in addition to, and not exclusive of, other remedies that may be available.

SEC. 406. PRESUMPTION.

In any action to enforce the requirements of the food safety law, the connection with interstate commerce required for jurisdiction shall be presumed to exist.

SEC. 407. WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—No Federal employee, employee of a Federal contractor or subcontractor, or any individual employed by a company (referred to in this section as a ''covered individual''), may be discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against, because of any lawful act done by the covered individual to—

(1) provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct that the covered individual reasonably believes constitutes a violation of any law, rule, or regulation, or that the covered individual reasonably believes constitutes a threat to the public health, when the information or assistance is provided to, or the investigation is conducted by—

(A) a Federal regulatory or law enforcement agency;

(B) a Member or committee of Congress; or

(C) a person with supervisory authority over the covered individual (or such other individual who has the authority to investigate, discover, or terminate misconduct);

(2) file, cause to be filed, testify, participate in, or otherwise assist in a proceeding or action filed or about to be filed relating to a violation of any law, rule, or regulation; or

(3) refused to violate or assist in the violation of any law, rule, or regulation.

(b) ENFORCEMENT ACTION.—

(1) IN GENERAL.—A covered individual who alleges discharge or other discrimination by any person in violation of subsection (a) may seek relief under subsection (c) by filing a complaint with the Secretary of Labor. If the Secretary of Labor has not issued a final decision within 180 days after the date on which the complaint is filed and there is no showing that such delay is due to the bad faith of the claimant, the claimant may bring an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

(2) PROCEDURE.—

(A) IN GENERAL.—An action under paragraph (1) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

(B) EXCEPTION.—Notification under section 42121(b)(1) of title 49, United States Code, shall be made to the person named in the complaint and to the person's employer.

(C) BURDENS OF PROOF.—An action brought under paragraph (1) shall be governed by the legal burdens of proof set for in section 42121(b) of title 49, United States Code.

(D) STATUTE OF LIMITATIONS.—An action under paragraph (1) shall be commenced not later than 90 days after the date on which the violation occurs.

(c) REMEDIES.—

(1) IN GENERAL.—A covered individual prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the covered individual whole.

(2) COMPENSATORY DAMAGES.—Relief for any action described in paragraph (1) shall include—

(A) reinstatement with the same seniority status that the covered individual would have had, but for the discrimination;

(B) the amount of any back pay, with interest; and

(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney's fees.

(d) RIGHTS RETAINED BY THE COVERED INDIVIDUAL.—Nothing in this section shall be construed to diminish the rights, privileges, or remedies of any covered individual under any Federal or State law, or under any collective bargaining agreement.

SEC. 408. ADMINISTRATION AND ENFORCEMENT.

(a) IN GENERAL.—For the efficient administration and enforcement of the food safety law, the provisions (including provisions relating to penalties) of sections 6, 8, 9, and 10 of the Federal Trade Commission Act (15 U.S.C. 46, 48, 49, and 50) (except subsections (c) through (h) of section 6 of that Act), relating to the jurisdiction, powers, and duties of the Federal Trade Commission and the Attorney General to administer and enforce that Act, and to the rights and duties of persons with respect to whom the powers are exercised, shall apply to the jurisdiction, powers, and duties of the Administrator and the Attorney General in administering and enforcing the provisions of the food safety law and to the rights and duties of persons with respect to whom the powers are exercised, respectively.

(b) INQUIRIES AND ACTIONS.—

(1) IN GENERAL.—The Administrator, in person or by such agents as the Administrator may designate, may prosecute any inquiry necessary to carry out the duties of the Administrator under the food safety law in any part of the United States.

(2) POWERS.—The powers conferred by sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49 and 50) on the United States district courts may be exercised for the purposes of this chapter by any United States district court of competent jurisdiction.

SEC. 409. CITIZEN CIVIL ACTIONS.

(a) CIVIL ACTIONS.—A person may commence a civil action against—

(1) a person that violates a regulation (including a regulation establishing a performance standard), order, or other action of the Administrator to ensure the safety of food; or

(2) the Administrator (in his or her capacity as the Administrator), if the Administrator fails to perform an act or duty to ensure the safety of food that is not discretionary under the food safety law.

(b) COURT.—

(1) IN GENERAL.—The action shall be commenced in the United States district court for the district in which the defendant resides, is found, or has an agent.

(2) JURISDICTION.—The court shall have jurisdiction, without regard to the amount in controversy, or the citizenship of the parties, to enforce a regulation (including a regulation establishing a performance standard), order, or other action of the Administrator, or to order the Administrator to perform the act or duty.

(3) DAMAGES.—The court may—

(A) award damages, in the amount of damages actually sustained; and

(B) if the court determines it to be in the interest of justice, award the plaintiff the costs of suit, including reasonable attorney's fees, reasonable expert witness fees, and penalties.

(c) REMEDIES NOT EXCLUSIVE.—The remedies provided for in this section shall be in addition to, and not exclusive of, other remedies that may be available.

TITLE V—IMPLEMENTATION

SEC. 501. DEFINITION.

For purposes of this title, the term ''transition period'' means the 12-month period beginning on the effective date of this Act.

SEC. 502. REORGANIZATION PLAN.

(a) SUBMISSION OF PLAN.—Not later than 180 days after the effective date of this Act, the President shall transmit to the appropriate congressional committees a reorganization plan regarding the following:

(1) The transfer of agencies, personnel, assets, and obligations to the Administration pursuant to this Act.

(2) Any consolidation, reorganization, or streamlining of agencies transferred to the Administration pursuant to this Act.

(b) PLAN ELEMENTS.—The plan transmitted under subsection (a) shall contain, consistent with this Act, such elements as the President determines appropriate, including the following:

(1) Identification of any functions of agencies designated to be transferred to the Administration pursuant to this Act that will not be transferred to the Administration under the plan.

(2) Specification of the steps to be taken by the Administrator to organize the Administration, including the delegation or assignment of functions transferred to the Administration among the officers of the Administration in order to permit the Administration to carry out the functions transferred under the plan.

(3) Specification of the funds available to each agency that will be transferred to the Administration as a result of transfers under the plan.

(4) Specification of the proposed allocations within the Administration of unexpended funds transferred in connection with transfers under the plan.

(5) Specification of any proposed disposition of property, facilities, contracts, records, and other assets and obligations of agencies transferred under the plan.

(6) Specification of the proposed allocations within the Administration of the functions of the agencies and subdivisions that are not related directly to ensuring the safety of food.

(c) MODIFICATION OF PLAN.—The President may, on the basis of consultations with the appropriate congressional committees, modify, or revise any part of the plan until that part of the plan becomes effective in accordance with subsection (d).

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The reorganization plan described in this section, including any modifications or revisions of the plan under subsection (c), shall become effective for an agency on the earlier of—

(A) the date specified in the plan (or the plan as modified pursuant to subsection (c)), except that such date may not be earlier than 90 days after the date the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a); or

(B) the end of the transition period.

(2) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to require the transfer of functions, personnel, records, balances of appropriations, or other assets of an agency on a single date.

(3) SUPERCEDES EXISTING LAW.—Paragraph (1) shall apply notwithstanding section 905(b) of title 5, United States Code.

SEC. 503. TRANSITIONAL AUTHORITIES.

(a) PROVISION OF ASSISTANCE BY OFFICIALS.—Until the transfer of an agency to the Administration, any official having authority over or function relating to the agency immediately before the effective date of this Act shall provide the Administrator such assistance, including the use of personnel and assets, as the Administrator may request in preparing for the transfer and integration of the agency to the Administration.

(b) SERVICES AND PERSONNEL.—During the transition period, upon the request of the Administrator, the head of any executive

agency may, on a reimbursable basis, provide services or detail personnel to assist with the transition.

(c) ACTING OFFICIALS.—

(1) IN GENERAL.—During the transition period, pending the advice and consent of the Senate to the appointment of an officer required by this Act to be appointed by and with such advice and consent, the President may designate any officer whose appointment was required to be made by and with such advice and consent and who was such an officer immediately before the effective date of this Act (and who continues to be in office) or immediately before such designation, to act in such office until the same is filled as provided in this Act.

(2) COMPENSATION.—While acting pursuant to paragraph (1), such officers shall receive compensation at the higher of—

(A) the rates provided by this Act for the respective offices in which they act; or

(B) the rates provided for the offices held at the time of designation.

(3) LIMITATION.—Nothing in this Act shall be construed to require the advice and consent of the Senate to the appointment by the President to a position in the Administration of any officer whose agency is transferred to the Administration pursuant to this Act and whose duties following such transfer are germane to those performed before such transfer.

(d) TRANSFER OF PERSONNEL, ASSETS, OBLIGATIONS, AND FUNCTION.—

(1) IN GENERAL.—Consistent with section 1531 of title 31, United States Code, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds that relate to the functions transferred under subsection (a) from a Federal agency shall be transferred to the Administration.

(2) UNEXPENDED FUNDS.—Unexpended funds transferred under this subsection shall be used by the Administration only for the purposes for which the funds were originally authorized and appropriated.

SEC. 504. SAVINGS PROVISIONS.

(a) COMPLETED ADMINISTRATIVE ACTIONS.—The enactment of this Act or the transfer of functions under this Act shall not affect any order, determination, rule, regulation, permit, personnel action, agreement, grant, contract, certificate, license, registration, privilege, or other administrative action issued, made, granted, or otherwise in effect or final with respect to that agency on the day before the transfer date with respect to the transferred functions.

(b) PENDING PROCEEDINGS.—Subject to the authority of the Administrator under this Act—

(1) pending proceedings in an agency, including notices of proposed rulemaking, and applications for licenses, permits, certificates, grants, and financial assistance, shall continue notwithstanding the enactment of this Act or the transfer of the agency to the Administration, unless discontinued or modified under the same terms and conditions and to the same extent that such discontinuance could have occurred if such enactment or transfer had not occurred; and

(2) orders issued in such proceedings, and appeals therefrom, and payments made pursuant to such orders, shall issue in the same manner on the same terms as if this Act had not been enacted or the agency had not been transferred, and any such order shall continue in effect until amended, modified, superceded, terminated, set aside, or revoked by an officer of the United States or a court of competent jurisdiction, or by operation of law.

(c) PENDING CIVIL ACTIONS.—Subject to the authority of the Administrator under this Act, any civil action commenced with regard to that agency pending before that agency on the day before the transfer date with respect to the transferred functions shall continue notwithstanding the enactment of this Act or the transfer of an agency to the Administration.

(d) REFERENCES.—

(1) IN GENERAL.—After the transfer of functions from a Federal agency under this Act, any reference in any other Federal law, Executive order, rule, regulation, directive, document, or other material to that Federal agency or the head of that agency in connection with the administration or enforcement of the food safety laws shall be deemed to be a reference to the Administration or the Administrator, respectively.

(2) STATUTORY REPORTING REQUIREMENTS.—Statutory reporting requirements that applied in relation to such an agency immediately before the effective date of this Act shall continue to apply following such transfer if they refer to the agency by name.

SEC. 505. CONFORMING AMENDMENTS.

(a) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by inserting at the end the following new item:

''Administrator of Food Safety.''.

(b) REPEAL OF CERTAIN PROVISIONS.—Section 18 of the Poultry Products Inspection Act (21 U.S.C. 467), section 401 of the Federal Meat Inspection Act (21 U.S.C. 671), and section 18 of the Egg Products Inspection Act (21 U.S.C. 1047) are repealed.

SEC. 506. ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.

Not later than 60 days after the submission of the reorganization plan under section 502, the President shall prepare and submit proposed legislation to Congress containing necessary and appropriate technical and conforming amendments to the Acts listed in section 3(15) of this Act to reflect the changes made by this Act.

SEC. 507. REGULATIONS.

The Administrator may promulgate such regulations as the Administrator determines are necessary or appropriate to perform the duties of the Administrator.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 509. LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.

For the fiscal year that includes the effective date of this Act, the amount authorized to be appropriated to carry out this Act shall not exceed—

(1) the amount appropriated for that fiscal year for the Federal agencies identified in section 102(b) for the purpose of administering or enforcing the food safety law; or

(2) the amount appropriated for those agencies for that purpose for the preceding fiscal year, if, as of the effective date of this Act, appropriations for those agencies for the fiscal year that includes the effective date have not yet been made.

SEC. 510. EFFECTIVE DATE.

This Act takes effect on the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 82—DESIGNATING AUGUST 16, 2007 AS ''NATIONAL AIRBORNE DAY''

Mr. HAGEL (for himself, Mr. REED, Mrs. CLINTON, Mr. BURR, Mr. REID, Ms. SNOWE, Mr. KERRY, Mr. GREGG, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 82

Whereas the airborne forces of the Armed Forces have a long and honorable history as units of adventuresome, hardy, and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas August 16, 2007 marks the anniversary of the first official Army parachute jump on August 16, 1940, an event that validated the innovative concept of inserting United States ground combat forces behind the battle line by means of a parachute;

Whereas the United States experiment of airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the Department of War, and was launched when 48 volunteers began training in July 1940;

Whereas the success of the Parachute Test Platoon in the days immediately preceding the entry of the United States into World War II led to the formation of a formidable force of airborne units that have served with distinction and have had repeated success in armed hostilities;

Whereas among those airborne units are the former 11th, 13th, and 17th Airborne Divisions, the venerable 82nd Airborne Division, the versatile 101st Airborne Division (Air Assault), and the airborne regiments and battalions (some as components of those divisions, some as separate units) that achieved distinction as the elite 75th Ranger Regiment, the 173rd Airborne Brigade, the 187th Infantry (Airborne) Regiment, the 503rd, 507th, 508th, 517th, 541st, and 542nd Parachute Infantry Regiments, the 88th Glider Infantry Regiment, the 509th, 551st, and 555th Parachute Infantry Battalions, and the 550th Airborne Infantry Battalion;

Whereas the achievements of the airborne forces during World War II prompted the evolution of those forces into a diversified force of parachute and air assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region, and Somalia, and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas the modern-day airborne force that has evolved from those World War II beginnings is an agile, powerful force that, in large part, is composed of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 75th Ranger Regiment;

Whereas those units, together with additional units, comprise the quick reaction force of the Army's XVIII Airborne Corps when not operating separately under a regional combatant commander;

Whereas that modern-day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, and Air Force combat control teams, all or most of which comprise the forces of the United States Special Operations Command;

Whereas in the aftermath of the terrorist attacks on the United States on September 11, 2001, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division and the 101st Airborne Division (Air Assault), together with other units of the Armed Forces, have been prosecuting the

war against terrorism by carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere;

Whereas in the aftermath of the President's announcement of Operation Iraqi Freedom in March 2003, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), and the 173rd Airborne Brigade, together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations, conducting civil affair missions, and assisting in establishing democracy in Iraq;

Whereas the airborne forces are and will continue to be at the ready and the forefront until the Global War on Terrorism is concluded;

Whereas of the members and former members of the United States combat airborne forces, all have achieved distinction by earning the right to wear the airborne's ''Silver Wings of Courage'', thousands have achieved the distinction of making combat jumps, 69 have earned the Medal of Honor, and hundreds have earned the Distinguished-Service Cross, Silver Star, or other decorations and awards for displays of such traits as heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States combat airborne forces are members of a proud and honorable fraternity of the profession of arms that is made exclusive by those distinctions which, together with their special skills and achievements, distinguish them as intrepid combat parachutists, special operation forces, and (in former days) glider troops; and

Whereas the history and achievements of the members and former members of the airborne forces of the United States Armed Forces warrant special expressions of the gratitude of the American people as the airborne community celebrates August 16, 2007 as the 67th anniversary of the first official jump by the Army Parachute Test Platoon: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 16, 2007 as ''National Airborne Day''; and

(2) calls on the people of the United States to observe ''National Airborne Day'' with appropriate programs, ceremonies, and activities.

SENATE RESOLUTION 83—TO AMEND THE STANDING RULES OF THE SENATE TO PROHIBIT FILLING THE TREE

Mr. SPECTER (for himself and Mr. COBURN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 83

Resolved, That (a) rule XV of the Standing Rules of the Senate is amended by adding at the end the following:

''6. Notwithstanding action on a first degree amendment, it shall not be in order for a Senator to offer a second degree amendment to his or her own first degree amendment.''.

(b) The amendment made by subsection (a) shall take effect at the beginning of the 111th Congress.

SENATE RESOLUTION 84—OBSERVING FEBRUARY 23, 2007, AS THE 200TH ANNIVERSARY OF THE ABOLITION OF THE SLAVE TRADE IN THE BRITISH EMPIRE, HONORING THE DISTINGUISHED LIFE AND LEGACY OF WILLIAM WILBERFORCE, AND ENCOURAGING THE PEOPLE OF THE UNITED STATES TO FOLLOW THE EXAMPLE OF WILLIAM WILBERFORCE BY SELFLESSLY PURSUING RESPECT FOR HUMAN RIGHTS AROUND THE WORLD

Mr. BROWNBACK (for himself and Mr. PRYOR) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 84

Whereas, at the age of 21, William Wilberforce was elected to the House of Commons of Great Britain;

Whereas Mr. Wilberforce and his colleagues actively engaged in many initiatives with the sole purpose of renewing British culture at the turn of the 19th century in order to bring about positive social change;

Whereas Mr. Wilberforce advocated prison reform that equally respected justice and human dignity, and encouraged reconciliation;

Whereas Mr. Wilberforce sought to improve the conditions for, and minimize the use of, child laborers;

Whereas Mr. Wilberforce dedicated his life to ending the British slave trade and the abolition of slavery despite forceful opposition;

Whereas Mr. Wilberforce was mentored by former slave trader and author of the hymn ''Amazing Grace,'' John Newton, on the horrors and inhumanity of the slave trade;

Whereas approximately 11,000,000 human beings were captured and taken from Africa to the Western Hemisphere to be sold as commodities and forced into slavery and bondage;

Whereas Mr. Wilberforce fought for 20 years in the House of Commons to pass legislation banning the slave trade;

Whereas, on February 23, 1807, Parliament passed a bill banning the slave trade in the British Empire as a direct result of the efforts of Mr. Wilberforce;

Whereas Mr. Wilberforce inspired and encouraged those who opposed slavery in the United States, including political leaders like John Quincy Adams, and spread a message of hope and freedom throughout the United States;

Whereas Mr. Wilberforce labored for 46 years to abolish the institution of slavery in the British Empire, ceaselessly defending those without a voice in society;

Whereas, in 1833, Mr. Wilberforce was informed on his death bed that the House of Commons had voted to abolish slavery altogether;

Whereas section 102(a) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101(a)) states that human trafficking is ''a contemporary manifestation of slavery whose victims are predominantly women and children'';

Whereas the scourge of human slavery continues to pollute our world and assault human dignity and freedom;

Whereas, in 2006, the United States Department of State estimated that between 600,000 and 800,000 men, women, and children were trafficked across international borders for use as bonded laborers or sex slaves, or for other nefarious purposes;

Whereas the International Labour Organization estimates that there are more than 12,000,000 people in forced labor, bonded labor, forced child labor, and sexual servitude around the world, a number that is greater than the number of slaves that existed at the time of Mr. Wilberforce's death;

Whereas all people must continue to fight, as Mr. Wilberforce fought, for the true abolition of slavery and for respect for human dignity in all aspects of modern culture; and

Whereas the people of the United States should carry on the legacy of William Wilberforce by working to end the modern slave trade, human trafficking, and the degradation of human dignity: Now, therefore, be it

Resolved, That the Senate—

(1) observes February 23, 2007, as the 200th anniversary of the ban of the slave trade in the British Empire;

(2) recognizes the positive impact William Wilberforce had on renewing the culture of his day and ending the inhumane practice of human slavery;

(3) commends to the people of the United States the example of William Wilberforce and his commitment to the values of inherent human dignity and freedom, which reside in each and every human being;

(4) encourages the people of the United States to—

(A) observe the 200th anniversary of the ban of the slave trade in the British Empire;

(B) reflect on William Wilberforce's selfless dedication to the fight against slavery and his commitment to the neediest in society; and

(C) commit themselves to recognize the value of human life and human dignity; and

(5) unequivocally condemns all forms of human trafficking and slavery, which are an assault on human dignity that William Wilberforce would steadfastly resist.

SENATE CONCURRENT RESOLUTION 12—SUPPORTING THE GOALS AND IDEALS OF A NATIONAL MEDAL OF HONOR AND TO CELEBRATE AND HONOR THE RECIPIENTS OF THE MEDAL OF HONOR ON THE ANNIVERSARY OF THE FIRST AWARD OF THAT MEDAL IN 1863

Mr. AKAKA (for himself, Mr. CRAIG, Mr. LEVIN, Mr. STEVENS, Mr. KERRY, Mr. DORGAN, Mr. WEBB, Mr. BROWN, Mr. BINGAMAN, Mr. CRAPO, Mr. WARNER, Mr. ENSIGN, Mr. MCCAIN, Mr. SALAZAR, and Ms. SNOWE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 12

Whereas the Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed to a member of the Armed Forces, is awarded by the President, in the name of Congress, to individuals who have distinguished themselves conspicuously by gallantry and intrepidity at the risk of their lives above and beyond the call of duty;

Whereas the United States will forever be in debt to the recipients of the Medal of Honor for their bravery and sacrifice in times of war or armed conflict;

Whereas the first Medal of Honor awards were presented to 6 men on March 25, 1863, by the Secretary of War;

Whereas only 3,443 individuals out of the millions of men and women who have served the United States in war, military operations, or other armed conflicts have been awarded the Medal of Honor;

Whereas there are 111 living recipients of the Medal of Honor, as of January 1, 2007;

Whereas it is appropriate to commemorate and honor the recipients of the Medal of Honor and what they represent;

Whereas the people of the United States should always be aware of the significance and meaning of the Medal of Honor;

Whereas the designation of a National Medal of Honor Day would focus the efforts of national, State, and local organizations striving to foster public appreciation and recognition of Medal of Honor recipients; and

Whereas March 25, 2007, would be an appropriate date to observe National Medal of Honor Day: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the heroism and sacrifice of Medal of Honor recipients;

(2) recognizes the educational opportunity that a National Medal of Honor Day would present to the people of the United States; and

(3) supports the goals and ideals of a National Medal of Honor Day to celebrate and honor the contributions of Medal of Honor recipients.

SENATE CONCURRENT RESOLUTION 13—EXPRESSING THE SENSE OF CONGRESS THAT THE PRESIDENT SHOULD NOT INITIATE MILITARY ACTION AGAINST IRAN WITHOUT FIRST OBTAINING AUTHORIZATION FROM CONGRESS

Mr. SANDERS submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 13

Whereas article I, section 8 of the United States Constitution grants Congress the power to ''declare war'', to ''lay and collect taxes'', to ''provide for the common defence and general welfare of the United States'', to ''raise and support armies'', to ''provide and maintain a navy'', to ''make rules for the government and regulation of the land and naval forces'', to ''provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions'', to ''provide for organizing, arming, and disciplining, the militia'', and to ''make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof'';

Whereas the Constitution also grants Congress exclusive power over the purse, stating, ''No money shall be drawn from the Treasury, but in consequence of appropriations made by law . . . .'';

Whereas the sole war power granted to the executive branch through the President can be found in article II, section 2, which states, ''The President shall be the Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States . . . .'';

Whereas President George W. Bush and his Administration have argued that this ''Commander in Chief'' clause grants the President wide latitude to engage United States military forces abroad without prior authorization from Congress;

Whereas the President further argues that previous unilateral actions by Presidents of both political parties add credence to this interpretation of the Constitution;

Whereas, in reality, nothing in the history of the ''Commander in Chief'' clause suggests that the authors of the provision intended it to grant the executive branch the authority to engage United States forces in military action without any prior authorization from Congress, except to allow the President to repel sudden attacks and immediate threats;

Whereas in the Federalist Paper Number 69, while comparing the lesser war-making power of the President of the United States with the war-making power of the King of Great Britain, Alexander Hamilton wrote, ''The President is to be commander in chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the confederacy; while that of the British king extends to the *declaring* of war, and to the *raising* and *regulating* of fleets and armies; all which, by the constitution under consideration, would appertain to the legislature.'';

Whereas James Madison declared that it is necessary to adhere to the ''fundamental doctrine of the Constitution that the power to declare war is fully and exclusively vested in the legislature'';

Whereas, in 1793, President George Washington, when considering how to protect inhabitants of the frontier of the United States, instructed his Administration that ''no offensive expedition of importance can be undertaken until after [Congress] have deliberated upon the subject, and authorized such a measure'';

Whereas, in 1801, when Thomas Jefferson sent a small squadron of frigates to the Mediterranean to protect against possible attacks by the Barbary powers, he told Congress that he was ''unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense'', and further noted that it was up to Congress to authorize ''measures of offense also'';

Whereas, according to the most definitive United States intelligence report, Iran is several years away from developing a nuclear weapon, and even the most pessimistic analysis by outside experts predicts that Iran is at least 3 years away from developing a nuclear weapon, assuming Iran suffers no setbacks during development, which would be unprecedented;

Whereas diplomatic efforts involving Iran, the United States, the European Union, Russia, the People's Republic of China, the International Atomic Energy Agency, and the United Nations Security Council continue; and

Whereas, despite these diplomatic efforts and statements by President Bush and other members of his Administration that diplomacy is the preferred route, there are an increasing number of reports that preparations for war are underway: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) strongly affirms that initiating military action against Iran without congressional approval does not fall within the President's ''Commander in Chief'' powers under the Constitution;

(2) rejects any suggestion that the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note), approved in response to the terrorist attacks of September 11, 2001, explicitly or implicitly extends to authorizing military action against Iran, including over its nuclear program;

(3) rejects any suggestion that the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 50 U.S.C. 1541 note) explicitly or implicitly extends to authorizing military action against Iran, including over its nuclear program; and

(4) strongly and unequivocally affirms that seeking congressional authority prior to taking military action against Iran is not discretionary, but is a legal and constitutional requirement.

Mr. SANDERS. Mr. President, the issue of American presence in the Middle East is of great importance. We are currently engaged in a war in Iraq from which, according to poll after poll, a majority of the American people believe we should withdraw.

In the face of the momentous elections of this past November, in which the American electorate indicated their dissatisfaction with the President's policies in Iraq, President Bush has responded with a call for more troops, not less. At this moment, he is escalating the war, not redeploying our brave men and women out of harm's way. He is sending these troops into the middle of a civil war.

Now there are reports that the President may be considering expanding this tragic war into Iran. The President has no constitutional authority to make war on Iran, nor has he historical precedent. I offer today a resolution ''expressing the sense of Congress that the President should not initiate military action against Iran without first obtaining authorization from Congress.'' It sets forth the constitutional grant of authority to Congress for declaring war and funding any war, which cites Federalist paper number 69 on the intention of the drafters of the Constitution, and which cites Presidents Washington and Jefferson on the power reserved to Congress to authorize war.

The resolution strongly and unequivocally affirms that the President does not have the power to initiate military action against Iran without first obtaining authorization from Congress, that neither of the existing authorizations to use military force in Iraq gives him such authority, and that the President must seek congressional authority prior to taking any military action against Iran.

AMENDMENTS SUBMITTED AND PROPOSED

SA 266. Mr. REID (for Mr. LEVIN (for himself, Mr. BOND, Mr. DORGAN, Mr. GRAHAM, Mr. DURBIN, Ms . MIKULSKI, Mr. CARDIN, Mr. BROWN, Mr. PRYOR, Mr. ISAKSON, and Mr. KENNEDY)) proposed an amendment to the bill S. 487, to amend the National Organ Transplant Act to clarify that kidney paired donations shall not be considered to involve the transfer of a human organ for valuable consideration.

SA 267. Mr. REID (for Mr. SALAZAR) proposed an amendment to the bill S. 188, to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

TEXT OF AMENDMENTS

SA 266. Mr. REID (for Mr. LEVIN (for himself, Mr. BOND, Mr. DORGAN, Mr. GRAHAM, Mr. DURBIN, Ms. MIKULSKI, Mr. CARDIN, Mr. BROWN, Mr. PRYOR,

Mr. ISAKSON, and Mr. KENNEDY)) proposed an amendment to the bill S. 487, to amend the National Organ Transplant Act to clarify that kidney paired donation shall not be considered to involve the transfer of a human organ for valuable consideration; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Living Kidney Organ Donation Clarification Act of 2007''.

SEC. 2. AMENDMENT TO THE NATIONAL ORGAN TRANSPLANT ACT.

Section 301(a) of the National Organ Transplant Act (42 U.S.C. 274e(a)) is amended by adding at the end the following: ''For purposes of this section, kidney paired donation shall not be considered to involve the transfer of a human organ for valuable consideration.''.

SEC. 3. REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report that details the progress made towards understanding the long-term health effects of living organ donation.

SA 267. Mr. REID (for Mr. SALAZAR) proposed an amendment to the bill S. 188, to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006; as follows:

On page 2, line 3, strike ''and William C. Velásquez'' and insert ''William C. Velásquez, and Dr. Hector P. Garcia.''

On page 2, line 10, strike ''and William C. Velásquez'' and insert ''William C. Velásquez, and Dr. Hector P. Garcia.''

On page 2, line 19, strike ''and William C. Velásquez'' and insert ''William C. Velásquez, and Dr. Hector P. Garcia.''

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, March 1, 2007, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 380, to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Scott Miller at 202–224–5488 or Rachel Pasternack at 202–224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 15, 2007, at 9:30 a.m., in open and closed sessions to receive testimony on the current and future readiness of the Army and Marine Corps.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, February 15, 2007, at 9:30 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to evaluate the administration's proposal to reauthorize the Federal Aviation Administration.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, February 15, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building. The purpose of the hearing is to consider the President's proposed budget for FY 2008 for the Department of the Interior.

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

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, February 15, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''The Administration's 2007 Trade Agenda.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 15, 2007, at 9:15 a.m. to hold a nomination hearing.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, February 15, 2007, at 9 a.m. for a business meeting to consider pending committee business.

Agenda

Legislation

1. S. 4, Improving America's Security by Implementing Unfinished Recommendations of the 9/11 Commission Act of 2007;

2. S. 343, a bill to extend the District of Columbia College Access Act of 1999;

3. S. 457, a bill to extend the date on which the National Security Personnel System will first apply to certain defense laboratories;

4. S. 550, a bill to preserve existing judgeships on the Superior Court of the District of Columbia.

Post Office Naming Bills

1. S. 171, to designate the facility of the USPS located at 301 Commerce Street in Commerce, Oklahoma, as the ''Mickey Mantle Post Office Building;''

2. S. 194/H.R. 49, to designate the facility of the USPS located at 1300 North Frontage Road West in Vail, Colorado, as the ''Gerald R. Ford Jr. Post Office Building;''

3. S. 219/H.R. 335, to designate the facility of the USPS located at 152 North 5th Street in Laramie, Wyoming, as the ''Gale W. McGee Post Office;''

4. S. 303, to designate the facility of the USPS located at 324 Main Street in Grambling, Louisiana, as the ''Coach Eddie Robinson Post Office Building;''

5. S. 412/H.R. 521, to designate the facility of the USPS located at 2633 11th Street in Rock Island, Illinois, as the ''Lane Evans Post Office Building;''

6. H.R. 433, to designate the facility of the USPS located at 1700 Main Street in Little Rock, Arkansas, as the ''Scipio A. Jones Post Office Building;''

7. H.R. 514, to designate the facility of the USPS located at 16150 Aviation Loop Drive in Brooksville, Florida, as the ''Sergeant Lea Robert Mills Brooksville Aviation Branch Post Office;''

8. H.R. 577, to designate the facility of the USPS located at 3903 South Congress Avenue in Austin, Texas, as the ''Sergeant Henry Ybarra III Post Office Building.''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, February 15, 2007, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on the President's fiscal year 2008 budget request for tribal programs.

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

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, February 15, 2007, at 10 a.m. in room S. 216 of the Capitol Building.

I. Nominations

Beryl Howell, to be a Member of the United States Sentencing Commission.

II. Bills

S. 316, the Preserve Access to Affordable Generics Act, Kohl, Grassley, Leahy, Schumer, Feingold.

S. 236, the Federal Agency Data Mining Reporting Act of 2007, Feingold, Sununu, Leahy, Akaka, Kennedy.

S. 378, the Court Security Improvement Act of 2007, Leahy, Specter, Durbin, Cornyn, Kennedy, Hatch.

S. 442, the John R. Justice Prosecutors and Defenders Incentive Act of 2007, Durbin.

III. Resolutions

S. Res. 41, honoring the life and recognizing the accomplishments of Tom Mooney, president of the Ohio Federation of Teachers, Brown, Voinovich.

S. Res. 47, honoring the life and achievements of George C. Springer, Sr., the Northeast regional director and a former vice president of the American Federation of Teachers, Dodd.

S. Res. 49, recognizing and celebrating the 50th anniversary of the entry of Alaska into the Union as the 49th State, Stevens, Murkowski.

S. Res. 53, congratulating Illinois State University as it marks its sesquicentennial, Durbin, Obama.

S. Res. 69, a resolution recognizing the African-American spiritual as a national treasure, Menendez.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 15, 2007, at 2:30 p.m. to hold a closed hearing.

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

SPECIAL COMMITTEE ON AGING

Mr. LEAHY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Thursday, February 15, 2007, from 10 a.m. to noon in Dirksen 562 for the purpose of conducting a hearing.

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

EXECUTIVE SESSION

NOMINATIONS DISCHARGED—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session; that the Rules Committee be discharged from further consideration of the following nominations: Rosemary Rodriguez and Caroline Hunter to be members of the Election Assistance Commission; that the nominations be confirmed and the motion to reconsider be laid upon the table; further, that the Senate then proceed to Executive Calendar No. 29, the nomination of Leon Sequeira to be an Assistant Secretary of Labor; that the nomination be confirmed and the motion to reconsider be laid on the table; that any statements be printed in the Record; that the President be immediately notified of the Senate's action; and the Senate return to legislative session.

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will not object, I want to take a moment to indicate my enthusiasm for the President's nomination of Leon Sequeira, a former member of my staff, to be an Assistant Secretary of Labor, who is an outstanding individual and who I know will serve the administration and the country well in this new capacity.

Mr. REID. Mr. President, this new Assistant Secretary has a lot of good qualifications, but the most important was his employment record with the distinguished Republican leader.

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

The nominations considered and confirmed are as follows:

ELECTION ASSISTANCE COMMISSION

Rosemary Rodriquez and Caroline Hunter.

DEPARTMENT OF LABOR

Leon R. Sequeira, of Virginia, to be an Assistant Secretary or Labor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

LIVING KIDNEY ORGAN DONATION CLARIFICATION ACT OF 2007

Mr. REID. Mr. President, I ask consent that the HELP Committee be discharged from further consideration of S. 487 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 487) to amend the National Organ Transplant Act to clarify that kidney paired donations shall not be considered to involve the transfer of a human organ for valuable consideration.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I understand there is an amendment at the desk. I ask consent the amendment be considered and agreed to, the bill, as amended, be read three times and passed, the motion to reconsider be laid on the table, and any statements be printed at the appropriate place in the RECORD.

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

The amendment (No. 266) was agreed to, as follows:

AMENDMENT NO. 266

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Living Kidney Organ Donation Clarification Act of 2007''.

SEC. 2. AMENDMENT TO THE NATIONAL ORGAN TRANSPLANT ACT.

Section 301(a) of the National Organ Transplant Act (42 U.S.C. 274e(a)) is amended by adding at the end the following: ''For purposes of this section, kidney paired donation shall not be considered to involve the transfer of a human organ for valuable consideration.''.

SEC. 3. REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report that details the progress made towards understanding the long-term health effects of living organ donation.

The bill (S. 487) was ordered to be engrossed for a third reading, was read the third time, and passed.

REVISION TO THE SHORT TITLE OF THE FANNIE LOU HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006

Mr. REID. Mr. President, I ask consent that the Senate proceed to Calendar No. 23, S. 188.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 188) to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts intended to be inserted are shown in italic.)

S. 188

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

SECTION 1. SHORT TITLE.

Section 1 of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109–246) is amended by striking ''and Coretta Scott King'' and inserting ''Coretta Scott King, **[**and César E. Chávez**]** *César E. Chávez, Barbara C. Jordan, and William C. Velásquez*''.

SEC. 2. CONFORMING AMENDMENTS.

Paragraphs (7) and (8) of section 4(a), and section 13(a)(1), of the Voting Rights Act of 1965 (42 U.S.C. 1973b(a), 1973k(a)(1)) are each amended by striking ''and Coretta Scott King'' and inserting ''Coretta Scott King, **[**and César E. Chávez**]** *César E. Chávez, Barbara C. Jordan, and William C. Velásquez*''.

SEC. 3. CONSTRUCTION.

Title I of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) is amended by adding at the end the following:

''SEC. 20. A reference in this title to the effective date of the amendments made by, or the date of the enactment of, the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, **[**and César E. Chávez**]** *César E. Chávez, Barbara C. Jordan, and William C. Velásquez* Voting Rights Act Reauthorization and Amendments Act of 2006 shall be considered to refer to, respectively, the effective date of the amendments made by, or the date of the enactment of, the Fannie Lou Hamer, Rosa

Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.''.

Mr. LEAHY. Mr. President, in January, I joined Senator SALAZAR in introducing a bill to include César E. Chávez among the names of the great civil rights leaders we honor in the title of last year's Voting Rights Act Reauthorization and Amendments Act of 2006, VRARA. We reported this bill out of committee last week, and I am pleased the Senate was able to take it up and pass it so quickly.

I supported taking this action last year during the Senate Judiciary Committee's consideration of the VRARA when I offered an amendment on behalf of Senator SALAZAR to add the Hispanic civil rights leader to those for whom the law is named. As Senator SALAZAR reminded us, César Chávez is an American hero who sacrificed his life to empower the most vulnerable in America. Like Fannie Lou Hamer, Rosa Parks, and Coretta Scott King, for whom the VRARA is named, he believed strongly in the right to vote as a cornerstone of American democracy. I offered the amendment in the Judiciary Committee last year and it was adopted without dissent.

In order not to complicate final passage of the Voting Rights Act, the Senate proceeded to adopt the House-passed bill without amendment. This was done so that the bill could be signed into law without having to be reconsidered by the House. At that time, I committed to work with Senator SALAZAR to conform the law to include recognition of the contribution to our civil rights, voting rights and American society by César Chávez.

I have supported adding César Chávez's name to the law as an important recognition of the broad landscape of political inclusion made possible by the Voting Rights Act. This bill would not alter the bill's vital remedies for continuing discrimination in voting but is overdue recognition of the importance of the Voting Rights Act to Hispanic-Americans. Prior to the VRA, Hispanics, like minorities of all races, faced major barriers to participation in the political process, through the use of such devices as poll taxes, exclusionary primaries, intimidation by voting officials, language barriers, and systematic vote dilution.

We amended the bill in committee to add the names of two more great American leaders, Barbara Jordan and William C. Velasquez. Congresswoman Jordan was not only a pioneer as the first African American woman from a southern State to serve in the House of Representatives but also a great leader with an impressive career in public service as a Texas state legislator, a Member of Congress, and a professor at the University of Texas. She received the Presidential Medal of Freedom from President Clinton in 1994. Her work on the House Judiciary Committee in 1975 was instrumental in renewing the Voting Rights Act and adding the vital minority language provisions to the VRA. Barbara Jordan's life and career, not to mention her powerful speeches, have been an inspiration to so many that I am pleased to support adding her name to the bill.

On behalf of Senator SALAZAR, I offered an amendment to add the name of another Presidential Medal of Freedom honoree from Texas, William C. Velasquez. In 1974, Willie Velasquez founded the Southwest Voter Registration and Education Project, the Nation's largest voter registration project aimed at the Hispanic community. Under his leadership, the SVREP launched hundreds of successful get-out-the-vote and voter registration drives throughout the Southwest, greatly expanding the number of registered Latino voters and increasing Hispanic participation in the political process. Mr. Velasquez, who was also a leader with the United Farm Workers and helped found the Mexican American Youth Organization, MAYO, and la Raza Unida, helped others believe as he did that ''Su voto es su voz'', your vote is your voice. When President Clinton posthumously awarded Mr. Velasquez the Presidential Medal of Freedom in 1995, he was only the second Latino to receive the Nation's highest civilian honor. We should honor him now by adding his name to the title of the VRARA. I offer this additional amendment on behalf of Senator SALAZAR.

Of course, there are many great leaders we could add to honor their great contributions to the expansion of voting rights to all Americans. Without leaders like Congressman JOHN LEWIS and House Judiciary Chairman JOHN CONYERS, we would not have the Voting Rights Act today. We are indebted to them as we are to so many others for the strides that we have made. Taking up and passing this bill today is a sign of our commitment to ensuring that the great promises of the 14th and 15th amendments are kept for all Americans and that the Voting Rights Act Reauthorization and Amendments Act is fully implemented to protect the rights of all Americans.

Mr. REID. I ask consent that the committee-reported amendments be considered and agreed to, the amendment at the desk be considered and agreed to and the bill, as amended, be read three times, passed, the motion to reconsider be laid upon the table and any statements be printed in the RECORD.

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

The committee amendments were agreed to.

The amendment (No. 267) was agreed to, as follows:

AMENDMENT NO. 267

(Purpose: To add the name of Dr. Hector P. Garcia to a short title)

On page 2, line 3, strike ''and William C. Velásquez'' and insert ''William C. Velásquez, and Dr. Hector P. Garcia''.

On page 2, line 10, strike ''and William C. Velásquez'' and insert ''William C. Velásquez, and Dr. Hector P. Garcia''.

On page 2, line 19, strike ''and William C. Velásquez'' and insert ''William C. Velásquez, and Dr. Hector P. Garcia''.

The bill (S. 188) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 188

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

SECTION 1. SHORT TITLE.

Section 1 of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109–246) is amended by striking ''and Coretta Scott King'' and inserting ''Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia''.

SEC. 2. CONFORMING AMENDMENTS.

Paragraphs (7) and (8) of section 4(a), and section 13(a)(1), of the Voting Rights Act of 1965 (42 U.S.C. 1973b(a), 1973k(a)(1)) are each amended by striking ''and Coretta Scott King'' and inserting ''Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia''.

SEC. 3. CONSTRUCTION.

Title I of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) is amended by adding at the end the following:

''SEC. 20. A reference in this title to the effective date of the amendments made by, or the date of the enactment of, the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006 shall be considered to refer to, respectively, the effective date of the amendments made by, or the date of the enactment of, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.''.

NATIONAL MEDAL OF HONOR DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Con. Res. 12.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A resolution (S. Con. Res. 12) supporting the goals and ideals of a National Medal of Honor Day to mark the significance and importance of the Medal of Honor and to celebrate and honor the recipients of the Medal of Honor on the anniversary of the first award of that medal in 1863.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I further ask the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table and that any statements relating to this measure be printed in the RECORD.

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

The resolution (S. Con. Res. 12) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 12

Whereas the Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed to a member of the Armed Forces, is awarded by the President, in the name of Congress, to individuals

who have distinguished themselves conspicuously by gallantry and intrepidity at the risk of their lives above and beyond the call of duty;

Whereas the United States will forever be in debt to the recipients of the Medal of Honor for their bravery and sacrifice in times of war or armed conflict;

Whereas the first Medal of Honor awards were presented to 6 men on March 25, 1863, by the Secretary of War;

Whereas only 3,443 individuals out of the millions of men and women who have served the United States in war, military operations, or other armed conflicts have been awarded the Medal of Honor;

Whereas there are 111 living recipients of the Medal of Honor, as of January 1, 2007;

Whereas it is appropriate to commemorate and honor the recipients of the Medal of Honor and what they represent;

Whereas the people of the United States should always be aware of the significance and meaning of the Medal of Honor;

Whereas the designation of a National Medal of Honor Day would focus the efforts of national, State, and local organizations striving to foster public appreciation and recognition of Medal of Honor recipients; and

Whereas March 25, 2007, would be an appropriate date to observe National Medal of Honor Day: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the heroism and sacrifice of Medal of Honor recipients;

(2) recognizes the educational opportunity that a National Medal of Honor Day would present to the people of the United States; and

(3) supports the goals and ideals of a National Medal of Honor Day to celebrate and honor the contributions of Medal of Honor recipients.

MEASURE READ THE FIRST TIME—S. 641

Mr. REID. Mr. President, it is my understanding there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (S. 641) to express the sense of Congress that no funds should be cut off or reduced for American troops in the field which would result in undermining their safety or their ability to complete their assigned missions.

Mr. REID. Mr. President, I now ask for a second reading and, in order to place this bill on the calendar under the provisions of rule XIV, object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

ORDERS FOR FRIDAY, FEBRUARY 16, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 12 noon tomorrow, February 16; that on Friday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and that the time until 12:30 p.m. be equally divided and controlled by the two leaders; that beginning at 12:30 p.m., there be a period of morning business, with Senators permitted to speak therein, with 30-minute blocks of time in an alternating fashion, with the majority controlling the first 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:17 p.m., adjourned until Friday, February 16, 2007, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate February 15, 2007:

THE JUDICIARY

RICHARD SULLIVAN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE MICHAEL B. MUKASEY, RETIRED.

TIMOTHY D. DEGIUSTI, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF OKLAHOMA, VICE TIMOTHY D. LEONARD, RETIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BENJAMIN C. FREAKLEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. A. SORENSON JEFFREY, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

JEFFREY M. KLOSKY, 0000

To be major

ROBERT W. ROSS III, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MIYAKO N. SCHANLEY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

ANTHONY C. ADOLPH, 0000
NACY J. ALOUISE, 0000
ROBERT E. BARNSBY, 0000
JOSEPH G. BERGEN, 0000
SCOTT S. BRENNEMAN, 0000
THOMAS E. BRZOZOWSKI, 0000
CLINTON M. CAMPION, 0000
GERALDINE CHANEL, 0000
SEAN M. CONNOLLY, 0000
CHRISTOPHER C. COX, 0000
JENNIFER L. CRAWFORD, 0000
JOEL P. CUMMINGS, 0000
GEOFFREY S. DEWEESE, 0000
KIRSTEN M. DOWDY, 0000
MELINDA S. ECENRODE, 0000
LAWRENCE A. EDELL II, 0000
CHARLOTTE M. EMERY, 0000
JAMES A. EWING, 0000
JENNIFER B. FARMER, 0000
WILLIAM M. FISCHBACH, 0000
JAMES F. FORD, 0000
TIMOTHY A. FURIN, 0000
STEVEN A. GARIEPY, 0000
BRIAN P. GAVULA, 0000
KRISTOF M. GAWIN, 0000
KURT E. GILABERT, 0000
PAUL E. GOLDEN, JR., 0000
DANIEL D. GRIESER, 0000
BENJAMIN K. GRIMES, 0000
VERONICA HANSEN, 0000
MATTHEW R. HOVER, 0000
JOHN L. KIEL, JR., 0000
BENJAMIN J. KINSLEY, 0000
CHRISTOPHER L. KRAFCHEK, 0000
WALTER H. KWON, 0000
JOSEPH B. MACKEY, 0000
SEAN F. MANGAN, 0000
CHRISTOPHER E. MARTIN, 0000
STEPHEN W. MCGAHA, 0000
WILLIAM E. MULLEE, 0000
KRISTIAN W. MURRAY, 0000
GREGORY S. MUSSELMAN, 0000
STEVEN C. NEILL, 0000
AMY J. NELSON, 0000
CASEY P. NIX, 0000
AMANDA M. ONEIL, 0000
SCOTT A. ORAVEC, 0000
SABRA M. OWENS, 0000
PATRICK A. PARSON, 0000
JON D. PAVLOVCAK, 0000
ALEXANDER N. PICKANDS, 0000
TARA E. POLLEYS, 0000
TERESA L. RAYMOND, 0000
SHANE R. REEVES, 0000
KAREN W. RIDDLE, 0000
CYNTHIA RUCKNO, 0000
BRIAN J. RUSH, 0000
CHRISTOPHER C. RYAN, 0000
YVONNE L. SALLIS, 0000
PATRICK R. SHANE, 0000
ROBERT C. STELLE, 0000
JEFFREY S. THURNHER, 0000
SCOTT T. VANSWERINGEN, 0000
MARK A. VETTER, 0000
RUTH M. VETTER, 0000
TROY C. WALLACE, 0000
MARC B. WASHBURN, 0000
GISELA A. WESTWATER, 0000
SEAN M. WILSON, 0000
STEFAN R. WOLFE, 0000
DEBORAH E. WOOLVERTON, 0000
KAIESHA N. WRIGHT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ANDREW W. AQUINO, 0000
STANLEY W. BAMBERG, 0000
WILLIE G. BARNES, 0000
RAYMOND H. BUCON, 0000
DONALD F. DAVIDSON, 0000
JAMES R. DRISCOLL, 0000
DELMAR M. FARNHAM, 0000
JAMES M. FOGLEMILLER, 0000
MALCOLM M. GRIFFITH, 0000
COY J. HALLMARK, 0000
LAWRENCE M. HENDEL, 0000
STEVEN W. HOLLEY, 0000
JOHN J. HOLZHAUSER, 0000
KEVIN J. HOOGLAND, 0000
FRANKLIN D. HUDSON, 0000
DAVID H. JONES, 0000
LARRY E. JONES, 0000
WAYNE D. KIRK, 0000
JONATHAN B. LEACH, 0000
LARRY A. MCCARTY, 0000
RICK E. MORROW, 0000
PATRICK D. NEAL, 0000
WILLIAM J. STANG, 0000
MICHAEL D. TAYLOR, 0000
DAVID A. WHITE, 0000
PAUL J. WILLIS, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CHARLES E. PARHAM, JR., 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DONALD E. EVANS, JR., 0000
ELLIOTT J. ROWE, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JORGE L. MEDINA, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DOUGLAS M. FINN, 0000
RONALD P. HEFLIN, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CHARLES E. BROWN, 0000
MARC C. HOWELL, 0000
DAVID S. PHILLIPS, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

STEVEN P. COUTURE, 0000
ROBERT D. ELLIS, 0000
GERALD J. GRIFFIN, 0000
JESSE MCRAE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JONATHAN G. ALLEN, 0000
RODNEY A. ALLEN, 0000
AARON T. AMEY, 0000
JAY T. ARNETT, 0000
KEVIN K. BAGGOTT, 0000
JAMES C. BAILEY, 0000
NORMAN C. BAILEY, 0000
ANDREW K. BAIN, 0000
CYRUS D. BEHSERESHT, 0000
THOMAS R. BELLEVILLE, 0000
JONATHON E. BORK, 0000
ADAM S. CANNIZZARO, 0000
SCOTT T. CARHART, 0000
JOSEPH P. CATAN, 0000
CHARLES R. CHAMPAGNE, 0000
DANIEL W. CHRISTOPHER, 0000
DONALD G. CLARK II, 0000
CLARKE D. CLODFELDER, 0000
EDWARD L. COLEMAN, 0000
PAUL B. DECKERT, 0000
KENNETH J. DESIMONE II, 0000
GEORGE V. DINARDO, 0000
DAVID E. DUCEY, 0000
JAMES C. DUMONT, 0000
JEFFREY L. ENDICOTT, 0000
DEREK J. EVERILL, 0000
MICHAEL C. FORREY, 0000
JOHN A. FRANKLIN, 0000
ROBERT A. GADJO, 0000
JEFFREY M. GALIARDI, 0000
THOMAS C. GIOVANELLI, 0000
JOHN C. GRAHAM, 0000
CHARLES E. HALL, 0000
DONALD K. HANSEN, 0000
SHARON D. JACKO, 0000
MICHAEL S. KAWAGUCHI, 0000
MICHAEL A. KELLY, 0000
GREGORY H. KITCHENS, 0000
DARREL L. KOERBER, 0000
LANCE E. LAMMOTT, 0000
CHRISTOPHER A. LANDRO, 0000
MICHAEL P. LEARY, 0000
PAUL K. LEBIDINE, 0000
ROBERT M. LEWANDOWSKI, 0000
JOE E. LINDAU, 0000
R. B. LINNEKIN, JR., 0000
THEODORE C. LOPEZ, 0000
SCOTT E. LYSTAD, 0000
BRIAN A. MACE, 0000
JAMES G. MACVARISH, 0000
MICHAEL L. MAFFETT, 0000
JOHN R. MAHONEY, 0000
LUKE MARSDEN, 0000
MICHAEL V. MCCARTHY, 0000
JOHN F. MCDONOUGH III, 0000
BRIAN J. MCGUIRE, 0000
GREGORY D. MCMANUS, 0000
COLIN P. MCNEASE, 0000
PAUL R. MENGLE, 0000
GARY W. MONTGOMERY, 0000
ROBERT C. MURPHY, 0000
SUSAN L. MURRAY, 0000
MICHAEL P. MURTHA, 0000
SUSAN NOEL, 0000
BRIAN T. OLIVER, 0000
MICHAEL S. PERKINS, 0000
JEFFREY A. PETTIGREW, 0000
BRIAN C. PHILLIPS, 0000
PETER H. PHILLIPS, 0000
ROBERT F. PRESSLY, 0000
EDWARD J. QUINONEZ, 0000
PHILIP G. RESTIVO, 0000
DONALD L. REVELL, 0000
GARY B. RHINESMITH, JR., 0000
ELIZABETH RICHARDSON, 0000
EARLE J. ROBERTSON, 0000
ROBERT A. SANCHEZ, 0000
SCOTT O. SCHULTZ, 0000
ROBERT J. SENINI, 0000
JAMES M. STACIA, 0000
JOHN C. STEVENS, 0000
SAMUEL J. STROTMAN, 0000
DAVID W. STUEBE, 0000
TODD T. TILLMAN, 0000
ROY J. TRENTALANGE, 0000
JAMES F. TURNER IV, 0000
HECTOR J. VELEZ, 0000
KYLE D. WATROUS, 0000
ROBERT T. WATTS, 0000
STEVEN B. WEINBERG, 0000
THOMAS M. WELDON, 0000
COURTNEY S. WESSINGER, 0000
ANTHONY J. WHITE, 0000
JOHN W. WIGGINS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

PETER W. AHERN, 0000
JEFFREY K. ARRUDA, 0000
DONALD P. BALDWIN, 0000
EDWARD D. BANTA, 0000
HAROLD C. BASS, 0000
MICHAEL A. BISZAK, 0000
MATTHEW J. BONNOT, 0000
STEVEN P. BRODFUEHRER, 0000
WILLARD A. BUHL, 0000
ROBERT J. CHARETTE, JR., 0000
ERIC T. CHASE, 0000
NORMAN L. COOLING, 0000
DENNIS M. CUNNIFFE, 0000
WILLIAM R. CUNNINGHAM, 0000
TIMOTHY B. CUTRIGHT, 0000
PATRICK M. DELATTE, 0000
DOUGLAS A. DENN, 0000
JAMES T. DILLON, 0000
STEPHEN R. DINAUER, 0000
DREW T. DOOLIN, 0000
THOMAS B. EIPP, 0000
YORI R. ESCALANTE, 0000
DOUGLAS H. FAIRFIELD, 0000
JOHN J. GAMELIN, 0000
ROGER A. GARAY, 0000
KEIL R. GENTRY, 0000
MATTHEW G. GLAVY, 0000
DAVID G. GOULET, 0000
JOSEPH P. GRANATA, 0000
MICHAEL S. GROEN, 0000
STEVEN M. HANSON, 0000
CLARKE D. HENDERSON, 0000
CHARLES O. HOBAUGH, 0000
THOMAS G. HOLDEN, 0000
KEVIN M. IIAMS, 0000
RICHARD C. JACKSON II, 0000
JOHN M. JANSEN, 0000
JOSEPH M. JEFFREY III, 0000
EDWARD M. JEFFRIES, JR., 0000
ANTHONY J. JOHNSON, 0000
JAY E. JOHNSON, 0000
DEWEY G. JORDAN, 0000
JOHN E. KASPERSKI, 0000
PETER J. KEATING, 0000
MICHAEL P. KILLION, 0000
LAWRENCE E. KILLMEIER, JR., 0000
SAMUEL A. KIRBY, 0000
PHILIP S. LARK, 0000
MARK D. LAVIOLETTE, 0000
RANDY J. LAWSON, 0000
SAMUEL LIMA, 0000
LAURA LITTLE, 0000
ROBERT D. LOYND, 0000
DANIEL R. MASUR, 0000
CHRISTOPHER R. MCCARTHY, 0000
CHARLES W. MCCOBB, 0000
PAUL A. MILLER, 0000
CHRISTOPHER W. MINER, 0000
DANIEL P. MONAHAN, 0000
KEITH M. MOORE, 0000
JEFFREY K. MOSHER, 0000
WILLIAM F. MULLEN III, 0000
ANTON H. NERAD II, 0000
BRUCE W. NEUBERGER, 0000
BARRY C. NEULEN, 0000
BRUCE E. NICKLE, 0000
BRENT A. NORRIS, 0000
JAMES S. OMEARA, 0000
ALAN L. ORR II, 0000
MICHAEL J. OUZTS, 0000
BRIAN S. PAGEL, 0000
CHRISTOPHER J. PAPAJ, 0000
JOHN R. PARKER, 0000
JEFFREY S. RENIER, 0000
LORETTA E. REYNOLDS, 0000
FRANK A. RICHIE, 0000
PHILIPPE D. ROGERS, 0000
THADDEUS A. RUANE, 0000
THOMAS W. RUSSELL, 0000
SHAUN L. SADLER, 0000
RUSSELL A. SANBORN, 0000
CHRISTOPHER J. SCHLAFER, 0000
JOHN M. SCHULTZ, 0000
WILLIAM B. SPAHN, 0000
BLAYNE H. SPRATLIN, 0000
MICHAEL R. STAHLMAN, 0000
WAYNE R. STEELE, 0000
ERIC J. STEIDL, 0000
ROGER L. STONE, 0000
DAVID A. TAGG, 0000
ARTHUR TOMASSETTI, 0000
CHARLES J. TULANEY, 0000
MARK M. TULL, 0000
BRADLEY C. VICKERS, 0000
SCOTT A. WALKER, 0000
WALTER R. WATSON, 0000
MARK A. WERTH, 0000
KEVIN H. WILD, 0000
SCOTT P. WILLIAMS, 0000
TERRY V. WILLIAMS, 0000
MARK R. WISE, 0000
KEVIN T. WOOLEY, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MARK A. GLADUE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

BRIAN D. PETERSEN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

TERRY L. RUCKER, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, February 15, 2007:

DEPARTMENT OF LABOR

LEON R. SEQUEIRA, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE AN DULY CONSTITUTED COMMITTEE OF THE SENATE.

ELECTION ASSISTANCE COMMISSION

ROSEMARY E. RODRIGUEZ, OF COLORADO, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 12, 2007.

CAROLINE C. HUNTER, OF FLORIDA, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2009.

THE JUDICIARY

NORMAN RANDY SMITH, OF IDAHO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

MARCIA MORALES HOWARD, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA.

EXTENSIONS OF REMARKS

HOLY FAMILY HOSPITAL DELIVERS HIGH QUALITY HEALTH CARE

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to congratulate Holy Family Hospital for being rated as a top performer in the Centers for Medicare and Medicaid Services Premier Hospital Quality Incentive project.

Holy Family Hospital has been providing quality health care to the people of Eastern Washington for more than 40 years, but their story really began in 1945 when the Dominican Sisters purchased the land that Holy Family Hospital was later built on. Their philosophy to ''restore and maintain health, promote wellness, prevent illness whenever possible, and help create a person-centered environment which fosters the healing process'' continues to guide the efforts of Holy Family Hospital today.

As a top performer, Holy Family Hospital was evaluated on their performance and outcome measures in five clinical areas—acute myocardial infarction (heart attack), heart failure, coronary artery bypass graft, CABG, pneumonia, and hip and knee replacement.

Madam Speaker, I rise today to commend Holy Family Hospital for setting the standard for clinical excellence, and for providing excellent health care to the Eastern Washington community. I invite my colleagues to join me in congratulating the doctors and employees of Holy Family Hospital on this great achievement.

RECOGNIZING ELIZABETH ANNE ROYCROFT AS ESCAMBIA COUNTY, FLORIDA'S TEACHER OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize Elizabeth Anne Roycroft as Escambia County's Teacher of the Year.

Anne Roycroft joined the Escambia County School District administration in 2004, with an education background in American Studies, a Master's of Education in Counseling from the University of North Carolina at Chapel Hill, and a Graduate Studies degree in Psychology from the University of West Florida. Mrs. Roycroft has proudly served the Escambia County School District for over two years, where she currently teaches Social Studies to sixth and seventh graders at Warrington Middle School in Pensacola, Florida.

Mrs. Roycroft's involvement both in and out of the classroom proves her dedication and passion for teaching. She is a member of the National Council for the Social Studies, the Florida Council for the Social Studies, National Council for Geographic Education, and the International Reading Association. Since Mrs. Roycroft has begun teaching at Warrington Middle School, she has served as the Social Studies Department Chairman, a Member of the Technology Learning Group, a member of the school leadership team for Curriculum Mapping, a mentor, and the list continues.

The Teacher of the Year recognition highlights one year of teaching, but the proof of greatness lies well beyond the title—it lies in the hearts and minds of the students who have been deeply affected. To have the ability to significantly impact the lives of her students and to positively shape their minds, by instilling the knowledge, wisdom, and confidence needed to succeed is immeasurable and places Anne Roycroft among the great teachers in Northwest Florida. Escambia County is honored to have her as one of their own.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Elizabeth Anne Roycroft on this outstanding achievement and her exemplary service in the Escambia County School District.

PAYING TRIBUTE TO RICHARD CASE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Richard Case, a veteran of World War II, for his exemplary service in defense of freedom and award him with the Jubilee of Liberty Medal.

On June 6, 1944 the United States and its allies embarked on the largest air, land, and sea invasion ever undertaken. This massive effort included 5,000 ships, 10,000 airplanes, and over 150,000 American, British, Canadian, Free French, and Polish Troops. During the 50th anniversary of this historic event, the French Government awarded the Jubilee of Liberty Medal to American servicemen for their participation in the Battle of Normandy.

Richard served in the United States Army, 101st Airborne Division. On June 6, 1944, he landed on Utah Beach as part of the Normandy invasion and saw 21 consecutive days of combat. For his heroism and valor, Richard was awarded the Purple Heart, two Bronze Service Stars, and the Oak Leaf Cluster with Distinguished Unit Badge. In addition, on the 50th anniversary of D-Day, Richard, along with 21 of the original paratroopers, jumped at Utah Beach.

Madam Speaker, I am proud to honor Richard Case for his heroic service in the United States Military. His dedication to this country in the theater of war is truly exemplary. I commend the sacrifices he has made to protect our freedoms and I am pleased to have the opportunity to recognize his service. I applaud Richard Case for his successes and I wish him the best in his future endeavors.

INTRODUCTION OF THE FAMILY EDUCATION FREEDOM ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. PAUL. Madam Speaker, I rise today to introduce the Family Education Freedom Act, a bill to empower millions of working and middle-class Americans to choose a non-public education for their children, as well as making it easier for parents to actively participate in improving public schools. The Family Education Freedom Act accomplishes its goals by allowing American parents a tax credit of up to $5,000 for the expenses incurred in sending their child to private, public, parochial, other religious school, or for home schooling their children.

The Family Education Freedom Act returns the fundamental principal of a truly free economy to America's education system: what the great economist Ludwig von Mises called ''consumer sovereignty''. Consumer sovereignty simply means consumers decide who succeeds or fails in the market. Businesses that best satisfy consumer demand will be the most successful. Consumer sovereignty is the means by which the free market maximizes human happiness.

Currently, consumers are less than sovereign in the education ''market.'' Funding decisions are increasingly controlled by the federal government. Because ''he who pays the piper calls the tune,'' public, and even private schools, are paying greater attention to the dictates of federal ''educrats'' while ignoring the wishes of the parents to an evergreater degree. As such, the lack of consumer sovereignty in education is destroying parental control of education and replacing it with state control. Loss of control is a key reason why so many of America's parents express dissatisfaction with the educational system.

According to a poll by McLaughlin and Associates, two-thirds of Americans believe education tax credits would have a positive effect on American education. This poll also found strong support for education tax credits among liberals, moderates, conservatives, low-income individuals, and African-Americans. This is just one of numerous studies and public opinion polls showing that Americans want Congress to get the federal bureaucracy out of the schoolroom and give parents more control over their children's education.

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Today, Congress can fulfill the wishes of the American people for greater control over their children's education by simply allowing parents to keep more of their hard-earned money to spend on education rather than force them to send it to Washington to support education programs reflective only of the values and priorities of Congress and the federal bureaucracy.

The $5,000 tax credit will make a better education affordable for millions of parents. Madame Speaker, many parents who would choose to send their children to private, religious, or parochial schools are unable to afford the tuition, in large part because of the enormous tax burden imposed on the American family by Washington.

The Family Education Freedom Act also benefits parents who choose to send their children to public schools. Parents of children in public schools may use this credit to help improve their local schools by helping finance the purchase of educational tools such as computers or to ensure their local schools can offer enriching extracurricular activities such as music programs. Parents of public school students may also wish to use the credit to pay for special services, such as tutoring, for their children.

Increasing parental control of education is superior to funneling more federal tax dollars, followed by greater federal control, into the schools. According to a Manhattan Institute study of the effects of state policies promoting parental control over education, a minimal increase in parental control boosts students' average SAT verbal score by 21 points and students' SAT math score by 22 points! The Manhattan Institute study also found that increasing parental control of education is the best way to improve student performance on the National Assessment of Education Progress (NAEP) tests.

Clearly, enactment of the Family Education Freedom Act is the best thing this Congress could do to improve public education. Furthermore, a greater reliance on parental expenditures rather than government tax dollars will help make the public schools into true community schools that reflect the wishes of parents and the interests of the students.

The Family Education Freedom Act will also aid those parents who choose to educate their children at home. Home schooling has become an increasingly popular, and successful, method of educating children. Home schooled children out-perform their public school peers by 30 to 37 percentile points across all subjects on nationally standardized achievement exams. Home schooling parents spend thousands of dollars annually, in addition to the wages forgone by the spouse who forgoes outside employment, in order to educate their children in the loving environment of the home.

Ultimately, Madam Speaker, this bill is about freedom. Parental control of child rearing, especially education, is one of the bulwarks of liberty. No nation can remain free when the state has greater influence over the knowledge and values transmitted to children than the family.

By moving to restore the primacy of parents to education, the Family Education Freedom Act will not only improve America's education, it will restore a parent's right to choose how best to educate one's own child, a fundamental freedom that has been eroded by the increase in federal education expenditures and the corresponding decrease in the ability of parents to provide for their children's education out of their own pockets. I call on all my colleagues to join me in allowing parents to devote more of their resources to their children's education and less to feed the wasteful Washington bureaucracy by supporting the Family Education Freedom Act.

ST. JOSEPH'S HOSPITAL OF CHEWELAH DELIVERS HIGH QUALITY HEALTH CARE

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to congratulate St. Joseph's Hospital of Chewelah for being rated as a top performer in the Centers for Medicare and Medicaid Services Premier Hospital Quality Incentive project.

St. Joseph's Hospital of Chewelah was founded in 1929 by the Dominican Sisters. As a member of Providence Health Care, their mission is to provide a community of healing, collaborate with caregivers, and uphold a commitment to excellence. This is the kind of service and care they provide every day.

As a top performer, St. Joseph's Hospital of Chewelah was evaluated on their performance and outcome measures in five clinical areas—acute myocardial infarction (heart attack), heart failure, coronary artery bypass graft (CABG), pneumonia, and hip and knee replacement.

Madam Speaker, I rise today to commend St. Joseph's Hospital of Chewelah for setting the standard for clinical excellence, and for providing excellent health care to the Eastern Washington community. I invite my colleagues to join me in congratulating the doctors and employees of St. Joseph's Hospital of Chewelah on this great achievement.

PAYING TRIBUTE TO WILLIAM FINE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. PORTER. Madam Speaker, I rise today to honor William Fine, a veteran of World War II, for his exemplary service in defense of freedom and award him with the Jubilee of Liberty Medal.

On June 6, 1944 the United States and its allies embarked on the largest air, land, and sea invasion ever undertaken. This massive effort included 5,000 ships, 10,000 airplanes, and over 150,000 American, British, Canadian, Free French, and Polish Troops. During the 50th anniversary of this historic event, the French Government awarded the Jubilee of Liberty Medal to American servicemen for their participation in the Battle of Normandy.

William served in the United States Army, Company G, 318th Infantry Division and served in Central Europe, Ardennes and the Rhineland. For his heroism and valor, William was awarded the American Service Medal, the European African Middle Eastern Campaign Service Medal, the WWII Victory Medal, and the Good Conduct Medal.

Madam Speaker, I am proud to honor William Fine for his heroic service in the United States Military. His dedication to this country in the theater of war is truly exemplary. I commend the sacrifices he has made to protect our freedoms and I am pleased to have the opportunity to recognize his service. I applaud William Fine for his successes and I wish him the best in his future endeavors.

INTRODUCING THE EDUCATION IMPROVEMENT TAX CUT ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. PAUL. Madam Speaker, I rise to introduce the Education Improvement Tax Cut Act. This act, a companion to my Family Education Freedom Act, takes a further step toward returning control over education resources to private citizens by providing a $5,000 tax credit for donations to scholarship funds to enable low-income children to attend private schools. It also encourages private citizens to devote more of their resources to helping public schools, by providing a $5,000 tax credit for cash or in-kind donations to public schools to support academic or extra curricular programs.

Education remains one of the top priorities of the American people. Unfortunately, most proposals to address the American people's demand for education reform either expand federal control over education or engage in the pseudo-federalism of block grants. Many proposals that claim to increase local control over education actually extend federal power by holding schools ''accountable'' to federal bureaucrats and politicians. Of course, schools should be held accountable for their results, but they should be held accountable to parents and school boards not to federal officials. Therefore, I propose we move in a different direction and embrace true federalism by returning control over the education dollar to the American people.

One of the major problems with centralized control over education funding is that spending priorities set by Washington-based Representatives, staffers, and bureaucrats do not necessarily match the needs of individual communities. In fact, it would be a miracle if spending priorities determined by the wishes of certain politically powerful representatives or the theories of Education Department functionaries match the priorities of every community in a country as large and diverse as America. Block grants do not solve this problem as they simply allow states and localities to choose the means to reach federally-determined ends.

Returning control over the education dollar for tax credits for parents and for other concerned citizens returns control over both the means and ends of education policy to local communities. People in one community may use this credit to purchase computers, while children in another community may, at last, have access to a quality music program because of community leaders who took advantage of the tax credit contained in this bill.

Children in some communities may benefit most from the opportunity to attend private,

parochial, or other religious schools. One of the most encouraging trends in education has been the establishment of private scholarship programs. These scholarship funds use voluntary contributions to open the doors of quality private schools to low-income children. By providing a tax credit for donations to these programs, Congress can widen the educational opportunities and increase the quality of education for all children.

Furthermore, privately-funded scholarships raise none of the concerns of state entanglement raised by publicly-funded vouchers.

There is no doubt that Americans will always spend generously on education, the question is, ''who should control the education dollar—politicians and bureaucrats or the American people?'' Madam Speaker, I urge my colleagues to join me in placing control of education back in the hands of citizens and local communities by sponsoring the Education Improvement Tax Cut Act.

TRIBUTE TO LARRY INMAN

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. STUPAK. Madam Speaker, I rise today to recognize a northern Michigan citizen who has been an exemplary leader in business, in his community and in his State. Larry Inman will celebrate his retirement this week after twenty-eight years of service to the Huntington National Bank (formerly Empire National Bank).

Mr. Inman is a northern Michigan original. He obtained his education and spent nearly his entire career in northern Michigan. He earned an Associate of Science degree from Northwestern Michigan College in Traverse City before graduating from Northern Michigan University in Marquette in 1976. Mr. Inman had a brief internship in the Michigan Attorney General's Consumer Protection Division before he began his career with the Empire National Bank as a loan adjuster in 1979.

Mr. Inman's career at Huntington National Bank has been characterized by loyalty and dedication. His hard work and tenacity were often recognized and rewarded at Huntington National Bank. During his twenty-eight years there, he was promoted nine times, ultimately landing the position of Vice President, Commercial Loan Officer—Sales Executive Senior.

While Mr. Inman has been a tireless employee for Huntington National Bank, what is most remarkable is how he always took time to be an active member of his local community. In fact, given his track record of success at Huntington National Bank and the amount of time he dedicated to his professional career, it is truly astounding the number of community organizations that he has supported, belonged to or helped to lead. Larry has involved himself in community fundraisers for the local Junior Achievement and the Grand Traverse Bay YMCA. He spent time as a Volunteer Probation Officer for Michigan's 86th District Court. Maintaining his ties to his alma mater, he served on Northwestern Michigan College's Curriculum Advisory Committee.

Mr. Inman also applied his knowledge and professional experience toward the growth and development of the Grand Traverse County area, serving on the Grand Traverse County Economic Development Corporation, the Waste Council, the Northwestern Regional Airport Commission and the Grand Traverse County Planning Commission.

Perhaps most important to the region's planning and development, Mr. Inman was elected in 1993 to the Grand Traverse County Board of Commissioners and has been successively re-elected every two years.

Beyond the organizations that helped guide the region's economic growth and development, Mr. Inman was active with a number of organizations that assist those in the Grand Traverse community who need the most help. For instance, he spent time on the Funds Distribution Board of the United Way of Northern Michigan and the Grand Traverse County Veterans Affairs Board.

Beyond his service to the local Grand Traverse region, Mr. Imnan also served the State of Michigan in a variety of capacities. The Governor appointed him to serve on the Board of Trustees of Northern Michigan University. Since 1998, he has represented a ten-county region on the Northwest Michigan Council of Governments. He serves today on the State of Michigan Community Corrections Board and chaired the Corrections Board from 1999 to 2006.

Given the amount of time that Mr. Inman has dedicated to serving his state and his local community, it is no wonder that his colleagues have, at times, jokingly referred to him as ''Larry Never In Man.'' Yet, despite the demands that community involvement places upon his time, Mr. Inman has led a highly successful career at Huntington National Bank. Some might speculate that his success can be attributed to his effervescent attitude. He is known around the office for responding to the question, ''How are you?'' with his trademark response, ''Simply the best!''

With Larry's well deserved retirement, perhaps he will have more time to indulge his passions of attending Martina McBride concerts and collecting country music memorabilia. However, even while he enjoys these hobbies, I know Mr. Inman will remain an active part of the Grand Traverse Community.

Madam Speaker, all of us struggle to balance our professional lives with involvement in our local communities. As a leader in local business, in his community and in the State of Michigan, Larry Inman exemplifies that balance.

Madam Speaker, I first met Larry Inman when I attended Northwestern Michigan College from 1970–1972. Larry and I, along with Tom Willson, were studying law enforcement, young ladies and the latest night spots. We became good friends in college and better friends in business and politics. I regret that I cannot personally attend his retirement party as my Congressional responsibilities are keeping me in Washington, D.C. Larry knows I am with him in spirit, in friendship and in my heart, because you really do not have that many good friends like Larry Inman!

Madam Speaker, I ask that you and the entire U.S. House of Representatives join me in saluting Mr. Larry Inman for his years of dedication and in congratulating him on a well deserved retirement.

PAYING TRIBUTE TO ROBERT GLANS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Robert Glans, a veteran of World War II, for his exemplary service in defense of freedom and award him with the Jubilee of Liberty Medal.

On June 6, 1944 the United States and its allies embarked on the largest air, land, and sea invasion ever undertaken. This massive effort included 5,000 ships, 10,000 airplanes, and over 150,000 American, British, Canadian, Free French, and Polish Troops. During the 50th anniversary of this historic event, the French Government awarded the Jubilee of Liberty Medal to American servicemen for their participation in the Battle of Normandy.

Robert served in the United States Army, 60th Infantry Regiment and served in Normandy, Northern France, and the Rhineland. For his heroism and valor, he was awarded the Purple Heart, the European African Middle Eastern Campaign Service Medal with three Bronze Stars, the WWII Victory Medal, and the American Campaign Medal.

Madam Speaker, I am proud to honor Robert Glans for his heroic service in the United States Military. His dedication to this country in the theater of war is truly exemplary. I commend the sacrifices he has made to protect our freedoms and I am pleased to have the opportunity to recognize his service. I applaud Robert Glans for his successes and I wish him the best in his future endeavors.

HONORING AND PRAISING THE NAACP ON THE OCCASION OF ITS 98TH ANNIVERSARY

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 12, 2007

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to an organization that has been at the forefront of the fight for civil and political liberty. The National Association for the Advancement of Colored People, our Nation's oldest civil rights organization, has been on the right side of history for 98 years.

Doing the right thing wasn't an easy task, especially given the entrenched discrimination black Americans faced. When African Americans were victims of lynching; when hostile government policies forced black Americans into substandard, segregated schools; when black voters were disenfranchised by poll taxes and other unfair barriers, the NAACP stepped up to help end discrimination and do what was right.

I feel privileged to represent a district with a strong branch of the NAACP. The Sonoma County NAACP was co-founded by my friends Gilbert and Alice Gray and other local activists. Alice was a dedicated volunteer and fearless leader. Almost 1 year ago, I rose to honor Alice after her passing. Some of her accomplishments bear mentioning again, for the scope and depth of her activism. In 1954, she

led protests against segregated local business; she helped establish the National Association of Negro Busness and Professional Women's Club in Sonoma; and she helped at-risk kids in the community achieve their fullest potential by mentoring them. She also launched the Gray Foundation with her husband to help students pursue their educational goals and serve their community—''to listen and learn from the traditions of self-help and self-reliance that once gave our people strength.'' She was an amazing woman who honored us with her presence and the NAACP with her service.

To appreciate more fully the immense importance of the NAACP over the last century, a quick look at some of their political victories on a national scale is in order. The NAACP was instrumental in the signing of President Harry Truman's Executive order banning discrimination in 1948. The NAACP helped pass the Equal Employment Opportunity Act; the Civil Rights Acts of 1957, 1960, and 1964; the Voting Rights Act of 1965 and last year's reauthorization. The NAACP led sit-ins to protest segregated lunch counters, which led to many stores officially desegregating their counters. They also educated the public about the legacies of slavery and the importance of coming to terms with the past—for example, by protesting the racist film Birth of a Nation, or by taking out ads in major U.S. newspapers to give readers the facts about lynching. Thanks to the NAACP's courage, we all live in a fairer and more just Nation today. We owe this group a trmendous debt.

I am honored to be an original cosponsor of this bill to honor the NAACP and I thank Congressman AL GREEN for introducing it. It is important for every American to realize the great impact this institution has had on our Nation.

TRIBUTE TO DR. ROBERT H. REARDON, PRESIDENT, ANDERSON UNIVERSITY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. PENCE. Madam Speaker, I rise today to honor a beloved son of Anderson, Indiana. Bob Reardon served for 25 years as president of Anderson College, which through decades of executive service and visionary leadership he built from a relatively small Christian university with few resources into the Anderson University we proudly know today.

Robert H. Reardon was born in Chicago on April 27, 1919, but moved later that year with his parents and brother to Anderson. Following graduation from Anderson High School, class of 1936, he attended Anderson College, where he felt the call to ministry and met his wife, Geraldine Hurst, whom he married on August 24, 1941. They have four children: Rebecca, Constance, Kathleen, and Eugene.

After graduation from Anderson College in 1940, Bob went on to graduate from Oberlin Graduate School of Theology with a Bachelor of Divinity and a Master of Sacred Theology. He completed his graduate studies at Harvard and the University of Michigan before earning a Doctor of Ministry from Vanderbilt University.

In 1947, Bob returned to Anderson, where he would spend most of the rest of his life. He served first as assistant to President John Morrison, then vice president of the college, and in June 1957, he was chosen by the Board of Trustees to be the successor of President Morrison. At the age of39, Bob was one of the youngest college presidents in the Nation. He would serve as president of Anderson College from 1958 to 1983.

More than the diverse educational programs and impressive facilities built under his watch, Bob will be remembered by generations of students and faculty as a gifted leader, minister, citizen and friend. His imprint is everywhere after decades of enormously effective leadership, deication to Christ-centered education, love for students and devotion to the church.

In his 1968 president's charge to seniors, Bob wrote: ''Never wallow in mediocrity. Try hard things—for this is where all the fun is. Try to stay green—for this is where the growing is. Once you have heard the call—never give up. You will drink the cup of joy and eat the bread of sorrow. Do so with forbearance in the knowledge that so to do is to be truly human.''

This was the type of man he was, a servant of the community, whose character was a role model for generations.

PAYING TRIBUTE TO WILLIAM DEAN WHITAKER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. PORTER. Madam Speaker, I rise today to honor William Dean Whitaker, a veteran of World War II, for his exemplary service in defense of freedom and award him with the Jubilee of Liberty Medal.

On June 6, 1944, the United States and its allies embarked on the largest air, land, and sea invasion ever undertaken. This massive effort included 5,000 ships, 10,000 airplanes, and over 150,000 American, British, Canadian, Free French, and Polish Troops. During the 50th anniversary of this historic event, the French Government awarded the Jubilee of Liberty Medal to American servicemen for their participation in the Battle of Normandy.

William served in the United States Army Air Corps, 603rd Bomb Squadron, 398th Bomb Group as a Bombardier and Navigator and served in Normandy, Northern France and the Rhineland. On October 15, 1944, his B–17 was shot down over Merseburg, Germany; while parachuting to earth, he received hostile fire and was captured and held as a prisoner of war for 7 months. For his heroism and valor, William was awarded the European African Middle Eastern Campaign Service Medal, and the Air Medal with 2 Oak Leaf Clusters.

In 2004, during a POW/MIA ceremony held at Nellis Air Force Base, Nevada, William finally received the Purple Heart for his injuries and sacrifices while a Prisoner of War during World War II.

Madam Speaker, I am proud to honor William Whitaker for his heroic service in the United States Military. His dedication to this country in the theater of war is truly exemplary. I commend the sacrifices he has made to protect our freedoms and I am pleased to have the opportunity to recognize his service. I applaud William Whitaker for his successes and I wish him the best in his future endeavors.

HONORING LA MARQUE HIGH SCHOOL

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. LAMPSON. Madam Speaker, when we think of football in Texas, and especially Galveston County, we think of La Marque High School. Following a 15–1 season, the La Marque Cougars met the Waco Lions at the Alamodome in San Antonio, and claimed their fifth state championship on December 22, 2006.

The Coog's victory was impressive, with La Marque scoring 20 points in the last quarter to break a tie and bring the championship back home to a proud and dedicated community.

This exemplary and dedicated group of young men and their coaches, backed by the entire school, continues a proud legacy of winning. Their hard work and dedication brings pride in our entire community. I am honored to represent the Cougars, and La Marque, where football reigns.

It is a privilege to honor the La Marque High School Cougars for recapturing the Class 4A Division II State Football Championship, and I ask that we submit congratulations from the 110th Congress into the record.

HONORING AND PRAISING THE NAACP ON THE OCCASION OF ITS 98TH ANNIVERSARY

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 12, 2007

Mr. HASTINGS of Florida. Mr. Speaker, I rise today as a proud co-sponsor of the resolution honoring and praising the National Association for the Advancement of Colored People on this occasion of its 98th anniversary. I would like to thank my friend Rep. AL GREEN of Texas for putting forth this timely resolution.

It is with great pleasure that I stand here today to honor 98 years of the oldest and largest civil rights organization in the United States. As a young man growing up in the civil rights era, I witnessed firsthand the many struggles and efforts the NAACP encountered to fight the ugly face of racism and discrimination.

Honoring the NAACP immediately brings to mind one of the most eloquent scholars of recent history, my hero, W. E. B. Dubois. His involvement in the Niagara movement and scholarly work in developing Crisis Magazine built the foundation for what became the thriving NAACP we see today. One adage of Mr. Dubois that still motivates me to this day is his assertion, ''There can be no perfect democracy curtailed by color, race, or poverty, but with all, we accomplish all, even peace.'' These words remind me of why I am here. Mr. Dubois understood that if America were to be

a true democracy, all men and women must be involved in the process. He fought for the rights and equality of minorities in America and abroad. I rise today because I am moved by the purpose of this legislation, which perpetuates this national struggle and the legacy of W. E. B. Dubois which became the NAACP.

Mr. Speaker, although our country has overcome many obstacles since the early 1900's—it is important we recognize this historical organization today because our Nation continues to struggle against discrimination and hate crimes. We must never forget the mission of the NAACP, "to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination." We must internalize this mission and continuously work together to realize the goals and mission of this organization. I urge my fellow colleagues to rise with me in support of this resolution.

PAYING TRIBUTE TO WILLIAM SCHANTZ

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. PORTER. Madam Speaker, I rise today to honor William Schantz, a veteran of World War II, for his exemplary service in defense of freedom and award him with the Jubilee of Liberty Medal.

On June 6, 1944 the United States and its allies embarked on the largest air, land, and sea invasion ever undertaken. This massive effort included 5,000 ships, 10,000 airplanes, and over 150,000 American, British, Canadian, Free French, and Polish Troops. During the 50th anniversary of this historic event, the French Government awarded the Jubilee of Liberty Medal to American servicemen for their participation in the Battle of Normandy.

William served in the United States Army Air Corps, 36th Fighter Group and served in Normandy, Northern France, Ardennes, the Rhineland and Central Europe Air Offensive Europe. William also served behind enemy lines with the Tactical Air Force, providing integral support to troops on the ground, and supporting General Patton's troops in theater. For his heroism and valor, he was awarded the European African Middle Eastern Campaign Service Medal, the Distinguished Unit Badge with one Oak Leaf Cluster, and the Good Conduct Medal.

Madam Speaker, I am proud to honor William Schantz for his heroic service in the United States Military. His dedication to this country in the theater of war is truly exemplary. I commend the sacrifices he has made to protect our freedoms and I am pleased to have the opportunity to recognize his service. I applaud William Schantz for his successes and I wish him the best in his future endeavors.

HONORING CRAFTON HILLS COLLEGE FOR 35 YEARS OF COMMITMENT TO STUDENT ACHIEVEMENT

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. LEWIS of California. Madam Speaker, it is with great honor that I rise today to recognize the 35th anniversary of Crafton Hills College, a true leader among community colleges and an exemplary model of dedication to student achievement.

Since opening its doors to students in 1972, Crafton Hills College has expanded the education and increased the job skills of over 100,000 people from all backgrounds and ages. Beginning as an idea in the minds of two Los Angeles philanthropists, the development of a community college on 500 acres of land soon became a reality. A special election in 1967 secured funding for construction of the campus, and the first classes were taught only 5 years later. The accessibility of the education and top-notch professional programs attracted students from all areas of southern California. In only 35 years Crafton Hills College experienced unprecedented growth, from an original population of 881 students and 21 full-time faculty members in 1972, to the current number of students totaling over 5,200 with 80 full-time teachers and administrators.

Crafton Hills College serves as a model for other schools in handling expansion of a student population while remaining constant in the quality of their programs. Crafton Hills has continued to maintain a low cost of tuition and offer superior classroom instructors, while concurrently forming their programs into some of the most reliable in the California college system. Because they have access to a variety of occupational and degree programs, students are able to become adequately prepared for employment in the workforce, or transfer to a 4-year university in any of 36 different majors.

The Fire Science Program and the Emergency Medical Services-Paramedic Program are recognized as two of the most outstanding college emergency services programs in the state, and Crafton Hills is the primary location for paramedic training in the San Bernardino and Riverside counties. The programs are supported by the involvement of local hospitals, fire departments, and emergency facilities, and this inclusion of community agencies has encouraged students to engage in hands-on learning while allowing them the rare opportunity to network with potential employers. By funneling their newly gained skills into health care professions, firefighting, and paramedic services in the southern California area, students demonstrate a dedication to enhancing public health and safety for those around them, and in many cases, forego the risk to their own lives.

Crafton Hills College has been a key element in the success of the San Bernardino Regional Emergency Training Center. The center trains fire fighting personnel in proper tactics for fighting aircraft fires and adequate rescue techniques, and Crafton Hills College implements and oversees the center's educational component. The enthusiasm and teaching ability of the administrators and teachers will undoubtedly continue to attract firefighters throughout the Nation eager to receive top-notch instruction and training.

The 35th anniversary of such a well-regarded college is certainly a cause for recognition. It is with great privilege that I represent such a respected academic institution, and I ask my colleagues to join with me in recognizing thirty-five years of achievements at Crafton Hills College.

A FRIEND LOST

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. FRANK of Massachusetts. Madam. Speaker, in the February 14 edition of Roll Call, one of the most accomplished authorities on the workings of Congress pays a heartfelt and well-deserved tribute to another authority on our workings—Nelson Polsby. Sadly, Nelson Polsby died recently. He was an extraordinary intellect, who paid this institution the enormous compliment of taking it very seriously and helping both the general public and those of us who serve here understand our workings. Norman Ornstein was a colleague of Nelson Polsby in this important work, and in today's edition of Roll Call, in a few short paragraphs, he does a great deal to capture the essence of Nelson Polsby and to help people understand why so many of us will miss him. Madam Speaker, self knowledge is always important, and I ask that Mr. Ornstein's words be inserted here, both in tribute to one of the great scholars of our time, and in the hope that Members of Congress will, if they have not already done so, discover the works of Nelson Polsby and learn from them.

A FRIEND LOST

Three topics of discussion this week beginning with this: Congress lost a true friend and one of the all-time great scholars of its history and dynamics last week with the death of Nelson Polsby.

Polsby was a larger-than-life figure in every respect (The Times in London, in its wonderful obituary, described him as ''a mountain of a man; he looked like an American footballer gone to seed.'') His imposing physical presence was matched by an even more imposing intellect. His tongue, and pen, could be withering, but legions of students and colleagues, me included, could not have a better friend and mentor. Polsby's scholarship spanned many areas, but Congress was his true love and the subject of his best work.

His article ''The Institutionalization of the U.S. House of Representatives'' is among the most cited scholarly pieces ever published in the American Political Science Review. His last book, ''How Congress Evolves: Social Bases of Institutional Change,'' is typically elegant and deep, a huge contribution to the scholarly literature but written so that a nonprofessional reader can learn mightily from its insights. It is a must-read for every Member of Congress who wants to understand his or her institution in a historical and political context—which should be every Member of Congress.

PAYING TRIBUTE TO AMBER CORNELIUS DRABANT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Mrs. Amber Cornelius Drabant for her long and distinguished service to the Clark County School District.

Amber was educated in the Clark County School District where she attended Twin Lakes Elementary School, R.O. Gibson Junior High School and graduated from Western High School. In 1976, Mrs. Drabant returned to Western High School to teach courses in Biology, Botany, Welding, and Environmental Horticulture. In 1993 Mrs. Drabant began teaching Environmental Horticulture at the Area Technical Trade Center. During her tenure at the Trade Center, Amber sought to provide her students with the opportunities to participate in various internships where they gain real-world experiences which prepare them for positions in the horticulture industry and post-secondary school education.

Amber has received both state and local recognition for her many years as a skilled educator. In 1979, she was named as Nevada's Vocational Teacher of the Year and in 1993–94 and 1995–96 Mrs. Drabant was honored as the Kiwanis Teacher of the Year. Finally, as a direct result of Amber's efforts, Area Technical Trade Center and Moapa Valley High School received a $37,000 grant to establish a hydroponics program.

Madam Speaker, I am proud to honor Mrs. Amber Cornelius Drabant. Her many years of dedicated service to the Clark County School District are to be commended and I wish her the best of luck in her retirement.

CONGRATULATIONS MR. STEVE KANDRA

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. WALDEN of Oregon. Madam Speaker, today, the great State of Oregon turns 148 years old. Tomorrow will mark an occasion nearly as momentous when a highly-respected community leader in Oregon, Mr. Steve Kandra, steps down as the president of the Klamath Water Users Association (KWUA). I would like to draw my colleagues' attention to the numerous contributions Steve has made to his community and his industry, for without them hundreds of farmers and ranchers in southern Oregon and northern California would have found the past two years a much greater challenge.

As many of us know, most folks would probably be surprised at what life as president of an organization is really like. Often, one is drafted into the position by colleagues to pick up heavy loads, to donate countless hours of time away from family and business, and to forge common ground on difficult issues. Being the president of KWUA is a particularly tough job; Steve heeded the call of his fellow farmers and ranchers for two full terms. As Steve's infectious sense of humor would lead him to say, ''If you don't get it right the first time, try, try again.''

His fellow members at KWUA would tell you that they pleaded with him to lead the association because he is extremely smart, dedicated, experienced, respected, and sincere. That's an impressive combination of personal qualities, and they sum Steve Kandra up well.

The farmers and ranchers of the Klamath Basin are no strangers to serious challenges. When the federal government unjustly shut off their water from the Klamath Project in 2001, over 1,000 farming and ranching families' livelihoods, and the community that depends on their well-being, faced disaster. The climb back for the agriculture community is by no means complete and has demanded smart and dedicated leadership. Steve Kandra provided just that. Steve spent countless hours attending meetings and hearings, leading tours of the Klamath Basin, granting interviews, and delivering compelling presentations. His duties as president often took precedence over family affairs and the demands of farming. Anyone who knows Steve knows he is a hands-on guy who will not be deterred when the tough issues require significant personal involvement, a substantial knowledge base, and a broad range of relationships.

The ''Just Say No'' campaign clearly did not resonate with Steve. He is also a past president of Tulelake Rotary, Klamath County Farm Bureau, Oregon Hay & Forage Association, Klamath Basin Hay Growers, Klamath County Chamber of Commerce, and Klamath Irrigation District. Steve is a board member of Klamath Basin Ecosystem Foundation and Shaw Historical Library Board of Governors, and an elder at Merrill First Presbyterian Church. Lest my colleagues think that is all Steve has managed to occupy his time with, amazingly there's more. He has also been a board member of the Klamath County Economic Development Association, Upper Klamath Basin Working Group, Klamath Irrigation District, and Oregon Water Resources Congress, just to name a few volunteer activities. I suppose the saying is true: If you need something done, ask a busy man.

While Steve and his lovely wife, Nancy, will both remain very engaged in the struggle to provide stability for agriculture in the Klamath Basin, I suspect that Nancy will be popping a bottle of champagne tomorrow night in celebration of Steve's retirement as president of KWUA. Together they have successfully navigated a long and winding road, and a celebration of achievement is certainly in order.

Madam Speaker and my fellow House members, please join me in congratulating Steve Kandra, an outstanding community leader and family man who I am proud to call my friend.

TRIBUTE TO MR. WILLOR BROWN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. DINGELL. Madam Speaker, I rise today to pay tribute to Mr. Willor Brown of Ypsilanti, Michigan. This April, Mr. Brown along with the other members of the renowned Tuskegee Airmen, will be honored with the Congressional Gold Medal. This great recognition comes after the Tuskegee Airmen overcame discrimination, prejudice and institutional segregation bring about the full integration of the Armed Forces.

During World War II Mr. Brown served in the U.S. Army Air Corps. As a fighter pilot, his mission was to ensure the safety of American bombers as they came back to base from missions over Germany and Italy. Mr. Brown and the other members of the Tuskegee Airmen performed this job with both bravery and great success, as evidence by the fact that not a single bomber was lost to enemy fire during the Tuskegee Airmen's service. This service was even more remarkable given that fact that they continually faced the humiliation of segregation, even as they excelled beyond the expectations of any unit.

After seeing an article about aviation at Tuskegee, Alabama, Mr. Brown used his skill in math to pass the Army's program tests. He arrived in Alabama in December 1942, in time to have the great honor of meeting Tuskegee University's founder George Washington Carver. Mr. Brown studied at Tuskegee for nearly a year before he had the opportunity to serve overseas in Europe.

Although Willor Brown and the rest of the Tuskegee Airmen served our Nation bravely in combat during World War II, they also helped to bring about the necessary integration of our Armed Forces. The Tuskegee Airmen wore our Nation's uniform without the honor given to other service members. However, with tremendous success, remarkable service and amazing accomplishments, the Tuskegee Airmen shattered the notions of inferiority and opened up the opportunities the following generations of minority service members have had access to. The social injustice and setbacks they faced at home could not stop the Airmen from fulfilling their mission and their service abroad changed the perceptions of their place at home.

The Congressional Gold Medal is a great honor; Mr. Brown along with the other members of the Tuskegee Airmen have certainly earned this distinction. I honor Willor Brown for his bravery in battle; his determination to succeed even with great barriers before him; and for the example he has set not just for African American or minority members, but for all of the men and women who serve in the U.S. Armed Forces. I join with a grateful Nation to thank Mr. Brown for his service to this country.

PAYING TRIBUTE TO JOSEPH BONAVENTURE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Judge Joseph Bonaventure, for his years of dedicated public service to the Las Vegas community.

Judge Bonaventure began his legal career as an attorney in Las Vegas over three decades ago. Joseph then felt that his calling was public service and began a 28-year tenure on the bench. He is known as one of the most colorful judges in the history of Southern Nevada and easily the most well known judge

the District Court bench has seen. Joseph has presided over many of the region's most high-profile trials. From 1998 until 2001 he oversaw at least 10 high profile cases including the infamous case of Rick Tabish, Sandy Murphy, Margaret Rudin, Timmy "T.J." Weber, and Jeremy Strohmeyer. He has also presided over the murder trial of Tony Amati who was once on the FBI's 10 Most Wanted List. His contributions to the jurisprudence and law and order have greatly enhanced the lives of countless citizens of Southern Nevada.

Madam Speaker, I am proud to honor Judge Joseph Bonaventure. His long and distinguished career on the District Court is admirable and his expertise will be greatly missed. I wish him the best in his retirement.

TRIBUTE TO KAREN HAAS

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. HASTERT. Madam Speaker I would like to mark Karen L. Haas' last day as Clerk of the House with a word of personal thanks.

When I asked Karen to be Clerk in the fall of 2005 she wasn't sure she could do the job or even wanted it. I never doubted her talents and her ability to do the job, nor did anyone who knew her. Luckily for us, she agreed to my request, and the House wisely elected her to the position of Clerk of the U.S. House of Representatives.

I knew Karen would bring intelligence and integrity to the position, and she has. She brought her perfectionist work ethics to the job, working the long hours even after the House had adjourned and everyone else had gone home. When there were difficulties to face, Karen did it with a level head, common sense, and the best interest of this institution as her guide.

Karen's love for this institution would permeate in everything she did in office and influenced those having the privilege to work beside her. My only regret is that her tenure was too short.

Before she was named as Clerk of the House, Karen ably served the Speaker's staff as a floor assistant. She made sure the right people were in the Speaker's chair each day and for every debate. She assisted me with our committee assignments and always had a ready answer for any question. Karen was also responsible for my appointments to boards and commissions, and she helped recruit some fine public servants to serve in those positions.

Before working in my office, she worked for my friend and mentor from Illinois, Bob Michel. She had good teachers there, and it was there that she developed the talents that would serve her and this House so well in the future.

I also want to thank Karen's family for sharing her with us. The night that she was elected Clerk, her family sat in the Speaker's gallery as she was sworn in. You could see in their faces how proud they were of their daughter, sister, wife and mother. Mark, her husband, and her children, Amanda and Brett, have sacrificed much in order that the House could benefit from Karen's talents. I want to acknowledge them and thank them as well for sharing with us one of the finest public servants I have ever known. Thank you, Karen, for a job well done.

HONORING AND PRAISING THE NAACP ON THE OCCASION OF ITS 98TH ANNIVERSARY

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 12, 2007

Mr. HOYER. Mr. Speaker, I rise today in support of House Concurrent Resolution 44, "Honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary."

Coretta Scott King once said that "struggle is a never-ending process and freedom is never really won—you earn it and win it in every generation." And since 1909, generations of Americans who have fought for racial equality and the expansion of liberty have had a friend and advocate in the National Association for the Advancement of Colored People.

While its name entails that the NAACP seeks to advance the fortunes of African Americans, I believe that its true mission is to advance the goals of all Americans—for when we move closer to becoming a beacon of hope and opportunity for all people, regardless of race or ethnicity, we all reap the benefits.

When the light of social justice is shined in the dark corners where prejudice and bigotry still exist, our nation becomes stronger. When people who had been mistreated and oppressed become empowered to take steps towards the American Dream, our nation becomes stronger. And when we take actions that elevate the things that unite us above those that drive us apart, our nation becomes stronger.

And that is what the NAACP is all about—strengthening our nation by reminding us that while we have come a long way in our struggle for freedom and equality, we are not yet perfect, and must always remain vigilant in pursuit of a world where all men and women are treated with the respect and dignity that all human beings possess.

I'm proud to be a member of the NAACP. I'm proud to be from the state that the NAACP has called home for so many years. And I'm grateful that the NAACP has provided such strong and talented partners in working for social justice both in Maryland's Fifth Congressional District and throughout our nation as a whole.

I'd like to congratulate the NAACP on 98 years of promoting what is best about America—and I look forward to continuing to work together with NAACP members toward our shared goals of equality and prosperity for all.

I urge all Members to support this important bill.

80TH BIRTHDAY TRIBUTE TO ROGER "BUCK" HILL

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. CONYERS. Madam Speaker, I rise to call attention to the lifetime of artistic achievements of tenor saxophonist Roger "Buck" Hill, an outstanding jazz musician from Washington, D.C., who celebrates his 80th birthday this week with a performance at the Smithsonian Jazz Cafe on Friday, February 16, 2007.

Buck Hill was the featured performer at the very first Congressional Black Caucus Jazz Forum and Concert that I hosted back in 1985. He was a first-call artist for me back then, and he continues to be just that, here and around the world.

Buck Hill recently released "Relax", his first recording as a band leader in nearly 15 years. It marks the reemergence of one of America's greatest national treasures onto the international jazz scene.

As he approaches his 80th birthday Hill remains a vital voice on his instrument, with a robust personal sound that reaches back to the horn's early masters like Lester Young, and onward into the glory days of bebop and beyond, recalling John Coltrane.

A lifelong resident of Washington, D.C., Hill first studied music with the same teacher who instructed a young Duke Ellington, and went on to become a member of the house band in the city's world famous Howard Theater. A fixture on the Capital jazz scene for over sixty years, Hill revealed his enormous talent to the world beginning in the late seventies with a series of excellent records for Steeplechase and Muse. Guest appearances on several of fellow D.C. legend Shirley Horn's albums brought him widespread critical and popular notice in the 1990s before he once again returned to his hometown.

Hill's most recent work proves that he's still one of the best tenor men in jazz today. The group, featuring his regular bandmates John Ozment at the Hammond organ and Jerry Jones on drums, plus Paul Pieper on guitar, offers up straight-ahead jazz on an eight song program split evenly between the leader's own original compositions and classic jazz material.

The return of Buck Hill to the world of jazz recording is indeed a momentous occasion and cause for celebration. Hill plays the tenor with the authoritative voice of experience and his well-seasoned sound is a link to the saxophone's glorious past and a lesson to those who wish to move the horn into the future. His work is a true testament not just to his longevity, but also to his continued growth as a master saxophonist, bandleader and composer.

PAYING TRIBUTE TO ADAM SCHULTHEIS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my friend Mr. Adam Schultheis, an exceptional music teacher at Boulder City High School whose work has recently earned him a student-nominated Outstanding American Teacher Honor Roll.

For more than 20 years Adam has served the students of Boulder City with his dedication and commitment to excellence in music education. Adam earned his bachelor's degree in music education and performance at the University of Arizona Tucson while studying on a full scholarship. He then went on to earn his

master's degree in elementary education from Nova University in Florida.

Adam began his teaching career in Boulder City at Elton Garrett Elementary School before moving to Boulder City High School where he currently teaches. Adam is recognized by students and parents alike for his patience, kindness, and knowledge. His efforts have earned him many awards including the prestigious Disney American Teacher Award and the Veterans of Foreign Wars' National Citizenship Education Teachers Award.

Madam Speaker, I am proud to honor my friend Mr. Adam Schultheis and his many achievements. His dedication to the community and to music education is remarkable. I wish Mr. Schultheis continued success in his future endeavors.

CONGRATULATIONS KENDALL CIESEMIER

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. ROSKAM. Madam Speaker, I rise today to congratulate Kendall Ciesemier of Wheaton for her outstanding volunteer efforts and service to others.

At just 14 years old, Kendall is the founder of Kids Caring 4 Kids, a nonprofit organization dedicated to raising awareness of the AIDS epidemic currently devastating Africa. Through community outreach and fundraising, Kendall has made an incredible difference in the lives of AIDS orphans in a village in Zambia.

In spite of her recent personal struggle with two liver transplants, Kendall has tirelessly directed her remarkable talent and energy to serving others. To date, she has raised over $50,000 and just this week was recognized as one of the nation's top youth volunteers by the Prudential Spirit of Community Awards program.

I commend Kendall for her strength of character and selfless community service.

Kendall, your family, your school, and your community are extremely proud of what you've accomplished. I wish you all the best in the future. Keep up the good work!

A TRIBUTE TO THE HONORABLE LEO T. McCARTHY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Ms. ESHOO. Madam Speaker, the following are the remarks of remembrance given by the Honorable Art Agnos, former Mayor of San Francisco and long time member of the California Legislature on the occasion of the vigil and rosary of his former boss, mentor, and brother-friend, the Honorable Leo T. McCarthy, who passed away on February 5, 2007.

I never thought this day would come for me.

Over the 40 years I worked for Leo McCarthy, I came to think of him as indestructible . . . as he became my boss . . . my mentor . . . my role model . . . and simply my best friend.

For me, Leo was never sick . . . never tired . . . never discouraged . . . and never gave up . . . no matter what confronted him.

He just showed up every day ready to tackle every challenge that stood in the way of making life better for the poor, the needy, the worker, the children, the aged and anyone else who might need his help in our society.

Leo was one of those rare public officials who got better in every way . . . the closer you got to him.

There were no feet of clay here.

One of my early remembrances of him is on our first trip to Sacramento together in December of 1968.

Leo had just been elected to the assembly and it was my first week on the job as his new assistant. On that day he wanted us to drive together to checkout the new office and meet with the Assembly leader Jess Unruh to discuss his committee assignments.

I remember that it was raining hard that day, pouring, and in what was to become our routine for the next 10 years—I was driving and he was teaching, as we talked about the issues of the day and what we might do about them in the year to come.

Just as we passed Dixon on Highway 80, the rear tire went flat and I had to pull over. As I came to a stop, Leo said suddenly, ''Wait here, opened the car door in the pouring rain and ran through a hayfield the length of a football stadium to a service station to get help with the flat tire.

I stayed in the car warm and dry.

He was still soaking wet through his suit when we got to Sacramento. Undaunted, he kept his appointment with Unruh as though nothing had happened.

And that's the way it was, every time.

He never asked his staff, and there were hundreds of us by the end of his political career, to do anything he wouldn't do. He cared about all of us, our careers—our families, our well being.

Every one of his former staff will tell you similar stories about when he would apologize for taking them away from their family when they had to work late on legislative testimony for the next day, or how he would show up at the Operating Engineers at 2 in the morning with food and encouragement as we printed brochures to help elect another candidate who would vote for him to be Speaker in 1974.

And what a Speakership that was!

The best description I ever heard was from the former Republican Speaker of the Assembly, Bob Monagan from Tracy, California.

Bob had left the legislature some years before and was the President of the California Manufacturers Association when he said Leo McCarthy's Speakership would be remembered in the history of the California Legislature as the ''Days of Lancelot.''

You see, Leo was a leader who inspired other politicians—not with his power or tactics, but with his integrity, his adherence to good principle, and his deep commitment to the common good.

In all his years, there were no scandals, no innuendos, no shameful disgrace, and the legislature followed his example in doing the best work it ever did for the people of California.

That's not me talking. It is every editorial written in every major newspaper since last Tuesday.

Over the last 7 months, I saw a lot of him in the hospital, as did many of you.

We talked about his career, successes and failures. We soon ran out of failures, but the successes went on for ever. But I had to bring them up—Coastal preservation, Nursing Home reform, Farm Worker legislation, Subdivision Reform, Mental Health, Child nutrition, Human rights, Legislative Transparency and on and on.

But most of all, most of all, as great and prodigious the volume of his work, Leo was proudest of his family.

Jackie was the light of his life. She was his love, his energy, his will to live as they raised four magnificent children you will hear from tomorrow morning.

And then you will know for yourselves why he always answered the question: ''What was your most important work—with a resounding, 'My family!' ''

The things he did to try and make his contribution as a father and a husband are legendary to all of us.

You have heard and read the thousands of roundtrips to and from Sacramento by car, greyhound bus, and even airplane.

It was all very real because the kids were going to see their father every night no matter what. He always said that Jackie did all the work, but he had to be there for whatever he could do at night.

One of my favorite stories starts one morning when I could not drive him and he drove himself down to the greyhound station to catch the 7 a.m. bus to Sacramento.

He was late and very much focused on the busy day to come in the Legislature. So he sped into the parking lot, jumped out of the car, tossed the keys and 20 bucks to the man standing by the pay booth while running to catch the bus.

That night I got a call from a perplexed Leo asking where his car was because the lot was empty and the attendant was gone. For three days he did not believe me when I tried to tell him that there was no attendant at that lot because it was self pay.

We didn't talk about it again for a while because on the fourth day he learned the car had been found intact by the SFPD with an empty gas tank. And the rumor was that some homeless guy was going around town telling about the nice guy who tossed the keys to him with 20 bucks and ran off.

The longest trip home for Leo was one he took this past January.

He had been in the hospital for 6 consecutive months—something neither he, his family, or any of us could have imagined when we watched him being wheeled into UC hospital on June 1st of last year—not to mention the countless number of difficult tests in all kinds of machines, hundreds of needle sticks, a combined month and a half in the intensive care unit, dialysis every other day, cups of awful tasting medicinal concoctions, and bravely fight harder than ever before as he became weaker and weaker.

But as his body failed, his mind and spirit did not.

There were several times when he was asked, ''Do you want to go on?''

And every time—every time—his answer was the same. ''Yes! I have things to do.''

He was planning family vacations next year with Jackie. He was advising Kevin about jobs after Law School. He was listening carefully to Courtney's added responsibilities at work, talking to Niall about a big case, he was thinking about Adam's new environmental business deals—he absorbed all of Conna's scholastic and athletic news about her children—he listened intently as Sharon discussed the latest events at St. Stephens—he studied writeups about outstanding college football players and discussed them with Dale so he could make the best choices for his famous annual top 10 NFL Draft choices list he published to family and selected friends, and occasionally to Bill Walsh at the 49ers.

He did all this from a hospital bed he was too weak to get out of, all the while monitoring and mentoring by phone and in person, one more politician—the future Speaker of the House of Representatives.

He loved the phone calls and visits from Nancy and her right arm and another former McCarthy staffer, Representative Anna Eshoo. Every week they were in town—they

were at the hospital checking up and giving Leo updates and details on the key races—information the Republicans would have paid dearly for.

And when he was too sick to talk, Nancy and Anna would call me for a report.

Nancy got the short report because she was in an airport somewhere—and Anna got the long report because she had time to sort out the information in between our tears.

On election night last November, Leo was in intensive care again and unable to take Nancy's call to tell him of the democrats' victory.

Several days later he was back in his room and we were watching a live CNN report showing Nancy and President Bush on the Speaker Elect's historic first visit to the Oval Office.

As the news report ended, shortly thereafter, the phone in the room rang, and it was Nancy herself calling to check up on him and give him a report on her meeting with George Bush.

I think he was prouder of Nancy's Speakership victory more than his own.

Yes, Leo never gave up.

He said once to Mary Leslie, another terrific staffer during the Senate Campaigns that ''Defeat will show you another way to make a difference.''

That was Leo McCarthy.

So when he left elective office, he committed himself to his successful business interests to secure his family's future because his political interests sure never did.

And succeed he did—fulfilling a goal to fund a family foundation for poor children as well as begin the Leo T. McCarthy Institute for Public Service and the Common Good.

Today—on the campus of this great University, thanks to the support and encouragement of Father President Steve Privett, the leadership of Board President Joe Cotchett, and the day to day guidance of Dr. Patrick Murphy, the ideals, values, integrity, and lessons of Leo's life are blended with academics and real time internships in a spectacular opportunity for students.

In the years to come—more of the people who shared Leo's commitment and vision will have a chance to share their remembrances and lessons with USF students, and in so doing perpetuate the meaning of a life so well lived.

It was a blessing for me to have been so close to Leo McCarthy and his family.

IN MEMORY OF BRUCE MONTGOMERY, SHERIFF SEVIER COUNTY

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to honor the memory and life of Bruce Montgomery, a resident of the First Congressional District of Tennessee, who passed away February 9, 2007 after an extended battle with illness.

Sheriff Bruce Montgomery lived a life of service in law enforcement and his local church. He was a member and Chairman of the Deacons at First Baptist Church in Gatlinburg, Tennessee. Bruce was very active in his church. He was interested building the church and taking care of people in need.

Sheriff Montgomery took office in Sevier County in 1994 and continued to serve in this capacity until his passing. Bruce served with distinction and the efficiency that is a model to all law enforcement in our nation. He was caring, but firm in all of his dealings.

He also served his country as a United States Marshal for 23 years, as Marshal for the Eastern District of the state of Tennessee and as Deputy United States Marshal.

Bruce Montgomery displayed excellence as a law enforcement officer, as a compassionate leader in his church, and most of all a caring husband, father, grandfather and a friend. He was known for treating encounters with presidents and paupers with the same genuine smile and indisputable compassion.

Madam Speaker, I ask that the House join me this evening in offering our sympathes to the family and friends of Bruce Montgomery. He was a dedicated family man, a foundation in his church, and a superior law enforcement officer.

His service is greatly appreciated, and he will be deeply missed.

5TH ANNIVERSARY OF THE INDIAN AMERICAN CULTURAL CENTER OF NWIHRC

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. VISCLOSKY. Madam Speaker, it is my distinct pleasure to announce that the Indian American Cultural Center of NWIHRC will be celebrating its 5th anniversary by hosting a gala dinner and banquet on Saturday, February 24, 2007, at the Halls of Saint George in Schererville, Indiana.

The Indian American Cultural Center, which opened on March 9, 2002, was established with the following goal in mind: to foster peace and harmony amongst the people of Northwest Indiana by showcasing their cultural heritage and creating spiritual awareness in both youth and adults, as well as to engage in various charitable events, both nationally and locally. Since its inception, the Indian American Cultural Center has been instrumental in educating Northwest Indiana's citizens on the traditions and customs of the Indian heritage.

The members of the Indian American Cultural Center of NWIHRC are to be commended, not only for their commitment to preserving tradition, but also for their commitment to making improvements that benefit all mankind. Proceeds from this year's gala, which throughout the years has demonstrated the immense generosity of its attendees and organizers, will go to support the needs of Habitat for Humanity. In the past, proceeds from the gala have gone to such noble causes as cancer research, educational scholarships, and tsunami relief, as well to victims of Hurricane Katrina and the earthquake in Kashmir, India.

Madam Speaker, I ask that you and my other distinguished colleagues join me in commending the board and members of the Indian American Cultural Center of NWIHRC for their outstanding contributions to society. Their commitment to improving the quality of life for the people of Northwest Indiana and throughout the world is truly inspirational and should be recognized and commended.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. McDERMOTT. Madam Speaker, due to a death in my family I needed to depart Washington, DC, last week and missed several votes on February 8, 2007.

Had I been here, I would have voted ''aye'' on: rollcall vote 87, the Hastings of Florida amendment; rollcall vote 88, the Rogers (MI) amendment; rollcall vote 89, the Weller amendment; rollcall vote 90, the Cantor amendment; and rollcall vote 92, final passage of H.R. 547.

I would have voted ''no'' on rollcall vote 91, the Motion to Recommit.

TRIBUTE TO THIRLEE SMITH, JR.

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. MEEK of Florida. Madam Speaker, today I rise in sadness over the demise of the late Thirlee Smith, Jr. the first Black reporter at The Miami Herald. His role in the education of the children of Miami-Dade County is foremost in his achievements, having focused his attention on African-American history that it became an important part of the school system's curriculum. I join my fellow citizens in mourning the passing of this great leader, whose ''going home'' services will be celebrated this Thursday, February 15, 2007 at Miami's St. Agnes Episcopal Church.

Mr. Smith was the quintessential community leader. Not only did he write about the struggles and challenges impacting Blacks in Southern Florida, but he also symbolized tremendous hope for the youth to whom he bequeathed his unique brand of adventure that shed light on the mastery of basic skills and scholastic achievement. He has had to make sense of the malicious intent of segregation in his writing at The Miami Herald, but the lessons he learned from his parents, Thirlee Smith, Sr. and Beulah, epitomized his unshakable faith in the majesty of a loving God.

Having attended Liberty City Elementary School, he would soon represent the first graduating class of Miami Northwestern Senior High School in 1956. He went on to earn a bachelor's degree in history and Master's degree in Education at Fisk University in Nashville, Tennessee. He applied for a writer's job at The Miami Herald, but was unceremoniously told that the community was ''not ready'' for a Black reporter. Despite this rebuff, he was featured in 1960 in Who's Who in American Colleges and Universities.

He paved his way for a teaching career in the District of Columbia's public school system in 1961. In 1967 he returned home to teach in the Miami-Dade County Schools, and was simultaneously chosen as the first Black writer for the Miami Herald. After a post-graduate 4-year stint at the Smithsonian Institution in Washington, D.C., he was promoted in 1997 as District Coordinator for African American History.

When I reminisce about the role that this great writer and educator played in fashioning

the future of our community, it is clear that it parallels much of our state's history as it struggled through the agonies of racial equality and educational opportunity under the aegis of simple justice for all Americans. All throughout the segregation era, this young visionary gave us hope and courage through his writings, engaging our parents and their children to keep faith toward helping them achieve basic skills mastery and academic excellence.

Blessed with a lucid common sense and quick grasp of the simmering issues at hand, Mr. Smith, Jr. was also imbued with the rare wisdom of recognizing both the strength and the promise of a good education. The acumen of his intelligence and the timeliness of his vision were felt at a time when our community needed someone to put in perspectives the agony of disenfranchised Blacks and other minorities yearning to belong.

Indeed, he exemplified a clam but reasoned leadership whose courage and wisdom appealed to our noblest character as a nation. this is the magnificent legacy by which we will honor his memory.

SUPPORT FOR THE MINORITY DIABETES INITIATIVE ACT

HON. LUIS G. FORTUÑO

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. FORTUÑO. Madam Speaker, I rise today in strong support of H.R. 1031, the Minority Diabetes Initiative Act. Sponsored by my esteemed colleague, Representative Maxine Waters, this important legislation will establish initiatives to provide grants to physicians, community-based organizations and other health care providers for diabetes care and treatment program in minority communities. It is of utmost importance that Congress take decisive action on this common-sense legislation that will benefit those struggling with diabetes.

It is no secret that many serious health problems plague our nation's minority communities. Faced with tough economic obstacles, issues of access to health care, health education, and affordability of health care all contribute to a rising trend of heart disease, cancer, obesity, and diabetes among minorities. Diabetes is a leading cause of kidney failure, new blindness in adults, and leg and foot amputations. Diabetes is a major cause of heart disease and stroke, which are responsible for about 65% of deaths among diabetics.

Unfortunately, diabetes is a disease that is rampant in my district, the island of Puerto Rico, and the statistics plainly prove that this is a serious problem. Official statistics put forth by the Puerto Rico Diabetes Association say that approximately 560,000 persons, including 75,000 children, are diabetic. Fifteen percent of the Island's population lives with diabetes. Compared to all of Latin America and the Caribbean, Puerto Rico has the most cases of diabetes among women ages 20 to 79, and amongst these women, diabetes is the third leading cause of death on the Island. According to CDC data published in 2000, the national diabetes death rate for Hispanics/Latinos was highest among Puerto Ricans (172 per 100,000), followed by the rates for Mexican Americans (122 per 100,000), and Cuban Americans (47 per 100,000). Clearly this is a pervasive problem not only in Puerto Rico, but among minority communities across the nation. Congress can help by moving this critical legislation towards passage.

Among minorities, two of the major obstacles to adequate health care are lack of good information and language barriers. Many minorities, in particular new immigrants, do not understand the process of how the Federal health care system works, and have a hard time understanding new programs that are disseminated through traditional means of English-language ad campaigns or pamphlets they find at the clinic or doctors' office. Many don't have access to even general information—if they can't afford decent health care, how will they afford a laptop with Internet access, or even know where to access reliable information? And, in very rural areas, many debate the use of traditional versus conventional medicine, which presents a whole other set of challenges to health care education, disease treatment and prevention, and information dissemination. As you can see, in Puerto Rico, an approach to health care that is linguistically and culturally sensitive is absolutely critical to any patient's well-being. One of the many positive aspects of this bill is that it requires health care providers to make available culturally and linguistically appropriate services and conduct outreach activities to let eligible individuals know that services are available. This will enable providers to access and assist diabetics who are not being reached, and who need help.

This bill is a sensible and culturally appropriate solution to effectively treat minorities with the disease. I urge my colleagues to cosponsor this legislation, and advise Congressional Leadership to move this bill towards swift passage, so we can help make better health care choices and treatment more accessible to minorities living with diabetes.

TRIBUTE TO RA JOY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Ms. SCHAKOWSKY. Madam Speaker, March 5, 2007 will be both a happy and a sad day for me. On that Monday, Ra Joy, who has served as Suburban Director and Grants Coordinator in my district office for 6 of the 8 years I have served in Congress, will be leaving.

Ra will become Executive Director of the Illinois Arts Alliance, the largest and most prestigious arts advocacy organization in the state. He will follow the widely and highly respected Alene Valkanas who built the Arts Alliance over the past two decades, leading the effort that quadrupled the state's funding for the arts. Hers are very big shoes to fill, yet I have great confidence in Ra's ability to move the organization forward to meet the challenges of the new century.

Ra came to work for me as a very young man but with the promise of being a great leader. He had worked with youth at the Evanston YMCA, where he served as a role model and mentor for many African-American boys in our community. When he left the Y, he didn't leave the boys who continue to rely on his support and counsel.

Ra has a quiet self-assurance, a seriousness of purpose that inspires all those he supervises and works with. He has unfailing good judgment and an ability to understand and communicate complex issues. This makes him very effective in working with community leaders, individual constituents, the business community and not-for-profit organizations in the 9th District.

As Grants Coordinator, Ra has been a leading force in bringing tens of millions of dollars to the 9th District—federal dollars for infrastructure improvements, law enforcement, and social services, as well as private foundation support for dozens of organizations. He has shepherded these funding requests and applications through public and private bureaucracies and then monitored the management of the funds. He has held workshops to help non-profit organizations garner and manage the resources they need to flourish, including one aimed exclusively at art organizations.

Ra is an artist. His charcoal drawings demonstrate his technical skill, his passions and his politics. He comes from an artistic family—his father, Albert Joy, is a painter, and his sister Ebony Joy is a playwright. His beautiful home, shared with his wife Falona and sons, reflects his artistic sense.

Ra's connection to the arts community has had special significance for the 9th District, which, before my tenure, was represented for nearly a half century by Sidney Yates. Congressman Yates was revered as a patron of the arts and protector of the National Endowment for the Arts and the National Endowment for the Humanities. My constituents have appreciated my continued focus on the arts, led by Ra Joy.

Ra has served as the Chairman of the annual Ethnic Arts Festival on Evanston's lakefront, a major event attracting visual and musical artists and craftspeople. He organized the Artistic Discovery competition each year, in which one high school student per Congressional District is selected to have his or her work displayed for a year in the Capitol, making it a significant juried art show. Dozens of students participate in an event at which all of their work is displayed, and all are honored.

I and the rest of my staff will miss his advocacy for the arts as part of our staff, but we rejoice that he is taking his passion to a higher level. We trust that he will now be in a position to offer his assistance as we continue to address the need to support the arts in our community.

I congratulate the Illinois Arts Alliance for its wise decision to choose Ra Joy as its new Director. I wish him great fulfillment and success.

THE INTRODUCTION OF THE DISTRICT OF COLUMBIA LEGISLATIVE AUTONOMY ACT OF 2006

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Ms. NORTON. Madam Speaker, today, I am introducing the District of Columbia Legislative Autonomy Act of 2007, to end discriminatory and unnecessary congressional review of District of Columbia legislation. Basic to the meaning of self government in the United

States is the right to enact a local budget and civil and criminal laws free from Federal interference. I have already introduced this bill's fraternal twin, the District of Columbia Budget Autonomy Act of 2007, cosponsored by Oversight and Government Reform Ranking Member TOM DAVIS.

Because the period of congressional review involves only legislative days, when Congress is in session, not ordinary calendar days, D.C. laws typically do not become law for months, not days. A required hold on all D.C. bills forces the D.C. City Council to pass most legislation using a cumbersome and complicated process in which bills are passed concurrently on an emergency, temporary, and permanent basis to ensure that the operations of the large and rapidly changing city continue uninterrupted, and because of the complications and time frames involved, some bills do not become law at all. The Legislative Autonomy Act would eliminate the need for the City Council to engage in this Byzantine process that often requires a two-thirds super majority even for ordinary legislation.

The legislative autonomy bill would eliminate the congressional review period for civil and criminal District acts of 30 days and 60 days respectively. I have repeatedly introduced today's legislative autonomy bill because it has long been obsolete, demeaning, and cumbersome, but also because Congress no longer uses the statute. Congress has eliminated the review or layover period as a way to review Council legislation, yet the Council continues to be bound by Section 602 of the Home Rule Act, absurdly continuing to abide by its awkward and debilitating rules because the law requires it. Our bill would do no more than align D.C. City Council practices.

Although control of the Congress changed in 1994 for the first time in 40 years, no resolution of disapproval has been heard in committee or used on the floor of either house. Instead of the cumbersome formal filing of bills that requires processing in the House and the Senate, the Congress has preferred to use appropriations or attachments. The District strongly opposes all methods of overturning its legitimate local legislation, but it is particularly unfair to require the City Council to engage in the tortuous process prescribed by the Home Rule Act that Congress itself has discarded. My bill would eliminate the formal review system that has died of old age and disuse. Congress has walked away from layover review and should allow the city to do the same.

Today's bill, of course, does not prevent review of District laws by Congress. Under Article I, Section 8 of the Constitution, the House and the Senate could scrutinize every piece of legislation passed by the City Council, if desired, and could change or strike legislation under the plenary constitutional authority over the District. However, since the Home Rule Act became effective in 1974, of more than 2000 legislative acts that have been passed by the Council and signed into law by the Mayor, only three resolutions to disapproval of a D.C. bill have been enacted, and two of these involved a distinct federal interest. Federal law to correct for a federal interest, of course, would be appropriate for any jurisdiction, but placing a hold on 2000 bills has not only proved unnecessary, but has meant untold costs in money, staff, and wasted time to the District and the Congress. Although 32 years of Home Rule Act history shows that congressional review is unnecessary, this bill merely eliminates the automatic hold placed on local legislation and the need for the City Council to use a phantom process passed for the convenience of Congress that Congress has eliminated in all but law.

Congress continually urges the District government to pursue efficiency and savings. It is time for Congress to do its part to promote greater efficiency both here and in the District by streamlining its own redundant and discarded review processes. Eliminating the hold on D.C. legislation would not only save scarce D.C. taxpayer revenue, but would benefit the city's bond rating, which is effected by the shadow of congressional review that delays the certainty of finality to District legislation. At the same time, Congress would give up none of its plenary power because the Congress may intervene into any District matter at any time under the constitutional provisions.

The limited legislative autonomy granted in this bill would allow the District to realize the greater measure of meaningful self-government and Home Rule it deserves and has more than earned in the 32 years since the Home Rule Act became effective. This goal can be achieved without prejudice to congressional authority. I urge my colleagues to pass this important measure.

CONGRATULATING GEORGE URIBE AND MARGARET BINFORD

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. ACKERMAN. Madam Speaker, I want to congratulate George Uribe and Margaret Binford who were engaged to be married last night at St. Patrick's Cathedral in New York.

The special moment occurred in Lady Chapel at 7 p.m. surrounded by Margaret's parents, Douglas and Randall Binford who flew in from San Antonio, Texas for the occasion.

The couple walked in the chapel, recited the Lord's prayer with the song ''On Eagles Wings'' playing in the background as George dropped to his knees and asked Margaret to marry him.

George is an Executive Vice-President and General Manager for a chain of radio stations and former U.S. Army Reserve soldier with the 77th Regional Readiness Command based at Fort Totten and Margaret is an interior designer and member of the Junior League.

Madam Speaker, I, along with the whole House, congratulate George and Margaret on their engagement and wish them happiness and love all the days of their lives.

A TRIBUTE TO DICK RICE

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. SHUSTER. Madam Speaker, I rise today to honor the memory of Mr. Dick Rice of Bedford, Pennsylvania. Mr. Rice was a longtime Commissioner of Bedford County before his passing last spring. He was known for his boundless energy, his optimistic attitude, a wonderful singing voice and the many issues he championed as a leader of his community. One of those issues dear to Mr. Rice was education. He believed strongly in the importance of providing local, high quality post-secondary education at an affordable cost. But he also showed his commitment by making a real difference in the lives of students. He found joy in presenting students with scholarships, tuition assistance awards, and emergency book funding.

Mr. Rice played a critical role in the development of the Bedford County Campus of Allegany College. By serving on the Bedford County Regional Education Foundation he was able to help make significant accomplishments. When the Bedford County Campus was founded in 1990, Bedford County ranked 64th out of 67 Pennsylvania counties in the percentage of high school graduates pursuing post-secondary education. Today, Bedford County is ranked 34th. The presence of a local campus has encouraged many area students to begin or continue their educational journeys close to home. Since 1990, more than 6,500 people have taken classes through the Bedford County Campus. The Foundation has worked to provide more than $190,000 to more than 700 of those students over the past 11 years. It is fitting that the Foundation has now established the Dick M. Rice Memorial Scholarship Endowment, to benefit Bedford County residents who attend Allegany College.

To cite each accomplishment and individual contribution that Dick has been a part of would take a very long time. His involvement in the educational community over the years has been immense and has touched numerous lives. We are all very grateful for his effort toward positive enrichment of Bedford County, and I offer my sincerest sympathies for the loss of such a great citizen.

TRAGEDY IN KHOJALY, AZERBAIJAN

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. SHUSTER. Madam Speaker, one of our greatest strengths as elected officials is the opportunity to bring to light truths that are little known and command recognition.

Today, as the Co-chairman of the House Azerbaijan Caucus, I would like to bring to the attention of this body the tragedy that took place in Khojaly, Azerbaijan, a town and townspeople that were destroyed on February 26, 1992. Fifteen years later, there is little attention or interest paid to the plight of Khojaly outside of Azerbaijan.

Sadly, Khojaly, a town in the Nagorno-Karabakh region of Azerbaijan, now under the control of Armenian forces, was the site of the largest killing of ethnic Azerbaijani civilians.

According to Human Rights Watch and other international observers, the massacre was committed by the ethnic Armenian armed forces, reportedly with the help of the Russian 366th Motor Rifle Regiment. This crime led to the death of 613 civilians; including 106 women, 63 children and 70 elderly men; 1,275 persons were taken hostage, and the fate of more than 150 remains unknown.

As part of the population tried to escape the town of Khojaly, they encountered violent ambushes and were murdered. According to the Russian organization, Memorial, 200 Azerbaijani corpses were brought from Khojaly to Agdam within four days, and it was discovered that they were subjected to abuses, torture and mutilation. Human Rights Watch stated that ''we place direct responsibility for the civilian deaths with Karabakh Armenian forces.''

At the time, Newsweek Magazine reported: ''Azerbaijan was a charnel house again last week: a place of mourning refugees and dozens of mangled corpses dragged to a makeshift morgue behind the mosque. They were ordinary Azerbaijani men, women and children

of Khojaly, a small village in war-torn Nagorno-Karabakh overrun by Armenian forces on 25–26 February. Many were killed at close range while trying to flee; some had their faces mutilated, others were scalped.''

Time Magazine stated ''While the details are argued, this much is plain: something grim and unconscionable happened in the Azerbaijani town of Khojaly two weeks ago. So far, some 200 dead Azerbaijanis, many of them mutilated, have been transported out of the town tucked inside the Armenian-dominated enclave of Nagorno-Karabakh for burial in neighboring Azerbaijan. The total number of deaths—the Azerbaijanis claim 1,324 civilians have been slaughtered, most of them women and children—is unknown.''

Members of the Parliamentary Assembly of the Council of Europe (PACE) from Albania, Azerbaijan, and the United Kingdom stated in May 2001 in Written Declaration No. 324 that the ''Armenians massacred the whole population of Khojaly and fully destroyed the town.''

Khojaly was the first significant Azerbaijani settlement overrun by Armenian forces in the region of Nagorno-Karabakh. The forces next overran the Nagorno-Karabakh districts of Zangilan, Gubadli, Fuzuli, Aghdam, and Kalbajar, as well as the towns of Shusha and Lachin. Altogether, the occupied territories represent roughly 20 percent of the territory of Azerbaijan. And, altogether roughly one million Azerbaijanis were evicted from their homes over the course of the Armenian-Azerbaijan war.

On January 25, 2005 the Parliamentary Assembly of the Council of Europe overwhelmingly adopted a resolution highlighting that ''considerable parts of Azerbaijan's territory are still occupied by the Armenian forces and separatist forces are still in control of the Nagorno-Karabakh region.''

Armenian Defense Minister, in an interview with British journalist Tomas de Waal openly admitted that ''Before Khojaly the Azerbaijanis thought that . . . the Armenians were people who could not raise their hands against the civilian population. We were able to break that [stereotype].'' Madam Speaker, the tragedy of Khojaly was a crime against humanity and I urge Congress to join me in standing with Azerbaijanis as they commemorate this tragedy.

INTRODUCING THE SANCTITY OF LIFE ACT AND THE TAXPAYER FREEDOM OF CONSCIENCE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. PAUL. Madam Speaker, I rise today to introduce two bills relating to abortion. These bills stop the federal government from promoting abortion. My bills accomplish this goal by prohibiting federal funds from being used for population control or ''family planning'' through exercising Congress's constitutional power to restrict federal court's jurisdiction by restoring each state's authority to protect unborn life.

Abortion on demand is no doubt the most serious sociopolitical problem of our age. The lack of respect for life that permits abortion significantly contributes to our violent culture and our careless attitude toward liberty. Whether a civilized society treats human life with dignity or contempt determines the outcome of that civilization. Reaffirming the importance of the sanctity of life is crucial for the continuation of a civilized society. There is already strong evidence that we are on the slippery slope toward euthanasia and non-consensual human experimentation. Although the real problem lies within people' hearts and minds, the legal problems of protecting life stem from the ill-advised Roe v. Wade ruling, where the court usurped the state's authority over abortion.

One of the bills I am introducing today, the Sanctity of Life Act of 2005, reverses some of the damage done by Roe v. Wade. The Sanctity of Life Act provides that the federal courts of the United States, up to and including the Supreme Court, do not have jurisdiction to hear abortion-related cases. Congress must use the authority granted to it in Article 3, Section 1 of the Constitution to rein in rogue federal judges from interfering with a state's ability to protect unborn life.

In addition to restricting federal court jurisdiction over abortion, Congress must stop the unconstitutional practice of forcing Americans to subsidize abortion providers. It is not enough to say that ''family planning'' groups may not use federal funds to perform or promote abortion. After all, since money is fungible, federal funding of any activities of these organizations forces taxpayers to underwrite the organizations abortion activities. This is why I am also introducing the Taxpayer Freedom of Conscience Act. The Taxpayer Freedom of Conscience Act prohibits any federal official from expending any federal funds for any population control or population planning program or any family planning activity. To paraphrase Thomas Jefferson, it is ''sinful and tyrannical'' to force the American taxpayers to subsidize programs and practices they find morally abhorrent.

Madam Speaker, it is my hope that my colleagues will join me in support of these two bills. By following the Constitution and using the power granted to the Congress by the Constitution, we can restore respect for freedom of conscience and the sanctity of human life.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE CHARLIE NORWOOD, MEMBER OF CONGRESS FROM THE STATE OF GEORGIA

SPEECH OF

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 14, 2007

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is with great sadness that I rise today to recognize the passing of my esteemed colleague and friend, the Honorable CHARLES WHITLOW NORWOOD, Jr. of Georgia's Tenth Congressional District.

Yesterday, we lost an inspiring public servant to complications from his eight year battle with idiopathic pulmonary fibrosis. All who knew him and worked with him recognized and appreciated his hard work. Throughout his seven terms in Congress, CHARLIE served on the Education and the Workforce Committee as Chairman of the Subcommittee on Workforce Protections. He also served on the Committee on Energy and Commerce, which included two terms as Vice-Chairman of the Subcommittee on Health. Fueled by a sincere interest in helping others, his colleagues knew he was not working for himself but for the people.

CHARLIE is well-known for introducing the first comprehensive managed health care reform legislation to Congress in 1995. He truly left his mark in legislation with reforms on patient's rights, education, private property rights, telecommunications, and environmental regulations.

CHARLIE was dedicated to public service throughout his entire life, not only as a Member of Congress, but also as a dentist, a Vietnam Veteran, a small businessman, and a man of great faith. He and wife were active in their local United Methodist Church, as well as, members of the Augusta Opera Society and Augusta Symphony Guild. In every aspect of his life, he was recognized with countless awards and honors which illustrate how his contributions to his community were limitless.

We have not lost a colleague—we have lost a good friend.

The Honorable CHARLIE NORWOOD is survived by his wife Gloria, sons Charles and Carlton Norwood, and four grandchildren, all of Augusta. We will continue to hear of his service well into the future as CHARLIE'S legacy will, without a doubt, live on.

Mr. Madam Speaker, on behalf of the United States Congress, I am proud to honor the life of the Honorable CHARLES WHITLOW NORWOOD, Jr. and his living legacy.

RECOGNIZING THE UNI-CAPITOL WASHINGTON INTERNSHIP PROGRAM

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise today to recognize the Uni-Capitol Washington Internship Program. Since the program's inception in 2000, I have been a proud participant.

For the past seven years, 12 students from all across Australia are selected to participate in the eight-week Uni-Capitol Washington Internship Program, an opportunity that exposes them to the administrative and legislative processes that underpin the functioning of Congress as a democratic institution, Such experiences are invaluable opportunities for these students to gain knowledge and a deep understanding of the internal workings of the United States Government while bringing their own skills and backgrounds to their respective Congressional offices.

The Uni-Capitol Program selects undergraduates from 7 universities by exclusively matching the applicants with Members and Senators who share their views, as well as with various committee offices that relate to their interests and fields of study. The students who are selected come from a variety of academic disciplines, but all have a common interest in learning about and promoting the

U.S.-Australia relationship. These student placements are enhanced by the formation of genuine friendships and the exchange of views and ideas between the Australian interns and their respective offices. I continue to enjoy the interaction that frequently occurs between my Australian and American interns. This, my colleagues, is how we build diplomatic relationships which will ensure that the U.S. and Australia remain friends and allies for years to come.

For the past two months, my office has had the good fortune of hosting an amazing young woman from Australia, Anu Ambikaipalan, who is completing a double degree in law and international studies at Deakin University. Throughout the duration of Anu's tenure in my office, she has conducted herself admirably. Her willingness to learn and contribute to the legislative process through crafting legislation for the state of Florida as well as nationwide, has cemented a relationship indicative of the one the U.S. and Australia have shared for so many years. Anu has fast become an asset to my staff and we will be sorry to see her go.

Anu is participating with 11 other very qualified students. Emmanuel Rohan from the University of Queensland is in Representative MIKE CASTLE's office; Sylvia Gaston from the University of Melbourne is in Representative JAMES CLYBURN's office; Charis Tierney from the University of Queensland is in Senator MIKE CRAPO's office; Nicole Woodmansey from Griffith University is in Senator CHRISTOPHER DODD's office; Clare Ashby from the University of Melbourne in the office of Rep. PHILIP ENGLISH; Anna Keenan (University of Queensland is in Representative SAM FARR's office; Nisha Sundaresan from Deakin University is in Senator CHUCK HAGEL's office; Megan Bainbridge from the University of Melbourne is in Representative JERROLD NADLER's office; Stuart Broadfoot from the University of Western Australia is in Representative ILEANA ROS-LEHTINEN's office; Jennifer Grant from the University of Queensland is in Representative LORETTA SANCHEZ's office; Michael Ng from the University of Melbourne is with the House Transportation and Infrastructure Committee's majority staff.

As we move to acknowledge the seventh successful year of this program, I would like to commend the founder and director the Uni-Capitol Internship Program, Eric Federing. Eric is a former senior House and Senate staffer of more than a dozen years, who successfully combined his experience in Washington with his extensive travels and lectures throughout Australia into an ingenious program of diplomatic exchange through cultural appreciation and understanding. I heartily congratulate him on making his vision a reality. This program is the right step in the direction of supporting our young people who have a passion for and commitment to civic engagement and public service.

Over the years, my staff and I have greatly benefited from participating in this program, as I believe it continues to provide a unique and important bridge between the United States of America and Australia in many respects, especially in the arena of promoting people to people relationships that are just as key if not more than our military and economic relationships. I have said this in years past, and I will say it again: I implore my colleagues to participate in this worthwhile program when the opportunity is made available.

IN HONOR OF MS. VINNIE MALLOY, NEW YORK DISTRICT MANAGER/POSTMASTER, UNITED STATES POSTAL SERVICE

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. NADLER. Madam Speaker, I, along with Mr. RANGEL and Mrs. MALONEY rise today to congratulate Ms. Vinnie Malloy on the occasion of her retirement from the United States Postal Service.

Ms. Malloy has broken many barriers throughout her career, which has been marked by excellence. From December 1998 until her retirement on February 2, 2007, Ms. Malloy served as the 37th District Manager and New York City Postmaster, the first woman to hold that distinction. In this position, Ms. Malloy was responsible for the delivery of mail and customer service for millions of residents and business customers in New York City. She managed 62 post offices, 46 stations and 15,000 employees.

Ms. Malloy joined the Postal Service in 1969, at age 21, as a Substitute Distribution Clerk in the James A. Farley Building. In the years that followed, Ms. Malloy held several positions in the Postal Service, including the historic first female Tour Director and Mail Processing Operations Manager in the New York District, as well as first female Bronx Postmaster.

Through mentoring and training, Ms. Malloy has assisted and encouraged many of her employees to seek higher level positions. She has one son and serves on the Senior Usher Board of the Cambria Heights Community Church in Queens, NY.

We are very grateful to Ms. Malloy for her assistance with the hundreds of constituent concerns we have brought to her attention over the years. We wish every government office were as responsive as Ms. Malloy and her staff have been. No matter how big or small the issue, our constituents have always been treated promptly and courteously. During her nearly 38 year career, she has been committed to the residents of Manhattan through her work in the United States Postal Service.

Ms. Malloy paved the way for other female Postal Service employees, and is an inspiration and role model for all women. For her commitment to the Postal Service and her community, it is our privilege to congratulate Vinnie Malloy on her distinguished record of excellence and achievement and upon her retirement.

FREEDOM FOR RAFAEL BENÍTEZ CHUI

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Rafael Benítez Chui, a political prisoner in totalitarian Cuba.

Mr. Rafael Benítez Chui is a father of three and a peaceful pro-democracy activist in totalitarian Cuba. Mr. Benítez Chui knows with complete certainty that Cuba must be liberated from the nightmare that is the Castro regime in order for his children and for all the children of Cuba to be able to live in freedom, with the ability to exercise their most basic human rights. Because of his belief in freedom, democracy and a better future for his children, Mr. Benítez Chui became a target for the tyrant's machinery of repression.

As a result of the dictator's condemnable March 2003 crackdown on peaceful pro-democracy activists, Mr. Benítez Chui, along with his wife Migdalia Hernández Enamorado, went to a police unit in Guantánamo to protest the arrest of two of their fellow pro-democracy leaders, Manuel Ubals and Juan Carlos Herrera Acosta. Unfortunately, on March 19, 2003 shortly after arriving at the police unit, dictatorship thugs arrested both Mr. Benítez Chui and his wife while they peacefully protested the unjust treatment of their fellow human rights activists.

Unfortunately, their peaceful protest was justification enough for the communist regime to incarcerate Mr. Benítez. On September 18, 2003, after 7 months confinement to a hellish existence in the totalitarian gulag, 7 months after his initial detention, Mr. Benítez Chui was finally, in a sham trial, ''sentenced'' to 4 years for the alleged crime of ''contempt''.

Since his incarceration, Mr. Benítez Chui has endured an inhuman horror in the dictatorship's gulags. In 2004, he was severely beaten by regime thugs and robbed of his few personal belongings. When Mr. Benítez Chui attempted to defend himself against the brutal assault, he was placed in a so-called ''punishment cell''. These ''punishment cells'' are usually located in the basements of prisons, with continuous dark conditions, no available water, and a hole in the ground for a toilet.

Despite nearly 4 years of brutal, life threatening conditions and continued psychological torture, Mr. Benítez Chui has never wavered in his commitment to the freedom of all the Cuban people. He has never lost his hope that one day his three children will live in a democratic Cuba free of the murderous totalitarian regime that has oppressed Cuba for almost half a century. Mr. Benítez is one of the many heroes of the Cuban pro-democracy movement who are locked up in the dungeons of the dictatorship for believing in a better life for the Cuban people, all of whom are trapped in the horror of the brutal tyranny.

Madam Speaker, Mr. Benítez Chui is representative of the best of the Cuban people, their dignity and their thirst for freedom and democracy. It is unconscionable, in the 21st century, for the world to stand by in silence while valiant men and women are caged by a demented and vile oppressor simply for peacefully expressing opinions. We must demand the immediate freedom of Mr. Benítez Chui and all the prisoners of conscience in totalitarian Cuba.

PROJECT BIOSHIELD MATERIAL THREATS ACT OF 2007

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. LANGEVIN. Madam Speaker, I rise today to introduce the Project BioShield Material Threats Act of 2007.

The BioShield Program was created to develop and procure medical countermeasures against dangerous chemical, biological, radiological and nuclear (CBRN) agents, The Department of Homeland Security is responsible for determining threats posed to our country by these agents, and for taking specific steps to protect the nation's citizens from these harms. While I fully support the mission of BioShield, the program has encountered several problems since it was enacted nearly three years ago.

One major shortcoming of the program is a lack of efficiency in the assessment of threats. Rather than examining each threat individually, we should be looking for ways to properly group these threats together, so we can develop appropriate countermeasures to combat multiple threats. My colleagues and I are introducing this legislation to improve and expedite the Department's conduct of Material Threat Determinations (MTD) and the more in-depth Material Threat Assessments (MTA). These MTDs and MTAs will promote a more strategic use of our Nation's resources when procuring medical countermeasures and will ultimately lead to a safer and better-prepared public health infrastructure.

To date, DHS has completed fifteen MTDs. It took well over one year to complete the first six, but the pace picked up considerably since a shift towards less in-depth risk assessments of twenty-nine top threat agents listed by the Centers for Disease Control. The Department leveraged those risk assessments to more quickly complete the next round of MTDs. Soon the Department plans another round of risk assessments that will include more chemical agents. I hope this bill sends a clear message to the Department that we in Congress want to support and improve upon their recent efforts.

Risk is assessed based on a combination of threat, vulnerability, and consequences, and we should encourage the Department to use threat information contained in existing risk assessments to inform and expedite the MTD/MTA process. This bill promotes the use of existing risk assessments if those assessments are considered credible by the Secretary.

Another way to both accelerate and leverage assessments is to conduct them in groups, either by the physical or genetic similarity of the agents themselves or the symptoms they cause. Countermeasures that address more than one threat agent are commonly referred to as ''broad spectrum medical countermeasures,'' and these should be the gold standard for efficient use of BioShield resources. We must move beyond the current ''One Bug, One Drug'' approach we currently use to the ''One Drug for Many Bugs'' model that broad spectrum countermeasures offer.

Finally, we all know that time is of the essence as we work to address those agents we already know and ensure we are prepared for emerging threats. The legislation I am introducing today requires all MTDs for CBRN agents that the Secretary determines to be capable of significantly affecting national security to be completed by December 31, 2007.

Madam Speaker, this bill will aid the Department of Homeland Security in conducting threat and risk assessments, which is the first step to countermeasure procurement. We must address those agents—known and emerging, natural or engineered—that present the highest risk to our citizens, and we must do it quickly. Passage of this measure will help advance and improve that process, and I urge my colleagues to join me in supporting this legislation.

A TRIBUTE TO THE BIRTH, LIFE, AND LEGACY OF BOB MARLEY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. RANGEL. Madam Speaker, I rise today to celebrate the 62nd anniversary of the birth, life and legacy of renowned musician, champion of peace, and provocateur of thought; Bob Marley. His music stirred emotions of love; his life inspired the hope of peace. February 6, 1945 marked the beginning of his journey as an ambassador of humanity. Bob Marley was with us such a short time, but left such a rich legacy that on each birthday we ask ourselves what greatness we would have seen if he had lived a full life. We are sad that he died so young and that after all these years he would have just turned 62 this month.

Bob Marley's international appeal is due to his commitment to the unity of mankind. He awakened the consciousness of society as a spokesperson for equality in Africa and for the poor and underprivileged across the world. His efforts to shine a light on the darkest regions across the globe gave a platform to the voiceless to let their stories be heard. Bob Marley was an activist of world peace, and he encouraged us that if we come together ''we can make it work.''

Bob Marley's ability to empathize with the plight of the poor and destitute is a characteristic that we all must internalize. When we are faced with the widening gap of the haves and have-nots, with our neighbors affected by Hurricane Katrina, and with the citizens of Haiti and Darfur, we must have the compassion and the courage to ensure that all are given the opportunity to live fulfilling lives.

With the revolutionary spirit of Marcus Mosiah Garvey, Bob Marley empowered us to realize our inner strength and to continually strive for spiritual maturity. His famous lyrics in ''Redemption Song'' gave insight in overcoming inner dissonance, advising to ''Emancipate yourselves from mental slavery, none but ourselves can free our minds.'' His conviction to personal growth was seen in his commitment to the principles of his faith, and his unyielding desire for others to become fully actualized human beings.

Having a special talent to recreate the scenes of everyday life, Bob Marley gave us the opportunity to experience the joy, love, pain, and redemption that characterize our humanity through his music. With a message which transcends the reality of which he sung, he speaks to us in this day and time as meaningfully as he did when he lived, leading us to reflect on the complexities of our world, and the enjoyment of the pleasures in our lives.

His numerous awards and accolades reflect his dedication to creating music and a message unhindered by culture, race, time, or space. He and his beloved anthem ''One Love'' was voted as the most popular international song of the 20th century. Bob Marley's music lives on to remind us to strive for peace in our society and within ourselves. Because of his contribution to the world of music and the consciousness of humanity, I celebrate the birth, life, and legend of Bob Marley.

INTRODUCING THE FOSTER CHILDREN SELF SUPPORT ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. STARK. Madam Speaker, I rise today to introduce the ''Foster Children Self Support Act.'' This bill will codify into federal law what should be common sense: abused and neglected children should not be used as a funding stream for states that should be acting in the best interests of these extremely vulnerable children.

In nearly every state in the country, foster children eligible for Social Security benefits because of a disability or the loss of a parent are having those benefits taken by the very state agencies charged with providing for them. The ''Foster Children Self Support Act'' would end that practice. Instead, it would require states to use a child's Social Security benefits to meet the immediate needs of that child or set aside those benefits to assist the child with transitioning to adulthood when that child emancipates from care.

The Congressional Research Service (CRS) estimates that approximately 30,000 foster children (out of 500,000 nationwide) receive either Supplemental Security Income (SSI) or OASDI (Old Age, Survivors, and Disability Insurance) benefits each month. Unfortunately, hardly any of these children will benefit from these funds. Nor will the children have the option to save the money as a nest egg for when they leave care. This is because state child welfare agencies routinely make themselves the representative payee so that they have control over the child's benefits. Often, neither the child nor the child's advocate knows that Social Security benefits are being sent to the agency. Once the welfare agency controls the benefits they are free to use them however they please.

In this manner, state welfare agencies take an estimated $156 million per year from foster children. The practice has devastating consequences, as evidenced by the case of ''John G.,'' a foster child in North Carolina. John was willed a house when his adoptive father died of cancer. The house had a $221 monthly mortgage. Luckily for John he was entitled to approximately $560 in Social Security OASDI benefits. However, the child welfare agency, who had made themselves John's representative payee, decided they would rather keep the money than ensure John had a place to live when he left foster care. Just as his house was about to be foreclosed on, John went to court. Currently, the welfare agency is making the payments under a court order. The future of John's house is still very much in doubt because the agency has appealed and the law may not be on John's side.

Although John G.'s case is particularly egregious, all foster children and former foster children face tremendous challenges. Foster children often enter care having suffered from serious emotional, mental, and/or physical

abuse. For example, they suffer from Post Traumatic Stress Disorder (PTSD) at a rate twice as high as Iraq War veterans. Then, when children emancipate from care they are dependent on public assistance, become incarcerated or homeless, and are unemployed at rates higher than nearly any other group of Americans. The ''Foster Children Self Support Act'' is especially important since it is safe to assume that those children who have lost their parents or are receiving SSI due to severe mental or physical disabilities are among the most needy.

The ''Foster Children Self Support Act'' provides a way to help these children. It does so by mandating that states develop a plan for foster children with Social Security benefits. The plan would layout how to best use a child's Social Security benefits as a resource to best meet the current and future needs of that child. The plan must be specific to each child receiving Social Security benefits and made in partnership with the child and the child's advocate. If this bill were law, states would no longer be allowed to simply use children's Social Security money as they see fit. Instead, this money would have to be used as any parent would use it: to provide for the child's particular needs and help plan for the child's future.

The bill will:

Require that states screen all foster children for Social Security eligibility and assist them in application;

Require states to identify other appropriate representative payees for eligible children, such as family members, before becoming the payee themselves;

Prohibit states who are payees from using a child's Social Security benefits to reimburse themselves for the cost of foster care;

Require states to develop a plan, with a child and that child's advocate(s), on how to best use the Social Security benefits to provide for the current and future needs of the child;

Provide for the conservation of Social Security funds in dedicated accounts that a child can access when they leave care to pay for things like housing, education, transportation, and other life expenses;

Increase the Social Security resource limit to $10,000 (currently it is $2,000), so that children can conserve up to that amount and still maintain their Social Security eligibility;

Require the GAO to report back to Congress on states' progress in screening all foster children for Social Security eligibility.

Improving our child welfare system has repercussions throughout our society. Foster children who age out of the child welfare system without having developed family supports or skills that can lead to employment create a large societal cost. In the next 15 years 300,000 foster children will age out of care without any transition supports. Congress has a moral obligation to provide foster children with the resources they need to become independent adults. The ''Foster Children Self Support Act'' is a small part of fulfilling this obligation and a large step toward helping one of the most vulnerable groups of foster children.

Attached are two news articles for the RECORD that illustrate the consequences of our current policy.

I urge my colleagues to join me in support of this important legislation.

INTRODUCTION OF THE RECONSTRUCTION AND STABILIZATION CIVILIAN MANAGEMENT ACT

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. FARR. Madam Speaker, today, Mr. SAXTON and I are pleased to introduce the bill, Reconstruction and Stabilization Civilian Management Act.

In his State of the Union speech, the President called on Congress to support a civilian response corps which ''would function much like our military reserve. It would ease the burden on the Armed Forces by allowing us to hire civilians with critical skills to serve on missions abroad when America needs them. It would give people across America who do not wear the uniform a chance to serve in the defining struggle of our time.''

The Reconstruction and Stabilization Civilian Management Act would authorize a civilian response corps. Why is this authorization necessary? Since the end of the Cold War, the U.S. has been engaged in a stabilization or reconstruction operation once every 18–24 months. By default, the services have taken on the task of nation building, and OSD Directive 3000.05 makes stabilization and reconstruction operations a core competency of the military.

While our military personnel have done an excellent job for which they have not been trained, filling the void should be the responsibility of the State Department. In order for our operations to be successful, the State Department must fill this void, and can do so by creating a comparable civilian force to take over once the military has stabilized a war-torn country.

Combating failed states requires a complex combination of political, diplomatic, development assistance and military actions, as well as the ability to respond quickly in the immediate aftermath of crisis. The military plays an extremely important role in stabilizing a country, but civilians play an equally important role and have comparative advantage in helping to develop civil society—judicial systems, law enforcement, health care, economic development, trade promotion and other essential sectors to stabilize a country.

The Reconstruction and Stabilization Civilian Management Act establishes the legislative framework for authorizing this integral civilian capacity by:

Authorizing the establishment of the State Department Office of the Coordinator for Reconstruction and Stabilization, S/CRS;

Authorizing the establishment of a 250-person Civilian Response Corps with both Active-Duty and Reserve components. The corps would be rapidly deployed with the military for both initial assessments and operational purposes. They would be the first civilian team on the ground in post-conflict situations, well in advance of the establishment of an embassy.

Establishes personnel exchange programs with other relevant Federal agencies that can help a failed state develop government and civil society infrastructure.

Importantly, the bill promotes a stabilization and reconstruction curriculum and the utilization of already existing programs like the Center for Stabilization and Reconstruction Studies at the Naval Postgraduate School.

I urge my colleagues to cosponsor this important piece of legislation that would greatly assist in improving the capacity of our Government to respond to some of the most important and pressing security threats of our time.

TRIBUTE TO JONATHAN QUARLES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. KILDEE. Madam Speaker, I rise today to recognize Jonathan Quarles, the keynote speaker at the Flint NAACP's Freedom Fund annual dinner to be held on March 3rd in Flint Michigan.

Jonathan Quarles is currently serving the mayor of Detroit, the Honorable Kwame Kilpatrick, as the executive assistant. Jonathan began his public service career after graduating from Florida A&M University in 2004 with dual degrees in business administration and political science. He worked for People for the American Way Foundation in partnership with Tavis Smiley to increase civic awareness and engagement in the public process by young people in Florida, Michigan, Illinois, Texas and Ohio.

In addition to his current position with the city of Detroit, Jonathan has a lifelong commitment to the NAACP, is a member of Alpha Phi Alpha Fraternity Incorporated Beta Nu Chapter. He serves as a precinct delegate for the city of Detroit, as board member of Leadership Transformation, a steering committee member for New Detroit National Leadership Summit on Race, a trainer for the Paul Wellstone Action Network, and an ambassador for Tavis Smiley's Youth 2 Leaders Foundation. Recently Jonathan founded Common Link Consulting Services to better educate the community about public policy and foster links between the public and private sectors.

Recognized for his accomplishments, Jonathan was selected by Black Enterprise as one of America's emerging leaders. He was recognized by Jet Magazine as one of Black America's most promising leaders of the 21st century. The Governor of Michigan named him a ''Michiganian of the Year'' in 2000 and Florida A&M University has granted the Martin Luther King, Jr. Leadership Award to Jonathan for two consecutive years. The February 2007 issue of Ebony Magazine listed him as one of the country's top 30 leaders under the age of 30.

Madam Speaker I ask the House of Representatives to join me in congratulating a fellow Flint native, Jonathan Quarles, as he is honored by the Flint Chapter of the NAACP for his work to make our community a better place.

PAYING TRIBUTE TO STEVEN G. SCHORR

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my friend Steven G. Schorr, Vice President of Public and Government Affairs for

Cox Communications, whose civic and professional contributions to Southern Nevada have motivated the Clark County School Board of Trustees to name a new elementary school in his honor. Steven has been a vital part of our community since he and wife, Holly, moved to Las Vegas with their two sons, David and Darrin, in 1977.

Mr. Schorr's remarkable civic involvement has earned him much deserved recognition. He has been named Public Citizen of the Year in Nevada and was cited as ''One of the Most Influential Men in Southern Nevada.'' Mr. Schorr has also received the Glenn Smith Humanitarian Award from Opportunity Village and was named to the ''National Erase the Hate'' honor roll. He was presented the Nevada Points of Light A ward by former Governor Kenny Guinn and the Nevada Commission for National and Community Service for his dedication and commitment to serve our community. In acknowledgement of his contributions to the community, Mr. Schorr was recently inducted as an honorary board member and executive board member of the 100 Black Men of Southern Nevada, which is an organization geared towards mentoring children. Mr. Schorr serves on several boards such as the National Urban League, Nevada Ballet Theater, and Sunrise Hospital and Medical Center.

As Vice President of Public and Government Affairs for Cox Communications for the past 19 years, Mr. Schorr is the liaison to local, state and national elected officials and government bodies. Prior to his work with Cox Communications, Mr. Schorr was a television news journalist, during which time he received wide recognition for his outstanding work. For his efforts as a news anchor, Mr. Schorr was awarded two Emmys, two National Freedom Foundation Awards, a Headliner Award, and an Armstrong Award for Broadcasting. In addition to these awards, Mr. Schorr's achievements in television journalism were recognized when he was inducted into the Nevada Broadcasters Association's Hall of Fame. Mr. Schorr has also served as an adjunct professor at the University of Nevada Las Vegas, Greenspun School of Communications.

Madam Speaker, I am proud to honor my friend Mr. Schorr and his many achievements and congratulate him on being recognized with the dedication of a school in his name. His dedication to the community is remarkable and I wish Mr. Schorr continued success in his future endeavors.

INTRODUCTION OF THE SIMON WIESENTHAL HOLOCAUST EDUCATION ASSISTANCE ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mrs. MALONEY of New York. Madam Speaker, today I am reintroducing the Simon Wiesenthal Holocaust Education Assistance Act. Through grants to qualifying education organizations, I hope to promote awareness of the Holocaust and the devastating effects of hate crimes. As the generations who survived the Holocaust pass away, we need to make sure that new generations know the horrors of that terrible time. We need to make sure that those who would deny the existence of the Holocaust do not have the ability to rewrite history.

This bill, named after the honored Holocaust survivor who spent his life's work devoted to seeking justice for the six million Jews who were murdered by the Nazis, seeks to provide competitive grants for educational organizations working to teach today's youth the lessons of the Holocaust. Through grants from the Department of Education, Holocaust organization programs that are designed to specifically improve the awareness of the Holocaust through such means as classes, seminars, conferences, educational materials, and teacher training, can apply for federal funds to assist in carrying out these initiatives.

Several states now require that the Holocaust be taught in public school curriculums. Though there are resources such as the Holocaust Memorial Museum here in Washington, DC, and similar museums in a few other cities, many teachers are still left with the challenge of teaching a complicated subject without the expertise. Many Holocaust educational organizations have risen to meet this demand, but their resources are limited, hindering their outreach. This bill will provide more resources to these organizations, who have the expertise and knowledge of the tragic events during the Nazi era, to teach more students, teachers and communities the dangers of inter-group conflict and the importance of tolerance in our society.

HONORING MICHAEL B. SCHAD FOR 35 YEARS OF SERVICE TO THE UNITED STATES

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, it is my privilege to rise before you to honor Michael B. Schad, of Langhorne, Pennsylvania, for his many years of dedicated service to the U.S. Army National Guard. For Mr. Schad, this marks the end of a 35 year career with the National Guard during which his willingness to go above and beyond the call of duty exemplified the true spirit of our armed forces.

Mr. Schad first served four years with the U.S. Navy during the Vietnam War. Upon returning home, Mr. Schad joined the National Guard and worked tirelessly, many times volunteering for extra duty. When there was a call for help to guard a nuclear facility in New Jersey, Mr. Schad stepped up. When Hurricane Katrina ravaged the Gulf Coast, Mr. Schad joined the relief effort without hesitation. Mr. Schad filled in at supply commands at Fort Dix, McGuire Air Force Base and in Germany. Yet through all of this, Mr. Schad maintained a full-time job and raised a family, a tremendous feat given his level of commitment to the National Guard.

Madam Speaker, the eagerness with which Mr. Schad served his country is the very trait that serves as the backbone of the National Guard. His willingness to stand at his country's guard, while at the same time undertaking the rest of life's responsibilities, deserves special appreciation and respect. I would like to take this opportunity to recognize Mr. Schad for what at many times may have seemed like a thankless task. Mr. Schad was not seeking praise or reward, but only the unique feeling of satisfaction that comes with serving your country and making it safer for others.

Mr. Schad has passed these principles on to his son, U.S. Army Sgt. Brian Schad, who will soon be deployed to Afghanistan after serving in Djibouti, Africa. We all owe a debt of gratitude to families such as the Schads, who have taken up their country's call. Madam Speaker, I am proud to express the gratitude and affection of myself and my constituents to Mr. Schad and his entire family.

TRIBUTE TO COLORADO STATE SENATOR JOHN EVANS

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise today to honor former Colorado State Senator John Evans.

A fifth generation Coloradoan, Mr. Evans's contributions to the State of Colorado are innumerable.

After graduating from Lakewood High School, Mr. Evans earned a Bachelor of Arts degree from the University of Denver. He later completed his Masters of Education and Ph. D. at Georgia State University, in Atlanta. In 1986, Mr. Evans graduated from Valparaiso University School of Law.

For over twenty-three years Mr. Evans devoted his talents to serving in both the public and higher education arenas. Drawing on this experience, he served as an at-large member of the State Board of Education for four years. During his tenure Mr. Evans was a leader in making Colorado a national leader in school reform.

Mr. Evans continued his work as a champion of Colorado school children in the state Senate. In addition to his work on education issues, he also served as Assistant Majority Leader, Chair of the Legal Services Committee, and Vice-Chair of the Finance Committee.

Madam Speaker, Mr. Evans's service to the people—especially the students—of Colorado will not soon be forgotten. I urge my colleagues to join me in recognizing Mr. John Evans.

PAYING TRIBUTE TO ROSSI RALENKOTTER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. PORTER. Madam Speaker, I rise today to recognize and honor my friend Rossi Ralenkotter for his commitment and dedication to the Las Vegas community.

Rossi Ralenkotter has been a resident of Las Vegas for over 54 years. During this time, Rossi earned his bachelor of science in marketing from Arizona State University and his master of business administration from University of Nevada Las Vegas. He has worked with the Las Vegas Convention and Visitors

Authority for 33 years, and is currently serving as the President and CEO. Rossi has previously served as the Authority's executive vice president and senior vice president of marketing. He is also an active member of a number of professional associations, such as, the International Association of Convention and Visitors Bureaus, the American Society of Association Executive and the Hotel Sales Marketing Association.

During his long and distinguished career, Rossi has received numerous accolades; most recently the Las Vegas Ad Club inducted him into the Las Vegas Advertising Hall of Fame for his lifetime marketing achievements. Rossi has also been honored by the American Marketing Association and the Travel and Tourism Research Association with Lifetime Achievement awards, and in 2004 he was selected by Brandweek Magazine as the Grand Marketer of the year. On Sunday, February 25, 2007, Rossi is being honored as the ''Man of the Year'' at the 79th Annual Academy Awards Oscar Night America and Arthritis Foundation Ceremony.

Madam Speaker, I am proud to honor my friend Rossi Ralenkotter for his considerable contributions to the success and expansion of the Las Vegas community. I commend his professional and personal commitment to southern Nevada. I applaud his efforts and wish him the best in his future endeavors.

INTRODUCTION OF WOMEN'S HEALTH OFFICE ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mrs. MALONEY of New York. Madam Speaker, today I introduce the Women's Health Office Act with my Republican colleague, DEBORAH PRYCE from Ohio. This Act establishes permanent authorization for the offices or officers of women's health in five federal agencies: the Centers for Disease Control and Prevention, the Department of Health and Human Services, the Agency for Healthcare Research and Quality, the Health Resources and Services Administration, and the Food and Drug Administration.

Women's health research has been historically underfunded in the United States and for years women have been banned from clinical trials. For example, in 1977, the FDA barred all women of child bearing potential from participating in most early phase clinical research, and this continued for 16 years. Unfortunately, sex differences continue to be ignored in medical research today and we have not made up for the dearth of information on women's health.

The offices of women's health in these federal agencies were intended to provide a much needed focus on women's health including research, service delivery, policy, education, and outreach. However, these offices are currently unable to perform their responsibilities due to a lack of support from our federal government. They are severely underfunded and understaffed, and vulnerable to elimination in the future.

The work of these offices is essential to improving the health of women in the United States. Creating a permanent authorization would ensure that these offices retain their allocated funding, are sufficiently staffed, and can accomplish the important work for which they were established.

HONORING ZACH COHEN FOR HIS WORK WITH OPERATION DVD

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise before you today to recognize Zach Cohen, an extraordinary young man from Lower Makefield, Pennsylvania. Through his involvement with Operation DVD, Zach has shown exceptional selflessness and caring, well beyond his years.

The Charles Boehm Middle School seventh grader wrote me recently to promote the project, excited to help our community show support for troops overseas. Operation DVD was started by AMVETS, a national veteran's organization. Those running the project collect new or used DVDs and CDs, which are sent abroad to our service men and women. The goal of Operation DVD is to send over one million discs to soldiers in Iraq and Afghanistan, where outdoor recreational activity comes at great risk. By providing soldiers with music and movies, they can enjoy what little free time they might have in safety.

Zach became involved with the project when he was researching a community service project to complete in preparation for his Bar Mitzvah. He felt his love for movies and music would be shared by our men and women fighting overseas. But most important, Zach's attitude showed appreciation and maturity that hopefully rubs off on others his age. Zach wrote in his letter, ''I also think it's very important to support our troops and thank them for all that they do for our country. And I thought it was great that I had found a way to do a lot of good without having to ask people for money.'' Madam Speaker, we should all share this genuine thoughtfulness and consideration, especially for men and women who have sacrificed so much. And as someone who served in Baghdad only three years ago, I can attest to the affect these acts of generosity have on morale.

From the moment Zach discovered Operation DVD, he showed tremendous determination in spreading the word. He attended a Lower Makefield Township Supervisors meeting. He was featured in articles by the Yardley News and the Trend Midweek. He has sent letters to Bucks County school districts and various other community organizations. Madam Speaker, Zach's tireless efforts represent the potential of our youth for contributing to our communities through selfless and noble acts.

TRIBUTE TO ARNOLD GERMANN

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mrs. MUSGRAVE. Mr. Speaker, I rise today to pay tribute to Arnold Germann on the occasion of his retirement from the Farm Service Agency after 35 years of service. Since December of 1971, when he began as a County Office Manager trainee, he has dedicated his professional life to the Farm Service Agency. He became very effective in his first position as the Office Manager in El Paso County. After serving in El Paso County for a short time, he decided to give up his position and go to Weld County to manage the county office with the largest workload in the State.

Arnold has seen the office through numerous changes. When he started, farm programs in Weld County were limited to dryland farms. Through the years, the situation has changed dramatically and now nearly every farm in Weld County is enrolled in some sort of farm program.

Over the years, Mr. Germann has served on many State and National Committees to help develop ways to administer Farm Programs more efficiently. His impressive efforts earned him numerous leadership positions including President of the Colorado Association of County Office Employees from 1979 through 1982 and the Legislative Committee chair from 1987 to 1991. His outstanding work has been acknowledged with numerous awards including the 1976 Pro Employee award and the 1983 Service to Colorado Association of County Office Employees distinguished service award.

Mr. Germann has served the Farm Service Agency and the agricultural producers of Weld County with great dedication over these many years. I extend my heartfelt thanks to him for a lifetime of service.

IN RECOGNITION OF MRS. LINDA NOWLIN, KITTY STONE ELEMENTARY SCHOOL TEACHER OF THE YEAR

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. ROGERS of Alabama. Madam Speaker, I rise to pay tribute to Mrs. Linda Nowlin of Jacksonville, Alabama. Mrs. Nowlin is a highly accomplished educator and was recently named Kitty Stone Elementary School's Teacher of the Year.

According to recent media reports, for the past 34 years Mrs. Nowlin has been inspiring young students in Alabama and Tennessee and has been a member of the Kitty Stone Elementary faculty since 1998. Over the years, Mrs. Nowlin has integrated advanced teaching methods and the Internet to equip her kindergarten students with the skills they need to be successful.

I congratulate Mrs. Nowlin for her years of service, and for her recent commendation.

PAYING TRIBUTE TO REBECCA A. JOHNSON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Rebecca A. Johnson, principal of Kirk

Adams Elementary School in Las Vegas, Nevada and recent recipient of the Milken Family Foundation National Educator Award.

The Milken Family Foundation National Educator Awards program recognizes and rewards outstanding teachers, principals, and education professionals who go above and beyond to achieve excellence in education. Since the first award was presented in 1987, over 2,200 recipients have this prestigious award. Ms. Johnson was one of the 100 educators chosen for 2006–2007 school year and the 78th Nevada educator to win.

Ms. Johnson's long career as an outstanding educator and an effective administrator has earned her this much deserved national recognition. For the past 17 years, Ms. Johnson has served the Clark County community where her insight, guidance, and leadership have propelled academic improvement in students of all levels and abilities.

As principal of Kirk Adams Elementary School, Ms. Johnson has implemented several programs that have not only inspired student successes but have also enhanced the professional lives of the teachers on her staff. Adams Elementary is one of only four schools in the Clark County School District to be designated as an empowerment school. This distinction allows the administrators of Adams Elementary to have more control over the school's budget and curriculum.

Most notably, under Ms. Johnson's leadership, the school has seen teacher turnover rate reduce to less than 10 percent. Finally, through the establishment of a Professional Learning Community, Ms. Johnson has created an environment in which teachers, parents, students, and the community work together to facilitate student success.

Madam Speaker, I am proud to honor Ms. Johnson and her achievements. I wish Ms. Johnson continued success in her career in primary education.

INTRODUCTION OF SEPTEMBER 11TH HUMANITARIAN RELIEF AND PATRIOTISM ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mrs. MALONEY of New York. Madam Speaker, today I introduce the September 11th Humanitarian Relief and Patriotism Act with Representatives PETER KING, RANGEL, NADLER, SERRANO, ISRAEL, ENGEL, BERMAN, SCHAKOWSKY, and HARE.

We are introducing this legislation because the terrorist attacks of September 11, 2001, left many surviving spouses and children of legal employment-based visa holders and undocumented workers in jeopardy of being deported, because their immigration status was linked to a family member who was employed at the World Trade Center.

The USA PATRIOT Act initially gave some immigrants amnesty until September 10, 2002. Others, who were not protected by the amnesty provided by the PATRIOT Act, because they were undocumented, also face deportation. The administration has acted with care by not moving forward with deportation procedures for many of them, but their status nonetheless remains in limbo. This legislation would provide permanent relief for the non-citizen dependents of deceased victim of the September 11, 2001, terrorist attacks, as determined by the September 11th Victims Compensation Fund. These individuals should not be forced to leave the country because of the actions of the terrorists.

Finally, I would like to thank Moshe and Debra Steinberg for their assistance in preparing this legislation for introduction and for all of the work they have done on behalf of the victims of the September 11, 2001, terrorist attacks. I urge my colleagues to support this legislation and urge its swift passage into law.

ONE HUNDRED YEARS OF HOYA BASKETBALL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Ms. NORTON. Madam Speaker, it is a privilege to call to my colleagues' attention this year's 100th anniversary of Hoya Basketball at Georgetown University here in the Nation's Capital. Over the last century, the Georgetown Hoyas have had great success on the basketball court, but I am proud to say there is much more to the Hoyas than their athletic prowess. The teams have had a strong record of academic success, community service and developing leaders that have served the Nation with distinction.

First, to their success on the basketball court: The Hoyas were the NCAA National Champions in 1984 and have made it to the Sweet Sixteen or beyond in nine NCAA tournaments since 1980. They have played in National Championship games in 1943, 1982, 1984 and 1985. Since the founding of the Big East Conference in 1980, the Hoyas have been six time Big East Champions. Having played in ten National Invitational Tournaments, in three years, the Georgetown team made it to the NIT Final Four. Former Georgetown head basketball coach John Thompson, Jr., was named Coach of the Year seven times during his career at Georgetown. In 1988, Coach John Thompson, Jr. coached the U.S. Men's Olympic Basketball team, and six of the last eight U.S. Men's Olympic teams have included Georgetown Hoya players or coaching. After completing their careers at Georgetown, many of their players have gone on to success in the NBA including Alonzo Mourning, Dikembe Mutombo, Allen Iverson and Patrick Ewing, to name just a few.

Georgetown athletics have also been committed to ensuring the academic success of their players. In fact, during the years when Coach John Thompson, Jr. led the team to win after win on the basketball court, he also focused on ensuring that his players succeeded in the classroom. Of 78 players who stayed at the University for four years during the years that John Thompson, Jr., led the team, 76 received their degrees for a 97% graduation rate. Since being under the coaching of Craig Esherick and John Thompson, III, the Hoyas have maintained that same commitment to ensuring the academic success of their players on the court.

In addition to the Georgetown Hoyas who have gone on to professional basketball careers of significant renown, two former Georgetown team members are names all of us in the Congress will recognize. First, our former colleague who just retired earlier this year after a long career in this chamber, the Honorable Henry Hyde of Illinois, played on the first Georgetown Hoyas team to play in a National Championship game in 1943. Here in the House, Congressman Hyde served with distinction both as Chairman of the House Judiciary Committee and of the House International Relations Committee. The other familiar name, Paul Tagliabue, served as Commissioner of the National Football League from 1989 through September, 2006. Mr. Tagliabue graduated from Georgetown in 1962 and subsequently earned a law degree from New York University School of Law. His record of rebounds remains in the top 20 through Georgetown Hoya history.

It is also heartening to know that this team has a long record of community service here in the District of Columbia as well as nationally and internationally. Since 1980 when the Hoyas began playing in arenas off campus with adequate space, it has been Georgetown basketball policy to donate at least 1,000 tickets per game to community groups here in the City. At present, some 80 organizations benefit from those donations in a typical season. Recognizing the importance of developing interactions between young people and law enforcement, the Hoyas partner with the DC Police Department and Coca-Cola each year to sponsor the ''Kids 'n Cops'' program when about 1,500 young people from the District attend a Hoyas basketball game with members of the District police force. Also, as part of a broader Georgetown athletics mentoring program known as ''GAME,'' basketball team members tutor students at the SEED School here in the District.

The experience of engaging in community service has carried forward as Hoyas graduate and go on to their own careers. I will share just a few of many examples of this important legacy of Georgetown basketball. Alonzo Mourning who graduated in 1992, is deeply involved in community programs in South Florida where he now lives with a focus on development and education programs for at-risk children and their families. He has also supported kidney research and programming for foster children. Since leaving Georgetown in 1998, Allen Iverson has established the Crossover Foundation which is actively involved in mentoring young people, assisting with access to technology and providing scholarships. As we heard in this chamber last week during the President's State of the Union address, Dikembe Mutombo, who graduated from Georgetown in 1991, has funded a 300 bed teaching hospital in his home of Kinshasa, Democratic Republic of the Congo. In 1996, he also funded the expenses of the Zairian women's Olympic basketball team. In addition, he has been engaged in the NBA's Basketball Without Borders program in Africa and elsewhere.

In closing, I would also note that, as part of the important effort to promote public diplomacy, three former Georgetown Hoyas, Courtland Freeman, Omari Faulkner, and RaMell Ross, have in recent years participated in the State Department's cultural envoys program. That work has taken them to South Africa and Botswana where they have focused on efforts to promote behaviors to prevent the spread of HIV–AIDS and to El Salvador and

Brazil where they have concentrated in part on anti-gang messages.

Indeed, as the Congresswoman representing Georgetown University and as a tenured member of the Universiy's Law Center faculty, I am proud to represent and to be associated with the accomplishments of the Georgetown Hoyas over the last century. I look forward to continuing successes under the leadership of their current coach, John Thompson III.

INTRODUCTION OF THE ''LAW ENFORCEMENT OFFICERS EQUITY ACT,'' H.R. 1073

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. FILNER. Madam Speaker, I rise today, with my colleague JOHN MCHUGH, to introduce The Law Enforcement Officers Equity Act (H.R. 1073). The purpose of this bill is simply to give law enforcement status to all Federal law enforcement officers!

Many Federal officials—for example, the Border Patrol—are classified as ''law enforcement officers,'' for the purposes of determining salary and retirement benefits. But many other officers—such as Customs and Border Protection (CBP) Officers, Immigration and Customs Enforcement (ICE) Inspectors, Veterans' Affairs Police Officers, U.S. Mint Police Officers, Internal Revenue Officers, and police officers in about two dozen other agencies—do not have equal pay and benefits status.

The tragic irony, Mr. Speaker, is that the only time these officers are classified as law enforcement officers is when they are killed in the line of duty. Then their names are inscribed on the wall of the National Law Enforcement Officers Memorial right here in Washington.

Let me say that again. It is only when they are killed that they are called law enforcement officers, and that is a tragic irony.

My district encompasses he entire California-Mexico border and is home to two of the busiest border crossings in the entire world, so I am very familiar with the work of our Nation's border inspectors. They wear bulletproof vests, they carry firearms, and, unfortunately, have to use them. Most importantly, these inspectors are subject to the same risks as other officers with whom they serve side-by-side. However, they are not eligible for early retirement and other benefits, which are designed to maintain a young and vigorous law enforcement workforce that we need to combat those who pose life-threatening risks to our society.

The Law Enforcement Officers Equity Act will provide well-deserved pay and retirement benefits to the officers protecting our borders, our ports of entry, our military and veterans' installations and other sensitive government buildings. The costs of these benefits would likely be off-set by savings in training costs and increased revenue collection. The bill will also reduce turnover, increase yield, decrease recruitment and development costs and enhance the retention of a well-trained and experienced workforce.

Madam Speaker, the simple fact is that these officers have dangerous jobs and deserve to be recognized as law enforcement officers, just like others with whom they serve, side by side, and who share the same level of risk. I encourage my colleagues to join me and Mr. MCHUGH in cosponsoring, the Law Enforcement Officers Equity Act. The valiant officers who protect us deserve no less!

IN RECOGNITION OF THE LIFE OF CAPTAIN DONNIE R. BELSER, JR.

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. ROGERS of Alabama. Madam Speaker, I request the House's attention today to recognize a heroic American, Captain Donnie R. Belser, Jr., 28, of Anniston, Alabama, who died in Iraq on February 10, 2007. Captain Belser was assigned to the 425th Military Transition Team, 1st Infantry Division, Fort Riley, Kansas, and according to initial reports was killed during an exchange of small arms fire.

Words cannot express the sense of sadness we have for his family, and the gratitude our country feels for his service. Captain Belser died serving the United States and the entire cause of liberty, on a mission to bring stability to a troubled region and liberty to a formerly oppressed people. Captain Belser was a true patriot indeed.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve.

PAYING TRIBUTE TO LARRY KAY BARTON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the life of my friend Larry Kay Barton who passed away January 30, 2007.

Larry Kay Barton was instrumental to the development of the Las Vegas community. Having served as the deputy city manager of Las Vegas in 1985 and in 1993 and as the city manager between 1993 and 1997, he helped facilitate the exponential growth of the region. Larry was involved in many projects that revitalized the historic districts during his time as city manager such as the Lewis and Fifth Streets Corridors and he played a major part in making the Freemont Street Experience come together. Other significant achievements he made during his time as city manager of Las Vegas were leading negotiations and facilitating the land assemblages for the Lloyd George U.S. Courthouse and the Regional Justice Center as well as the Las Vegas Technology Park and Enterprise Park developments. One of his biggest focuses was to make the city more efficient, so he created the Development Services Center and Express Plans check process for building projects in order to streamline permit approvals. I had the great pleasure of working with Larry in my capacity as Boulder city councilman, Boulder city mayor and later during my tenure in the Nevada State Senate.

In addition to Larry's long time commitment to serving the Las Vegas community, he also served as an Airman in the United States Air Force for over 30 years. He started as a fighter pilot in 1956 and subsequently became a command pilot and logged over 3,500 flying hours and flew more than 200 combat missions. Later, Larry served as a director of operations, a wing commander of the 354th Tactical Fighter Wing and ultimately become vice commander.

Madam Speaker, I am proud to honor the life and legacy of my friend Larry Kay Barton. As the city manager of Las Vegas, he led with integrity and greatly enriched the lives of those in the Las Vegas community. Larry was a true patriot, having devoted his life to his community and country. His dedication to service should serve as an example to us all.

HONORING SOJOURNER TRUTH

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Ms. JACKSON-LEE of Texas. Madam Speaker, greetings to Senator CLINTON, Dorothy Height, Dr. E. Faye Williams, Eleanor Smeal and Cicely Tyson.

In this country's majestic Capitol rotunda sits a monument honoring three pioneers of the women's suffrage movement, which led to the women of our great Nation being granted the right to vote in 1920. The monument features the busts of Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony. As the Architect of the Capitol has noted, the monument was presented to the Capitol as a gift from the Women of the United States by the National Women's Party and was accepted on behalf of Congress by the Joint Committee on the Library on February 10, 1921. The unveiling ceremony was held in the rotunda on February 15, 1921, the 101st anniversary of the birth of Susan B. Anthony, and was attended by representatives of over 70 women's organizations. The committee authorized the installation of the monument in the crypt, where it remained until, by act of Congress in 1996, it was relocated to the Capitol rotunda in May 1997.

In addition to the wonderful busts of Stanton, Mott, and Anthony, one of the interesting features of the monument is the existence of a large slab of stone that was never sculpted. Looking at the monument, it is clear that it was intended for a fourth person—another pioneer of the women's suffrage movement—to be sculpted. The legislation that myself and Senator CLINTON along with Senator SPECTER crafted calls for Sojourner Truth to be that person.

Born into slavery as one of the youngest of 13 children of James and Elizabeth in Hurley, which is in Ulster County, New York, in approximately 1797, Sojourner Truth's given name was Isabella Baumfree. Almost all of her brothers and sisters had been sold to other slave owners. Some of her earliest memories were of her parents' stories of the cruel loss of their other children.

Isabella was sold several times to various slave owners and suffered many hardships under slavery, but throughout her life she maintained a deep and unwavering faith that carried her through many difficult times.

In 1817, the New York State Legislature passed the New York State Emancipation Act, which granted freedom to those enslaved who were born before July 4, 1799. Unfortunately, however, this law declared that many men, women, and children could not be freed until July 4, 1827, 10 years later. While still enslaved and at the demand of her then owner, John Dumont, Isabella married an older slave named Thomas, with whom she had at least five children—Diane, Peter, Hannah, Elizabeth, and Sophia.

As the date of her release came near—July 4, 1827—she learned that Dumont was plotting to keep her enslaved, even after the Emancipation Act went into effect. For this reason, in 1826, she ran away from the Dumont plantation with her infant child, leaving behind her husband and other children.

She took refuge with a Quaker family—the family of Isaac Van Wagenen—and performed domestic work for them as well as missionary work among the poor of New York City. While working for the Van Wagenens, she discovered that a member of the Dumont family had sold her youngest son Peter to a plantation owner in Alabama. At the time, New York law prohibited the sale of slaves outside New York State and so the sale of Peter was illegal. Isabella sued in court and won his return. In doing so, she became the first black woman in the United States to take a white man to court and win.

Isabella had always been very spiritual, and soon after being emancipated, she had a vision that affected her profoundly, leading her—as she later described it—to develop a ''perfect trust in God and prayer.'' In 1843, deciding her mission was to preach the word of God, Isabella changed her name to Sojourner Truth—her name for a traveling preacher, one who speaks the truth—and left New York. That summer she traveled throughout New England, calling her own prayer meetings and attending those of others. She preached ''God's truth and plan for salvation.''

After months of travel, she arrived in Northampton, Massachusetts, and joined the Northampton Association for Education and Industry, where she met and worked with abolitionists such as William Lloyd Garrison, Frederick Douglas, and Olive Gilbert.

As we know, during the 1850s, slavery became an especially heated issue in the United States. In 1850, Congress passed the Fugitive Slave Law, which allowed runaway slaves to be arrested and jailed without a jury trial, and in 1857, the Supreme Court ruled in the Dred Scott case that those enslaved had no rights as citizens and that the government could not outlaw slavery in the new territories.

Nevertheless, these extraordinarily difficult times did not stop Sojourner Truth from continuing her mission. Her life story—''The Narrative of Sojourner Truth: A Northern Slave''—written with the help of friend Olive Gilbert, was published in 1850.

While traveling and speaking in States across the country, Sojourner Truth met many women abolitionists and noticed that although women could be part of the leadership in the abolitionist movement, they could neither vote nor hold public office. It was this realization that led Sojourner to become an outspoken supporter of women's rights.

In 1851, she addressed the Women's Rights Convention in Akron, Ohio, delivering her famous speech ''Ain't I a Woman?'' The applause she received that day has been described as ''deafening.'' From that time on, she became known as a leading advocate for the rights of women. Indeed, she was one of the nineteenth century's most eloquent voices for the cause of anti-slavery and women's rights.

By the mid-1850s, Truth had earned enough money from sales of her popular autobiography to buy land and a house in Battle Creek, Michigan. She continued her lectures, traveling to Ohio, Indiana, Iowa, Illinois, and Wisconsin. When the Civil War erupted in 1861, she visited black troops stationed near Detroit, Michigan, and offered encouragement. After the Emancipation Proclamation of 1863, she worked in Washington as a counselor and educator for those who had been previously enslaved through the Freedman's Relief Association and the Freedmen's Hospital. It was during this time—in October 1864—that she met with President Abraham Lincoln.

Throughout the 1870s, Sojourner Truth continued to speak on behalf of women and African Americans. Failing health, however, soon forced Sojourner to return to her Battle Creek, Michigan, home, where she died on November 26, 1883.

Friends, this brief recounting of Sojourner Truth's life story only begins to speak of her faith, courage, intelligence, and steadfastness in the face of extraordinary circumstances and volatile times in our Nation's history. Though she could neither read nor write, her eloquence commanded the attention of thousands of Americans, both black and white. It therefore comes as no surprise to learn that among her many friends, admirers and staunch supporters were Frederick Douglass, Amy Post, Olive Gilbert, Parker Pillsbury, Mrs. Francis Gage, Wendell Phillips, William Lloyd Garrison, Laura Haviland, Lucretia Mott, and Susan B. Anthony.

The legislation we introduced pays tribute to Sojourner Truth.

IN RECOGNITION OF THE LIFE OF MR. CHARLES LANGFORD

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. ROGERS of Alabama. Madam Speaker, I respectfully request the House's attention this morning to reflect on the life and legacy of a great Alabamian, Mr. Charles Langford. Mr. Langford passed this week on February 11 at his home in Montgomery, Alabama.

Mr. Langford was an activist, lawyer, and statesman of the highest caliber. During the Montgomery Bus Boycott in 1955–56, Mr. Langford represented the woman who started that protest which helped change our Nation, the late Mrs. Rosa Louise Parks, as well as the organization formed to carry out the boycott, the Montgomery Improvement Association. In 1956, the class action suit filed by Mr. Langford and his partner, Fred Gray, known as Browder v. Gayle, ended segregated seating on buses in Montgomery, and also became the precedent used to end all racial segregation ordinances in the United States. Later in life, Langford served two terms in the Alabama House of Representatives and five terms in the Alabama Senate.

Mr. Langford's passing is a great loss to the State of Alabama. He helped make history in the Civil Rights movement, and played an important role in Alabama politics. I know all of us in the House today share in the loss of this great and loved man, and send our condolences to his family and our prayers that his legacy will live on long after this mournful time has passed.

PAYING TRIBUTE TO SANDY PELTYN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my friend Sandy Peltyn, for her work and involvement in the Las Vegas community.

Since Sandy's move to Las Vegas in 1981, she has become very active in both fund-raising and organizing major events in the community. She is very involved in a number of organizations including: the Jewish Asthma Hospital, Juvenile Diabetes Foundation, Kids for Homeless Kids, Nevada Dance Theater Guild, Women's Center at UNLV, Latin Chamber of Commerce Miss Nevada-USA Pageant, Mrs. United States Pageant for the Susan G. Koman Breast Cancer Foundation, Golden Rainbow, Nevada Opera Theater, Opera Las Vegas, Oasis, Veterans in Politics, UNLV School of Medicine, Dean's Council, Clark County Pro Bono Projects, The Arthritis Foundation, Community College of Southern Nevada Fund Raising Committee, Las Vegas Chamber of Commerce, The UNLV Sierra Wind Quintet, Safe House, American Heart Association, Kidney Foundation, Nevada Association of the Handicapped and Children's Charities.org. She has raised over four million dollars for these charities.

Sandy has also been recognized for her achievements with the International Friendship A wards by the Nevada Opera Theatre, the Volunteer of the Year Awards from the Juvenile Diabetes Foundation, the Politician of the Year Award by the Filipino Community of Nevada and the Woman of the Year by Fit for Tomorrow. In addition to all of her other community achievements, she was recently appointed as one of the five members of Medical Liability Association of Nevada and President George W. Bush appointed her to a member of the President's Advisory Committee on the Arts at the Kennedy Center.

Madam Speaker, I am proud to honor Sandy Peltyn for her community activism which has enriched the lives of many in the community. I applaud her efforts and wish her the best in her future endeavors.

SOCIAL SECURITY GUARANTEE PLUS ACT

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise to inform my colleagues about legislation I have introduced today to preserve Social Security and pay full promised benefits to future

retirees without raising payroll taxes or further depleting the trust funds.

The facts are undeniable: demographics are driving Social Security's looming insolvency. Modem medicine is helping people live longer, and families are having fewer children. As a result, the number of seniors is growing faster than the number of workers supporting Social Security.

According to the 2006 report of the Social Security Board of Trustees, the number of retirees receiving Social Security benefits will grow five times faster than the working population over the next 10 years. Social Security tax revenue will fall short of benefit costs beginning in 2017. By 2040, Social Security revenues will be sufficient enough to finance only 74 percent of promised benefits. At that time, according to trustee estimates, benefits will have to be cut 25 percent, or the payroll tax will have to be increased by 34 percent to pay full promised benefits.

We must refocus our concern and reinvigorate our efforts to address the serious challenges Social Security programs face. This is not a Republican or Democrat issue, it's an American issue. The choices without reform are stark: massive benefit cuts, enormous deficits, or huge tax increases. We should not leave these problems for our children and grandchildren to solve.

The legislation that I have proposed, the ''Social Security Guarantee Plus Act,'' initially proposed by former Congressman Clay Shaw and former Chairman Bill Archer in previous Congresses, would keep the Social Security safety net intact, ensuring full receipt of Social Security benefits for all current and future American workers.

The Guarantee Plus plan establishes a voluntary program that would allow workers to receive a refundable income tax credit equal to 4 percent of their annual earnings, up to $1,000, to invest in a tax-free retirement account. Instead of restructuring existing payroll taxes, general treasury revenues would be used to fund retirement accounts. Individual workers, not the government, would control how their account assets are invested to create growth. Real assets, not IOU's, would fund promised benefits.

At retirement or when otherwise eligible, a 5 percent tax free lump sum payment would be paid directly to the worker. The balance would be used to help pay full guaranteed Social Security benefits. In order to preserve funds for retirement, account withdrawals would be prohibited until a worker becomes eligible for traditional Social Security benefits. Accounts would be inheritable and tax-free if a worker dies before reaching retirement.

The Guarantee Plus plan incorporates three core principles: all workers are treated fairly; individuals own and control their own retirement funds; Social Security benefits are guaranteed in full to all Americans through the next 75 years and beyond without increasing taxes, lowering benefits or raising the retirement age.

Because Social Security benefits are based on earnings, women are disadvantaged when they choose to stay home to raise their children. Longer life expectancies also make woman more likely to struggle with poverty in old age. The Guarantee Plus plan addresses this iniquity by enhancing benefits for widows, divorced spouses, and working mothers. These benefits would become immediately available.

The plan would also eliminate the retirement earnings penalty for all workers age 62 and older and reduce the current Government Pension Offset that limits spouse and survivor benefits for certain government employees.

The Social Security Administration's Office of the Actuary estimates that every borrowed dollar necessary to begin the program, in addition to accrued interest, would be repaid with 75 years, achieving permanent solvency. In sum, we would payoff the mortgage on Social Security while leaving workers with substantial account balances and generating surplus revenues for the Federal Government.

Everyone agrees that the Social Security program is integral to the financial stability of millions of Americans who have left the workforce due to retirement or disability as well as those who are dependent upon survivor benefits following the death of a parent or spouse. We must put partisan politics aside and do what is best for today's seniors and tomorrow's retirees.

Our recent success at passing sweeping measures to modernize welfare and worker pensions shows that effective reform is possible. In similar spirit, Congress needs to work together to explore every possible option to restore confidence in Social Security and ensure program solvency for generations to come.

I believe the Social Security Guarantee Plus plan accomplishes this goal in the most comprehensive, fair, and cost-effective manner. I encourage my colleagues to consider their support for this bill as a step toward permanent preservation of the Social Security program.

INTRODUCTION OF LEGISLATION GIVING TAX RELIEF FOR THE NATION'S MILITARY FAMILIES

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. GARRETT of New Jersey. Madam Speaker, the resolution debated this week in the House says, ''Congress and the American people will continue to support and protect the members of the United States Armed Forces.'' Today, I am introducing legislation, the Armed Forces Tax Relief Act of 2007, and the Strengthening America's Military Families Act of 2007 that will do precisely that. Both bills would put more money into the pockets of our troops fighting in a combat zone.

Members of the Armed Forces currently serving in a combat zone are exempt from having their earnings taxed under the federal income tax. However, their pay is still subject to ''employment taxes,'' such as the significant payroll taxes for Medicare and Social Security. The Armed Forces Tax Relief Act changes this, and truly allows our fighting men and women to keep their earnings tax free. Compared to the sacrifice that our troops make in the field, the amount we compensate them is not nearly enough. And while their sense of duty to their country is not tied to the size of their paychecks, enacting this legislation would put real extra money into the pockets of our Armed Forces, and send them a message that we are working hard in Washington to support them.

Oftentimes we forget that when the military is called overseas to fight in combat, many leave behind a well-paying job, a family, and children. The second bill I have introduced, the Strengthening America's Military Families Act of 2007, seeks to strengthen those families at home while their spouses are fighting abroad. With this legislation, the federal income tax exemption that we currently offer to members of the Armed Forces fighting in designated combat zones would be extended to their spouses. This way, during the months that our soldiers are fighting, they can have some peace of mind that their absence at home will not be wrought with financial hardship on their families.

REMEMBERING ''MR. BURLINGAME,'' VICTOR MANGINI

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 2007

Mr. LANTOS. Madam Speaker, I rise today to honor and commemorate the life of my dear friend Victor Mangini, who died of congestive heart failure on February 4, 2007 at the age of 88. ''Vic'', as he was often called, was an extraordinary human being, and a regarded educator, coach and public servant. His commitment to his adopted city of Burlingame, California rightfully earned him the title ''Mr. Burlingame.''

Born in Manhattan, Victor earned his Bachelor's Degree from Manhattan College and his teaching credential from Columbia University. As a young man, Victor joined the Armed Services and was stationed at the Presidio of San Francisco, where he played a key role as a training officer. Victor's commitment to our Nation's military continued after the War, as he joined the Air Force Reserve, retiring at the rank of Colonel after 37 years of service.

Madam Speaker, much like both of us, Victor Mangini fell deeply in love with the Bay Area of California and sought to make it his permanent home. The wonderful community of Burlingame located in the beautiful 12th Congressional District of California, which I am immensely proud to represent, is where Victor wisely chose to live and raise his family.

After the end of World War II, Victor Mangini moved down the Peninsula and started what became an illustrious 44-year career at Burlingame High School. During his tenure at Burlingame High School, Vic's involvement in the education and well-being of young scholars and athletes occurred in the classroom as history teacher and later as the assistant principal, and also on the athletic field, where he coached both the football and track teams. Because of outstanding and extraordinary dedication to the school, in May 2001 the Burlingame City Council voted to name the street in front of Burlingame High School after him. The high school address now reads 1 Mangini Way. That same year, Vic was also honored by his induction into the San Mateo County Sports Hall of Fame.

Vic's commitment to educating youth went far beyond his high school classroom. For over 55 years he headed the scholarship selection committee for the Frank H. and Eva B. Buck Foundation, which provides full scholarships and support to more than two hundred students seeking higher education in California.

Madam Speaker, Victor Magnini's impressive résumé and limitless talents did not only extend to academic endeavors. He was president of the Burlingame Rotary Club, and as an active member of the Our Lady of Angels Church in Burlingame, California, Victor proved his loyalty to his adopted city and in 1957, during the Golden Anniversary of the City of Burlingame, he rightfully earned the title ''Citizen of the Year'' from his fellow community members.

Vic was also very active in local politics. He successfully ran for Burlingame City Council in 1970, an office he held till he decided to retire in 1989. Vic served four separate terms as Mayor of the city of Burlingame during his nearly twenty-year tenure on the council.

A devoted family man, Victor was married to Rina Sari for 27 years, before she succumbed to breast cancer in 1975. They raised two children, Mariavittoria (Vicki) and Martin Jerome (Jerry). Victor later married Grace Cecilia Mangini, who passed away in 2003 following another 27 years of happy marriage.

Madam Speaker, there is a reason all city flags in Burlingame, California flew at half-staff for 4 days following Victor Mangini's death. The whole city of Burlingame mourned the passing of this extraordinary human being, who exemplified the highest class of American citizens, whose commitment to the improvement of society and country is unwavering. Victor Mangini spent his life making his community a better place, and I, along with every single resident of the City of Burlingame, California am deeply indebted to this true American hero.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1983–S2118

Measures Introduced: Fifty three bills and five resolutions were introduced, as follows: S. 602–654, S. Res. 82–84, and S. Con. Res. 12–13. **Pages S2022–24**

Measures Reported:

S. 202, to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska. (S. Rept. No. 110–6)

S. 216, to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non Federal land in the Pecos National Historical Park in the State of New Mexico. (S. Rept. No. 110–7)

S. 232, to make permanent the authorization for watershed restoration and enhancement agreements. (S. Rept. No. 110–8)

S. 240, to reauthorize and amend the National Geologic Mapping Act of 1992. (S. Rept. No. 110–9)

S. 241, to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System. (S. Rept. No. 110–10)

S. 245, to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System. (S. Rept. No. 110–11)

S. 255, to provide assistance to the State of New Mexico for the development of comprehensive State water plans. (S. Rept. No. 110–12)

S. 260, to establish the Fort Stanton Snowy River Cave National Conservation Area, with an amendment. (S. Rept. No. 110–13)

S. 262, to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area. (S. Rept. No. 110–14)

S. 268, to designate the Ice Age Floods National Geologic Trail. (S. Rept. No. 110–15)

S. 277, to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision. (S. Rept. No. 110–16)

S. 283, to amend the Compact of Free Association Amendments Act of 2003. (S. Rept. No. 110–17)

S. 320, to provide for the protection of paleontological resources on Federal lands. (S. Rept. No. 110–18)

H.R. 57, to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands. (S. Rept. No. 110–19)

S. Res. 41, honoring and the life and recognizing the accomplishments of Tom Mooney, president of the Ohio Federation of Teachers.

S. Res. 47, honoring the life and achievements of George C. Springer, Sr., the Northeast regional director and a former vice president of the American Federation of Teachers.

S. Res. 49, recognizing and celebrating the 50th anniversary of the entry of Alaska into the Union as the 49th State.

S. Res. 69, recognizing the African American spiritual as a national treasure.

S. 184, to provide improved rail and surface transportation security, with an amendment in the nature of a substitute. **Page S2022**

Measures Passed:

Living Kidney Organ Donation Clarification Act: Committee on Health, Education, Labor and Pensions was discharged from further consideration of S. 487, to amend the National Organ Transplant Act to clarify that kidney paired donations shall not be considered to involve the transfer of a human organ for valuable consideration, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S2115**

Reid (for Levin) Amendment No. 266, in the nature of a substitute. **Page S2115**

Voting Rights Act Reauthorization: Senate passed S. 188, to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, after agreeing to the committee

amendments, and the following amendment proposed thereto: Pages S2115–16

Reid (for Salazar) Amendment No. 267, to add the name of Dr. Hector P. Garcia to a short title. Page S2116

Iraq Sense of Congress: Senate began consideration of the motion to proceed to consideration of S. 574, to express the sense of Congress on Iraq. Page S2015

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of February 15, 2007, a vote on cloture will occur at 1:45 p.m., on Saturday, February 17, 2007. Page S2015

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 94 yeas (Vote No. EX. 49), Norman Randy Smith, of Idaho, to be United States Circuit Judge for the Ninth Circuit. Pages S1986–87

By unanimous vote of 93 yeas (Vote No. EX. 50), Marcia Morales Howard, of Florida, to be United States District Judge for the Middle District of Florida. Pages S1986–88

Leon R. Sequeira, of Virginia, to be an Assistant Secretary of Labor.

Rosemary E. Rodriguez, of Colorado, to be a Member of the Election Assistance Commission for the remainder of the term expiring December 12, 2007. (Prior to this action, Committee on Rules and Administration was discharged from further consideration.)

Caroline C. Hunter, of Florida, to be a Member of the Election Assistance Commission for a term expiring December 12, 2009. (Prior to this action, Committee on Rules and Administration was discharged from further consideration.) Pages S2115, S2118

Nominations Received: Senate received the following nominations:

Richard Sullivan, of New York, to be United States District Judge for the Southern District of New York.

Timothy D. DeGiusti, of Oklahoma, to be United States District Judge for the Western District of Oklahoma.

2 Army nominations in the rank of general.

Routine lists in the Air Force, Army, Marine Corps, Navy. Page S2117

Messages from the House: Page S2021

Measures Read the First Time: Page S2021

Executive Communications: Pages S2021–22

Executive Reports of Committees: Page S2022

Additional Cosponsors: Pages S2024–25

Statements on Introduced Bills/Resolutions: Pages S2025–S2113

Additional Statements: Pages S2019–21

Amendments Submitted: Pages S2113–14

Notices of Hearings/Meetings: Page S2114

Authorities for Committees to Meet: Pages S2114–15

Record Votes: Two record votes were taken today. (Total—50) Pages S1987, S1988

Adjournment: Senate convened at 10 a.m., and adjourned at 6:17 p.m., until 12 noon, on Friday, February 16, 2007.

Committee Meetings

(Committees not listed did not meet)

FUTURE READINESS

Committee on Armed Services: Committee concluded open and closed hearings to examine the current and future readiness of the Army and Marine Corps, after receiving testimony from General Peter J. Schoomaker, USA, Chief of Staff, and Lieutenant General Stephen M. Speakes, USA, Deputy Chief of Staff, G–8, both of the United States Army; and General James T. Conway, USMC, Commandant, United States Marine Corps.

FAA REAUTHORIZATION

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation Operations, Safety, and Security concluded a hearing to examine the Administration's proposal to reauthorize the Federal Aviation Administration (Part 1), after receiving testimony from Marion C. Blakey, Administrator, Federal Aviation Administration, Department of Transportation.

DEPARTMENT OF THE INTERIOR BUDGET

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2008 for the Department of the Interior, after receiving testimony from Dirk Kempthorne, Secretary of the Interior.

TRADE AGENDA

Committee on Finance: Committee concluded a hearing to examine the Administration's trade agenda for 2007, after receiving testimony from Susan C. Schwab, United States Trade Representative.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Ryan C. Crocker, of Washington, to be Ambassador to the

Republic of Iraq, and William B. Wood, of New York, to be Ambassador to the Islamic Republic of Afghanistan, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the following bills:

S. 4, to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, with an amendment in the nature of a substitute;

S. 343, to extend the District of Columbia College Access Act of 1999;

S. 457, to extend the date on which the National Security Personnel System will first apply to certain defense laboratories, a proposed bill to preserve existing judgeships on the Superior Court of the District of Columbia;

S. 550, to preserve existing judgeships on the Superior Court of the District of Columbia,

S. 171, to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, as the ''Mickey Mantle Post Office Building'';

S. 194 and H.R. 49, bills to designate the facility of the United States Postal Service located at 1300 North Frontage Road West in Vail, Colorado, as the ''Gerald R. Ford, Jr. Post Office Building'';

S. 219 and H.R. 335, bills to designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the ''Gale W. McGee Post Office'';

S. 412 and H.R. 521, bills to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the ''Lane Evans Post Office Building'';

H.R. 433, to designate the facility of the United States Postal Service located at 1700 Main Street in Little Rock, Arkansas, as the ''Scipio A. Jones Post Office Building'';

H.R. 514, to designate the facility of the United States Postal Service located at 16150 Aviation Loop Drive in Brooksville, Florida, as the ''Sergeant Lea Robert Mills Brooksville Aviation Branch Post Office''; and

H.R. 577, to designate the facility of the United States Postal Service located at 3903 South Congress Avenue in Austin, Texas, as the ''Sergeant Henry Ybarra III Post Office Building''.

TRIBAL PROGRAMS

Committee on Indian Affairs: Committee concluded an oversight hearing to examine the President's budget request for fiscal year 2008 for tribal programs, after receiving testimony from James Cason, Associate Deputy Secretary of the Department of the Interior; Charles W. Grim, Assistant Surgeon General, Director, Indian Health Service, Department of Health and Human Services; Catherine Freeman, Deputy Assistant Secretary for Elementary and Secondary Education, and Thomas M. Corwin, Director, Division of Elementary, Secondary and Vocational Analysis, Budget Service, both of the Department of Education; Orlando J. Cabrera, Assistant Secretary of Housing and Urban Development for Public and Indian Housing; Regina B. Schofield, Assistant Attorney General, Office of Justice Programs, Department of Justice; Ivan D. Posey, Eastern Shoshone Business Council, Fort Washakie, Wyoming; Jefferson Keel, Chickasaw Nation, Ada, Oklahoma, on behalf of the National Congress of American Indians; and H. Sally Smith, National Indian Health Board, Verlie Ann Malina Wright, National Indian Education Association, and Marty Shuravloff, National American Indian Housing Council, all of Washington, D.C.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. Res. 41, honoring and the life and recognizing the accomplishments of Tom Mooney, president of the Ohio Federation of Teachers;

S. Res. 47, honoring the life and achievements of George C. Springer, Sr., the Northeast regional director and a former vice president of the American Federation of Teachers;

S. Res. 49, recognizing and celebrating the 50th anniversary of the entry of Alaska into the Union as the 49th State;

S. Res. 69, recognizing the African-American spiritual as a national treasure; and The nominations of Beryl A. Howell, of the District of Columbia, and Dabney Langhorne Friedrich, of Virginia, both to be a Member of the United States Sentencing Commission.

Also, Committee approved for reporting S. 316, to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

BABY BOOMERS

Special Committee on Aging: Committee concluded a hearing to examine the retirement of those Americans born between 1946 and 1964 (baby boomers), focusing on the federal budget and senior citizens,

and Social Security benefits, after receiving testimony from Michael J. Astrue, Commissioner, Social Security Administration; Leslie V. Norwalk, Acting Administrator, Centers for Medicare and Medicaid Services, and Josefina Carbonell, Assistant Secretary for Aging, both of the Department of Health and Human Services; and Brian D. Montgomery, Assistant Secretary of Housing and Urban Development for Housing.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 47 public bills, H.R. 1062–1108; 1 private bill, H.R. 1109; and 8 resolutions, H. Con. Res. 66; and H. Res. 165–171 were introduced. **Pages H1789–90**

Additional Cosponsors: **Pages H1790–91**

Report Filed: A report was filed today as follows:

H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, with an amendment (H. Rept. 110–14). **Page H1787**

Administration of the Oath of Office to Officers of the House: The Speaker administered the Oath of Office to Lorraine C. Miller, Clerk of the House of Representatives and Daniel P. Beard, Chief Administrative Officer of the House of Representatives. **Page H1671**

Notify the Senate of the Election of the Clerk: The House agreed to H. Res. 165, informing the Senate of the election of the Clerk. **Page H1671**

Notify the President of the Election of the Clerk: The House agreed to H. Res. 166, instructing the Clerk to inform the President of the United States of the election of the Clerk. **Page H1671**

Clerk Designations: Read a letter from the Clerk wherein she designated Ms. Marjorie C. Kelaher, Deputy Clerk, and Mr. Jorge E. Sorensen, Deputy Clerk, to sign any and all papers and do all other acts in case of her temporary absence or disability. **Page H1671**

Disapproving of the decision of the President announced on January 10, 2007, to deploy more than 20,000 additional United States combat troops to Iraq: The House continued debate on H. Con. Res. 63, to disapprove of the decision of the President announced on January 10, 2007, to deploy more than 20,000 additional United States combat troops to Iraq. Further proceedings were postponed until Friday, February 16. **Pages H1674–H1782**

H. Res. 157, the rule providing for consideration of the resolution, was agreed to on Tuesday, February 13.

Election of committee to attend the funeral of the late Honorable Charlie Norwood: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the committee to attend the funeral of the late Honorable Charlie Norwood: Representatives Lewis (GA), Boehner, Blunt, Bishop (GA), Deal (GA), Kingston, Linder, Gingrey, Marshall, Scott (GA), Barrow, Price (GA), Westmoreland, Johnson (GA), Sensenbrenner, Barton (TX), Coble, Gene Green (TX), Hoekstra, Manzullo, McKeon, Mica, Frelinghuysen, Hastings (WA), LaHood, Latham, Myrick, Shadegg, Tiahrt, Wicker, Aderholt, Pitts, Sessions, Capps, Hayes, Tancredo, Terry, Brown (SC), Pence, Putnam, Shuster, Miller (FL), Wilson (SC), Sullivan, Barrett (SC), Burgess, King (IA), Neugebauer, Conaway, Gohmert, Schmidt, and Bilbray. **Pages H1782–83**

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 10 a.m. and adjourned at 1:13 a.m. on Friday, February 16th.

Committee Meetings

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on Fiscal Year 2007 Supplemental Requests for Iraq and Afghan Security Forces Fund. Testimony was heard from the following officials of the Department of Defense: MG Robert Durbin, Commander, Combined Security Transition Command-Afghanistan; BG Michael D. Jones, Deputy Director, Political-Military Affairs, Joint Staff; and Peter Rodman, Assistant Secretary, International Security Affairs.

HOMELAND SECURITY

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Coast Guard Iraq Operations, Port Security and Deepwater. Testimony

was heard from ADM Thad Allen, USCG, Commandant, U.S. Coast Guard, Department of Homeland Security; Steve Caldwell, Assistant Director; and John P. Hutton, both with GAO.

LABOR, HHS, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, held a hearing on (Panel I) Overview on America's Workers and Education for the 21st Century. Testimony was heard from public witnesses.

The Subcommittee also held a hearing on (Panel II) Overview on Health Care Access and the Aging of America. Testimony was heard from public witnesses.

MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction, Veterans' Affairs, and Related Agencies held a hearing on Long-Term Health Care Challenges. Testimony was heard from Stephen Heffler, Director, National Health Statistics Group, Center for Medicare and Medicaid Services, Department of Health and Human Services; A. Bruce Steinwald, Director, Healthcare Team, GAO; and Allison Percy, Principal Analyst; and John P. Hutton, both with CBO.

The Subcommittee also held a hearing on the Secretary of Veterans Affairs. Testimony was heard from R. James Nicholson, Secretary of Veterans Affairs.

RECRUITING AND RETENTION OVERVIEW

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on overview of recruiting and retention. Testimony was heard from the following officials of the Department of Defense: David S. C. Chu, Under Secretary, Personnel and Readiness; LTG Michael D. Rochelle, USA, Deputy Chief of Staff, G–l; VADM John C. Harvey, Jr., USN, Chief of Naval Personnel; LTG Roger A. Brady, USAF, Deputy Chief of Staff, Manpower and Personnel; and LTG Ronald S. Coleman, USMC, Deputy Commandant, Manpower and Reserve Affairs.

USDA FY 2008 BUDGET PRIORITIES

Committee on the Budget: Held a hearing on the U.S. Department of Agriculture Fiscal Year 2008 Budget Priorities. Testimony was heard from Mike Johanns, Secretary of Agriculture; and public witnesses.

Hearings continue tomorrow.

MONETARY POLICY AND THE STATE OF THE ECONOMY

Committee on Financial Services: Held a hearing on Monetary Policy and the State of the Economy. Testimony was heard from Ben S. Bernanke, Chairman, Board of Governors, Federal Reserve System.

Hearings continue tomorrow.

MISCELLANEOUS MEASURES; AFGHANISTAN AT THE BRINK

Committee on Foreign Affairs: Ordered reported, as amended, H.R. 957, To amend the Iran Sanctions Act to expand and clarify the entities against which sanctions may be imposed.

The Committee favorably considered the following measures and adopted a motion urging the Chairman to request that they be considered on the Suspension Calendar: H. Res. 98, as amended, Honoring the life and achievements of the late Dr. John Garang de Mabior and reaffirming the continued commitment of the House of Representatives to a just and lasting peace in the Republic of Sudan; H.R. 987, NATO Freedom Consolidation Act of 2007; H.R. 1003, To amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy; H. Res. 107, as amended, Calling for the immediate and unconditional release of Israeli soldiers held captive by Hamas and Hezbollah; H. Res. 149, Supporting the goals of International Women's Day; and H. Res. 64, as amended, Expressing the sense of the House of Representatives that the Government of Bangladesh should immediately drop all pending charges against Bangladeshi journalist Salah Uddin Shoaib Choudhury.

The Committee also held a hearing on Afghanistan on the Brink: Where Do We Go From Here? Testimony was heard from Representative Kirk; and public witnesses.

PROTECTING HUMAN RIGHTS OF COMFORT WOMEN

Committee on Foreign Affairs: Subcommittee on Asia, the Pacific, and the Global Environment held a hearing on Protecting the Human Rights of Comfort Women. Testimony was heard from Representative Honda; and public witnesses.

HOMELAND SECURITY

Committee on Homeland Security: Held a hearing entitled "Lessons Learned and Grading Goals: The Department of Homeland Security of 2007." Testimony was heard from Michael P. Jackson, Deputy Secretary, Department of Homeland Security.

OVERSIGHT—PATENT SYSTEM REFORM

Committee on the Judiciary: Subcommittee on Courts, the Internet and Intellectual Property held an oversight hearing on American Innovation at Risk: The Case for Patent Reform. Testimony was heard from Suzanne Michel, Chief Intellectual Property Counsel and the Deputy Assistant Director for Policy Coordination, FTC; and public witnesses.

YOUTH VIOLENCE AND GANG INTERVENTIONS

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing entitled ''Making Communities Safer: Youth Violence and Gang Interventions that Work.'' Testimony was heard from public witnesses.

IRAQ RECONSTRUCTION

Committee on Oversight and Government Reform: Held a hearing entitled ''Iraq Reconstruction: An Overview.'' Testimony was heard from David M. Walker, Comptroller General, GAO; William H. Reed, Director, Defense Contract Audit Agency, Department of Defense; and Stuart W. Bowen, Jr., Special Inspector General for Iraq Reconstruction.

NIST ECONOMIC COMPETITIVENESS ROLE

Committee on Science and Technology: Subcommittee on Technology and Innovation held a hearing on The National Institute of Standards and Technoloy's Role in Supporting Economic Competitiveness in the 21st Century. Testimony was heard from William Jeffrey, Director, National Institute of Standards and Technology, Department of Commerce; and public witnesses.

SHORT SEA SHIPPING

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing entitled ''The Development of Short Sea Shipping in the United States.'' Testimony was heard from Sean Connaughton, Administrator, Maritime Administration, Department of Transportation; Collister Johnson, Jr. Administrator, St. Lawrence Seaway Development Corporation; and public witnesses.

FILIPINO VETERANS

Committee on Veterans' Affairs: Held a hearing on Equity for Filipino Veterans. Testimony was heard from Representatives Bordallo, Hirono and Honda; Ronald R. Aument, Deputy Under Secretary, Benefits, Department of Veterans Affairs; Carlos D. Sorreta, Charge d'Affaires, Embassy of the Philippines; and public witnesses.

VA INSPECTOR GENERAL

Committee on Veterans Affairs: Subcommittee on Oversight and Investigations held an oversight hearing on VA Inspector General-Budget and Best Practices. Testimony was heard from George J. Opfer, Inspector General, Department of Veterans Affairs.

U.S.-CHINA TRADE RELATIONSHIP

Committee on Ways and Means: Subcommittee on Trade held a hearing on the U.S.-China trade relationship. Testimony was heard from Karan K. Bhatia, Deputy U.S. Trade Representative; from former Representatives Dan Glickman of Kansas and Patricia Schroeder of Colorado; and public witnesses.

BRIEFING—HOT-SPOTS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Hot-Spots. The Committee was briefed by departmental witnesses.

IRAN'S INVOLVEMENT IN IRAQ

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Iran's Involvement in Iraq. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 16, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine paying for college in the future relating to higher education, higher cost and higher student debt, 10 a.m., SD–430.

House

Committee on Appropriations, Subcommittee on Defense, executive, hearing on Joint Improvised Explosive Device Defeat Organization, 10 a.m., H–140 Capitol.

Subcommittee on Energy and Water Development, and Related Agencies, on Future of the Nation's Navigation Infrastructure, 10 a.m., 2362B Rayburn.

Subcommittee on Homeland Security, on Implementation of U.S. VISIT Entry/Exit Program, 10 a.m., 2362A Rayburn.

Subcommittee on Interior, Environment, and Related Agencies, on Forest Service: State and Private Forestry and Research, 9 a.m., B–308 Rayburn.

Subcommittee on Legislative Branch, on Capitol Visitor Center, 10 a.m., 2358 Rayburn.

Subcommittee on State, Foreign Operations, and Related Programs, on Fiscal Year 2007 Emergency Supplemental Request, 9 a.m., 2359 Rayburn.

Committee on the Budget, hearing on IRS and the Tax Gap, 10 a.m., 210 Cannon.

Committee on Financial Services, to continue hearings on Monetary Policy and the State of the Economy, 10 a.m., 2128 Rayburn.

Committee on Homeland Security, Subcommittee on Transportation Security and Infrastructure Protection, hearing entitled ''Impact of Background and Security Clearances on the Transportation Workforce,'' 10:30 a.m., 311 Cannon.

Committee on House Administration, to meet for organizational purposes and to consider an Oversight Plan for the 110th Congress, 10 a.m., 1310 Longworth.

Committee on Natural Resources, oversight hearing entitled ''Reports, Audits and Investigations by the General Accountability Office (GAO) and the Office of Inspector General (OIG) Regarding the Department of the Interior,'' 10 a.m., 1324 Longworth.

Next Meeting of the **SENATE**

12 noon, Friday, February 16

Senate Chamber

Program for Friday: The time until 12:30 p.m. shall be equally divided and controlled by the Majority and Republican Leaders; following which, Senate will be in a period of morning business.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

8 a.m., Friday, February 16

House Chamber

Program for Friday: Continue consideration of H. Con. Res. 63—To disapprove of the decision of the President announced on January 10, 2007, to deploy more than 20,000 additional United States combat troops to Iraq. Consideration of H.R. 976—Small Business Tax Relief Act of 2007.

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