



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153

WASHINGTON, THURSDAY, MARCH 15, 2007

No. 45

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. SOLIS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 15, 2007.

I hereby appoint the Honorable HILDA L. SOLIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rabbi Shea Harlig, Chabad of Southern Nevada, Las Vegas, Nevada, offered the following prayer:

Almighty God, the Members of this prestigious body, the U.S. Congress, convene here to fulfill one of the seven Noahide commandments: the commandment to govern by just laws which are based in the recognition of You, God, as the sovereign ruler of all people and nations.

We the citizens of this blessed country proudly proclaim this recognition and our commitment to justice in our Pledge of Allegiance—"one Nation under God, with liberty and justice for all."

Grant us, Almighty God, that those assembled here be aware of Your presence and conduct their deliberations accordingly. Bless them with good health, wisdom, compassion, and good fellowship.

On the eve of Passover, the Festival of Freedom, I beseech You, Almighty God, to bless and protect our troops and our entire Nation whom our esteemed spiritual leader, The Lubavitcher Rebbe, labeled "a nation of kindness" with freedom from terrorism.

Indeed "God Bless America."

THE JOURNAL

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

Mr. WALBERG 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.

WELCOMING RABBI SHEA HARLIG

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

Ms. BERKLEY. It gives me great pleasure to introduce a spiritual leader in Las Vegas, Nevada. Rabbi Shea Harlig was ordained in March of 1988 from the Central Chabad Yeshiva in Brooklyn, New York, and since December of 1990 serves as the spiritual leader of Congregation Chabad in Las Vegas, Nevada.

He is the founder and regional director of Chabad of Southern Nevada, a major Jewish outreach organization in Las Vegas with five locations. Its programs include daily services, nightly adult education classes, Hebrew school and day camps, chaplain at the State and county prisons, bimonthly column for the Las Vegas Israelite, crisis counseling and financial assistance to members of the community. Rabbi Harlig is the kosher supervisor of five local kosher restaurants, markets and catering facilities. He is also the founder and dean of the Desert Torah Academy Day School, which has an enrollment of 175 children, preschool through eighth grade.

On a personal note, I have known the Rabbi since he came to Las Vegas. He has made an extraordinary contribution to the spiritual life of Las Vegas, Nevada. His impact is felt throughout the community. I am absolutely delighted to welcome him to our Nation's capital, Washington, D.C.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minute notices on each side.

IRAN

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

Mr. KUCINICH. This House cannot avoid its constitutionally authorized responsibility to restrain the abuse of executive power. The administration has been preparing for an aggressive war against Iran. There is no solid, direct evidence that Iran has the intention of attacking the United States or its allies. The U.S. is a signatory to the U.N. Charter, a constituent treaty among the nations of the world. Article II, section 4, of the U.N. charter states, "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state." Even the threat of a war of aggression is illegal. Article VI of the U.S. Constitution makes such treaties the supreme law of the land. This administration has openly threatened aggression against Iran in violation of the U.S. Constitution and the U.N. Charter.

This week, the House Appropriations Committee removed language from the Iraq war funding bill requiring the administration under Article I, section 8, clause 11 of the Constitution to seek permission before it launched an attack against Iran. Since war with Iran is an option of this administration and such war is patently illegal, then

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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impeachment may well be the only remedy which remains to stop a war of aggression against Iran.

THE BUDGET

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Madam Speaker, while Democrats are talking about fiscal discipline, their actions say otherwise. Time and time again, the Democrat "plan" is to chase increased spending with increased taxes.

In less than 3 months, Democrats have called for immense new spending. Their agenda for the 110th Congress calls for throwing billions more at entitlements that are already growing at unsustainable rates. At the same time, they have not proposed a dollar of savings or a single reform—just more spending, financed by higher taxes.

The American people want reductions in spending, they want reforms to our overburdened and unsustainable programs, and they want their elected leaders to be held accountable for the plans they put forth and the funding they approve.

Republicans have a responsible plan that balances the budget by encouraging economic growth and reforming entitlement programs—without raising taxes. Increasing the tax burden on the American people has never led to economic prosperity.

Madam Speaker, my constituents don't want to see a return of tax-and-spend politics.

IMMIGRATION REFORM

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

Ms. GIFFORDS. Madam Speaker, I rise today once again to state my strong support for comprehensive immigration reform. Last week, Federal agents from Immigrations and Customs Enforcement raided businesses in my district in southern Arizona because employers were suspected of employing illegal immigrants. For years, we have known that employers in Arizona and across the country have been breaking the law by illegally employing undocumented workers. Let me be clear: any company that knowingly hires illegal immigrants should be prosecuted and punished to the fullest extent of the law.

I recognize the humanitarian concerns that are involved when raids on businesses occur, especially regarding families. The problems of immigration are extensive. These raids make clear that in my district in Arizona we continue to bear the brunt of a national crisis. Approximately 4,000 illegal immigrants pass into Arizona each and every day. That is unacceptable.

We need to rise to the challenge and address a national crisis. We need to do it now. Democrats and Republicans working together must pass comprehensive immigration reform.

PUTTING OUR FISCAL HOUSE IN ORDER

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

Mr. WALBERG. Madam Speaker, a recent analysis by the Mackinac Center for Public Policy compared Michigan's per capita income to the national average and revealed the Great Lakes State reached its lowest level in 75 years. At the end of 2006, Michigan had the second highest unemployment rate in the Nation and since January of 2001, Michigan has lost over 205,000 jobs.

Certainly many of Michigan's problems have been caused by State policies, but the men and women of my district continue to stress to me they want Congress to put our fiscal house in order on a Federal level.

Right now, taxpayers in south central Michigan are making tough choices every day to ensure their family budgets are balanced. They do it by cutting spending and having fiscal discipline. It's time we make these same hard choices on a Federal level. Congress needs to pass a balanced budget bill without raising taxes. We need to make tax relief permanent for hard-working American families and reform unsustainable entitlements.

By putting our fiscal house in order, this Congress can go a long way in restoring the trust of the American people and build a better, brighter future for our country.

"SMOKING MEMO"

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

Mr. EMANUEL. Madam Speaker, in a memo sent to the White House, the Justice Department laid out a plan to replace seven U.S. Attorneys who were cracking down on public corruption. This "smoking memo" seems to confirm that this administration targeted U.S. Attorneys involved in ongoing public corruption cases.

Today, as we learn more about the Attorney General's failure of leadership, many are eager to debate the future of Attorney General Gonzales and whether he will remain in office. But as we examine how these U.S. Attorneys were fired, we must not lose sight of the real story. What is happening to these ongoing public corruption investigations, from southern California to Nevada to Arizona to New Mexico?

The fired U.S. Attorneys were aggressively investigating public corruption cases and they were fired ostensibly for job performance, which in this White House means you're guilty of doing your job. I don't suppose any of these U.S. Attorneys will receive the Presidential Medal of Freedom award.

The question some of us want to know is where are these public corruption cases today? As Washington debates whether Alberto Gonzales, the Attorney General, survives by the weekend, some of us want to know whether we can bring back to life these

public corruption investigations in these five jurisdictions.

THEFT FROM CRIME VICTIMS

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

Mr. POE. Madam Speaker, crime victims are once again being victimized, not by the hands of offenders but by the robber baron bureaucrats who are putting their hands in the pockets of American crime victims.

Let me explain. Under a law called VOCA, Victims of Crime Act, crime victims receive money from a fund that criminals pay into as a part of their sentence. This wonderful idea makes criminals literally pay for their crimes and give compensation to injured and brutalized victims. Make criminals pay rent on the courthouse. Make them pay for the system they created. This fund is now over \$1.2 billion.

But now the insensitive Federal budget boys want to pick-pocket victims and take this money and put it into the abyss of the Federal Treasury. This is not taxpayer money. It doesn't belong to the Federal Government. The Feds should keep their sticky fingers off this victim money and Congress needs to protect victims from this bureaucratic theft.

And that's just the way it is.

ACCOUNTABILITY AND OVERSIGHT—DEMOCRATS DELIVER WITH LEGISLATION THIS WEEK

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

Mr. ELLISON. Madam Speaker, the appalling conditions at Walter Reed captured the Nation's attention this month and finally spurred this administration to begin taking action. But reports on the poor conditions at Walter Reed date back 2 years ago. The President and the Congressional Republicans did nothing. In fact, Lieutenant General Kiley, former head of Walter Reed, knew for years about the horrible conditions at the facility, but he claimed the problems "weren't serious and there weren't a lot of them."

We now know that that was not true, thanks to The Washington Post and hearings held by the Democratic House. Oversight by the former Republican Congress could have stopped these problems long ago. But lack of oversight didn't begin or end with Walter Reed. Republicans also failed to look at the President's policies in Iraq, the administration's actions during Hurricane Katrina, or the firing of numerous U.S. Attorneys for political reasons.

Madam Speaker, this Democratic Congress has already held 91 oversight hearings on these issues and others, and we will continue to uphold our legislative duty to oversee the actions of the executive branch.

AMERICAN TAXPAYER BILL OF RIGHTS—IMAGINE THIS SOLUTION

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

Mr. PRICE of Georgia. Madam Speaker, there is a common misconception in Washington that simply talking about a problem is as good as solving it. However, we know that actions speak louder than words. In 34 of the last 38 years, the Federal Government hasn't balanced its own checkbook.

It's time Washington stop looking for ways to afford bigger government. Yesterday, the Republican Study Committee introduced the Taxpayer Bill of Rights to restore budget accountability to Washington's checkbook, and it couldn't come at a better time. It is imperative that we prioritize America's financial responsibilities and reform the way Washington spends hard-earned taxpayer money. We can't expect different results if we keep on doing the same thing.

This is all about accountability, about reducing wasteful Washington spending, about balancing the budget, about fundamental tax reform, and about adapting programs to America's changing demographics.

Madam Speaker, the Taxpayer Bill of Rights isn't merely a slogan, it's a solution, a way we should all be thinking. Imagine this positive change to the way Washington spends hard-earned taxpayer money. Just imagine.

□ 1015

PROVIDING FOR CONSIDERATION OF H.R. 1362, ACCOUNTABILITY IN CONTRACTING ACT

Ms. CASTOR. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 242 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 242

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1362) to reform acquisition practices of the Federal Government. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clauses 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour and 20 minutes, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on Oversight and Government Reform and the Committee on Armed Services now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a sub-

stitute printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived except those arising under clauses 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clauses 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1362 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore (Ms. SOLIS). The gentlewoman from Florida (Ms. CASTOR) is recognized for 1 hour.

Ms. CASTOR. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

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

GENERAL LEAVE

Ms. CASTOR. Madam Speaker, I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 242.

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

There was no objection.

Ms. CASTOR. Madam Speaker, House Resolution 242 provides for consideration of H.R. 1362, the Accountability in Contracting Act, under a structured rule. The rule provides 80 minutes of general debate, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

The rule waives all points of order against consideration of the bill, except clauses 9 and 10 of rule XXI.

The rule provides that in lieu of the substitutes recommended by the Committee on Oversight and Government Reform and the Committee on Armed Services, the amendment in the nature of a substitute printed in part A of the Rules Committee report shall be considered as an original bill for the purpose of amendment. All points of order except clauses 9 and 10 of rule XXI are waived against the substitute, and the substitute shall be considered as read.

The rule makes in order the two amendments printed in part B of the Rules Committee report. Each amendment may be offered only in the order printed in the report and by the Member designated in the report. The amendments are considered as read, are debatable for 10 minutes each, are not subject to amendment and are not divisible. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived.

Finally, the rule provides one motion to recommit, with or without instructions.

Madam Speaker, this rule and the legislation before us today is the Accountability in Contracting Act. This new act will restore accountability in Federal contracting. It targets conflicts of interest that have become too prevalent over past years.

During the first 100 hours of this new Congress, we charted a new direction in response to the American people's call for change and reform. We passed pay-as-you-go budgeting to require greater fiscal responsibility, we passed Medicare part D reform to require the executive branch to negotiate lower drug prices for our seniors and help the Federal bottom line, and we eliminated unnecessary tax subsidies for big oil companies that were making record profits while we paid record prices at the pump.

But if you recall, Madam Speaker, the first item of business during the first 100 hours of this new Congress was ethics reform. After the scandals of the past years, our commitment to the American people is to fight for higher ethical standards in the United States Congress and for all of the Federal Government by severing the connection between lobbyists and legislation, by banning gifts and travel from lobbyists, and ending the abuses of privately funded travel.

Today, the new Democratic Congress will continue our fight for ethics reform while we are still in the first 100 days through this rule and the Accountability in Contracting Act. This bill targets waste in Federal contracting, limits the use of no-bid contracts, minimizes sole-source contracts, and closes the revolving door between purchasing officers and private contractors. This bill addresses the past problems with wasteful and fraudulent contracts in Iraq, the Defense Department and in relation to Hurricane Katrina.

Congressional hearings have already shown that an estimated \$10 billion in

Iraq reconstruction funds was wasted as a result of overcharging, poor tracking and mismanagement by U.S. contractors, three times more than was estimated just last fall. Unfortunately, these accounts have abounded under the Bush administration. Defense auditors estimate that at least one out of six dollars spent in Iraq is suspect, including \$2.7 billion in Halliburton contracts.

Almost 19 post-Hurricane Katrina contracts worth a total of \$8.75 billion have been plagued by waste, fraud and mismanagement; and only 30 percent of the more than \$10 billion in Katrina contracts were awarded with full and open competition. And when it comes down to the small contractors who are actually hauling away the rubble and debris, they were not getting paid properly. This bill will help stop these kinds of wasteful contracts that keep the real work from getting done, that keep our neighbors from recovering from a natural disaster, and that keep the real workers from getting paid.

In my Tampa Bay area district, the Federal defense procurement revolving door has been the subject of Federal investigations in Federal district court proceedings in Tampa over the past several years. So it is vital we stand up for the folks we represent and demand their Federal tax dollars are spent correctly, especially when it comes to national security. That means having tough and fair oversight and a transparent system so there are no conflicts of interest.

So I commend the House Oversight and Government Reform Committee and the Chair, Mr. WAXMAN, for his diligent efforts. I also commend the House Armed Services Chair, Ike Skelton, and my fellow members of the Armed Services Committee for their work on this legislation. When we marked this bill up in the House Armed Services Committee on Tuesday, this effort won bipartisan and unanimous support. It deserves no less by the full House today.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise today in strong opposition to this closed rule and to the financially irresponsible underlying legislation. I also rise with great regret to report to the American people that for the third week in a row the Democrat leadership is bringing legislation to the House floor that stacks the deck in favor of big labor bosses at someone else's expense.

Madam Speaker, in just a few minutes I am going to ask that we submit this into the CONGRESSIONAL RECORD, but the Congressional Budget Office estimates that this bill will cost a new \$20 billion for 4 years after it is implemented. \$20 billion. Yet we have just heard from the other side that this is responsible and the right way to do things. What do we expect? An addi-

tional \$20 billion worth of spending. It is a real sad day, Madam Speaker.

Two weeks ago, American workers were the main losers in the Democrat-controlled House when the majority leadership forced through legislation that would provide for an unprecedented intimidation of employees by union bosses under a fundamentally anti-democratic process known as "card check."

Last week, in another unprecedented expansion of Davis-Bacon to important water projects across this country, the Democrat leadership set its sights on one of their all-time favorite targets, the American taxpayer. Other losers that were targeted in that bargain included some other perhaps more surprising targets, including local communities, small and minority-owned businesses and, perhaps most of all, the environment.

But I suppose that that is everything that the Democrat-controlled leadership says is good. Everything is a fair game when tilting the playing field in favor of labor bosses. That is what this new Democrat majority is about.

Given this well-established track record, it should come as no surprise that today, once again, the Democrat majority has placed a bull's eye squarely on the American taxpayers' back on the floor of this people's House. The legislation that we are being asked to consider today represents the triumph of politics over policy by attempting to taint every government contractor with the high-profile transgressions that only a few have done.

I do commend Chairman WAXMAN for his desire to provide proper and appropriate oversight for the use of government funds, and I do share his desire to prevent waste, fraud, and abuse in government contracting. However, the approach that he has brought to the floor is far-reaching and intrusive, expensive; and it misses the mark. The problem is primarily one of enforcement, and this is where Congress should be focusing its efforts on behalf of the taxpayer.

While these proposals may seem beneficial and look good on paper, in practice they add up restrictions upon restrictions simply for the sake of regulation. They would increase the cost and reduce government access to the solutions it needs, while increasing the burden on an already-overworked Federal contracting workforce.

While I am concerned about fiscal responsibility as a Member of this body, I do not believe that adding layer upon layer of additional regulations is a way to save taxpayer money or to be responsible.

Every day, private contractors provide the entire Federal Government with effective cost-saving solutions, and this legislation represents a large step backwards in giving these contractors the flexibility they need to provide these vital services. Rather than taking Chairman WAXMAN's approach and discouraging the vast majority of con-

tractors that do not play by the rules from wanting to do business with the government, Congress should focus on dealing with those bad actors that have violated the public trust.

□ 1030

Right here on our Capitol campus, private contractors provide us with the services that we need to function on a daily basis. They include inspecting and delivering the mail, mowing the Capitol grounds, installing signs, repairing sinks, providing IT consulting and technology systems maintenance, and they do so at the lowest cost to taxpayers through competition.

The Federal Government should not be competing with a vibrant private sector that can provide these services better, faster, and cheaper than we can do them ourselves. I find that a good rule of thumb that I have used for years is if you can open up the Yellow Pages and find professionals willing to do the same services listed, then the government should not try to perform these tasks on its own, because it will end up costing the taxpayers a great deal more money.

Madam Speaker, I do understand that the Democrat Party wants to change this slowly and to stack the deck in favor of big labor bosses whose ranks have dwindled to 12 percent from a high of 35 percent in the 1950s. I understand that a very few contractors have behaved dishonorably and illegally, and for that they should reimburse the taxpayer and be prosecuted to the fullest extent of the law.

But I simply don't believe that limiting the Federal Government's flexibility to contract, especially in the case of an emergency, is the answer to this problem. Nor do I believe that this legislation that is a new private sector mandate and that the CBO estimates will cost taxpayers over \$20 billion, 20 billion new dollars, should be considered reasonable or should be considered financially responsible. This is not the correct solution to this problem.

Madam Speaker, I include for the RECORD the CBO cost estimate for H.R. 1362.

H.R. 1362—ACCOUNTABILITY IN CONTRACTING ACT

Summary: H.R. 1362 would amend federal contracting rules. Specifically the legislation would require federal agencies to limit the length of noncompetitive contracts and limit the use of sole-source and cost-reimbursement contracts when possible. H.R. 1362 also would authorize an increase in funds used to pay for contract oversight, planning, and administration equal to 1 percent of the value of an agency's contracts. The legislation would require various reports to the Congress on noncompetitive contracts and contractor overcharges and amend employment restrictions on federal procurement officials.

CBO estimates that implementing H.R. 1362 would cost \$20 billion over the 2008-2012 period, assuming appropriation of the necessary amounts to provide additional resources for contract oversight, planning, and administration. That estimate does not include any costs or savings that could result

from implementing the legislation's provisions regarding the use of noncompetitive and cost-reimbursement contracts. CBO has no basis for estimating any costs or savings for those provisions. Enacting the bill could affect revenues by increasing collections of civil penalties, but CBO estimates that any increase in revenue collection would not be significant. Enacting the bill would not affect direct spending.

H.R. 1362 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

H.R. 1362 would impose a private-sector mandate, as defined in UMRA, on certain former federal officials that were substantially involved in the awarding of contracts. CBO expects that the direct cost of com-

plying with the mandate would fall well below the annual threshold for private-sector mandates (\$131 million in 2007, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1362 is shown in the following table. The cost of this legislation falls within all budget functions that provide contract funding.

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
Estimated Authorization Level	4,000	4,070	4,145	4,220	4,295
Estimated Outlays	3,440	3,900	4,090	4,165	4,240

SPENDING SUBJECT TO APPROPRIATION

Basis of estimate: H.R. 1362 would amend federal contracting rules and authorize the appropriation of additional funds for contract oversight, planning, and administration. CBO estimates that implementing H.R. 1362 would cost about \$20 billion over the 2008-2012 period, assuming appropriation of the necessary funds. For this estimate, CBO assumes that the bill will be enacted before the start of fiscal year 2008 and that spending will follow historical patterns for contract oversight activity.

SPENDING SUBJECT TO APPROPRIATION

Contract Oversight. Section 203 would authorize the appropriation of additional funds for contract oversight, planning, and administration equivalent to 1 percent of the value of contract awards. Those funds would be used for hiring and training of acquisition workforce personnel, as well as contract planning, administration, and oversight. Based on information from the General Services Administration, CBO estimates that federal government awards contracts with a value of about \$400 billion annually. Thus, CBO estimates that implementing H.R. 1362 would require additional appropriations of about \$4 billion annually (with adjustments for inflation). As a result, we estimate a cost of about \$20 billion over the 2008-2012 period, assuming appropriation of the necessary amounts, and that the value of federal contracts increases at the rate of anticipated inflation.

Federal Contracting Rules. H.R. 1362 would amend various contracting rules regarding the use of noncompetitive, sole-source, and cost-reimbursement contracts by the federal government. This would include restrictions on the contract period for noncompetitive contracts and limiting the use of sole-source and cost-reimbursement contracts.

The provisions of the legislation that would impose restrictions on the length of noncompetitive contracts and limit the use of sole-source and cost-reimbursement contracts could increase costs for contract administration, but could also result in the use of other types of contract procurements that may lower costs to the government. CBO has no basis for estimating the net impact on the budget of those provisions. The circumstances involving the use of cost-reimbursement and noncompetitive contracts by federal agencies and the potential to use other types of contracts in those situations is often unique. At this time, CBO does not have sufficient information relating to the use of noncompetitive and cost reimbursement contracts to determine the magnitude of any cost or savings that could result from implementing H.R. 1362.

Other Provisions. The legislation also would require federal agencies to report to the Congress on noncompetitive and contractor overcharges. In addition, H.R. 1362 would require reviews and reports by the Government Accountability Office on the use of federal contracts. H.R. 1362 would amend

employment restrictions on federal procurement officials. Based on the cost of similar activities, CBO estimates that those provisions would increase federal administrative costs by a few million dollars a year.

REVENUES

Enacting H.R. 1362 could affect federal revenues as a result of new civil penalties for violations of procurement employment restrictions. Collections of civil penalties are recorded in the budget as revenues. CBO estimates, however, that any change in revenues that would result from enacting the bill would not be significant.

Estimated impact on state, local, and tribal governments: H.R. 1362 contains no intergovernmental mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimated impact on the private sector: H.R. 1362 would impose a private-sector mandate, as defined in UMRA, on certain former federal officials that were substantially involved in government contracts awarded in excess of \$10 million. The bill would expand an existing one-year restriction that would prohibit those officials from accepting compensation as an employee, officer, director, or consultant from contractors receiving such awards. The mandate would apply to those officials that leave government service after March 31, 2007, but before the date of enactment. The cost of the mandate would be the potential loss of net income resulting from the restriction on those former federal officials. Because the bill would limit the restriction on compensation to apply to lines of business directly related to the awarded contract, CBO expects the direct cost of complying with the mandate would be minimal and would fall below the annual threshold established in UMRA (\$131 million in 2007, adjusted annually for inflation).

Estimate prepared by: Federal Costs: Matthew Pickford; Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum; Impact on the Private Sector: Amy Petz.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Madam Speaker, I urge all of my colleagues to oppose this closed rule and the well-intended underlying legislation which quite simply misses the mark and will be a huge net cost to taxpayers.

Madam Speaker, I reserve the balance of my time.

Ms. CASTOR. Madam Speaker, to correct the record, the cost that the gentleman from Texas referred to was in section 203 of the bill. That section was deleted in the Armed Services Committee markup and is not in the base text.

Madam Speaker, I yield 5 minutes to the distinguished gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. Madam Speaker, I thank the gentlewoman from Florida, and I thank her for her leadership on this rule and to get this bill to the floor so we can begin the big task of restoring accountability and oversight in our Federal contracting system.

I rise in support of the rule today and in support of H.R. 1362. I strongly believe we must restore the American people's faith in our government, and that is what this bill is about.

This bill will help stop the abuses of the Federal contracting system, a system that has deservedly come under fire recently, and sadly, whether it is in Iraq, Walter Reed, or many other places.

H.R. 1362 will increase transparency and accountability to help bring back the integrity to a system that has lost so much of the public's trust, and it is no wonder that we have lost so much of the public's trust when we have government auditors testifying that an estimated \$10 billion in reconstruction spending has been wasted as a result of overcharging, poor tracking, and mismanagement by U.S. contractors. But this is not only an issue about waste, abuse and fraud, it is about getting the job done right and ensuring we have the proper people in place to help those who need Federal Government services.

Recent hearings brought to light an Army memorandum showing that the decision to privatize support services at Walter Reed was causing an exodus of "highly skilled and experienced personnel." And as a result, the "patient care mission are at a risk of mission failure," the memorandum continued.

So not only do we need to end the waste and ensure taxpayer dollars are being used wisely, we need greater oversight and accountability on the contracting decisions that are being made in the first place. And we need to tell these contractors that if they are going to get a contract with the Federal Government, they must play by the rules and they must fulfill their responsibilities in an effective and efficient manner.

Passing H.R. 1362 and the other bills that have been on the House floor this week are important steps in our effort to restore the faith in government that has been lost by the American people. I understand that additional legislation regarding contractor oversight and accountability is in the pipeline,

and I look forward to working with this new Congress and chairmen of the committees of jurisdiction on this most important issue.

Mr. SESSIONS. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, this is a costly bill. This is a bill that is an intrusion not only upon a system that works well, but it is also aiming at an unintended consequence, and that is it is not only going to be more expensive for the government to pay for those services that it wants to buy, but it is going to make it also more costly to the taxpayer in the amount of spending that takes place.

We think there could be better ways that this could be accomplished. I ask all of my Members to oppose this bill.

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

Ms. CASTOR. Madam Speaker, I yield myself the balance of my time.

From day one, this new Congress has been working to restore accountability in Washington, including adopting fiscally responsible pay-as-you-go budgeting and fighting for higher ethical standards in government.

It is heartening to the American people, I know, that much of this has been done in a bipartisan way. And indeed, on this bill this morning, I anticipate that the House will follow the unanimous and bipartisan votes of the Oversight and Government Reform Committee and the Armed Services Committee.

As part of our ongoing effort to fight for fiscally responsible budgeting and higher ethical standards, this week I know, today, we will pass this legislation and this rule that changes the way that Congress and the Federal Government does business. It shines a bright light on how government operates. We will continue to answer the call of the American people for change and reform.

I urge a "yes" vote on the rule and on the previous question.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. SESSIONS. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 190, not voting 20, as follows:

[Roll No. 154]

YEAS—223

Abercrombie	Allen	Andrews
Ackerman	Altmire	Arcuri

Baca	Herseth
Baldwin	Higgins
Barrow	Hill
Bean	Hinchey
Becerra	Hinojosa
Berkley	Hirono
Berman	Hodes
Berry	Holden
Bishop (GA)	Holt
Bishop (NY)	Honda
Blumenauer	Hooley
Boren	Hoyer
Boswell	Inslee
Boucher	Israel
Boyd (FL)	Jackson (IL)
Boyd (KS)	Jackson-Lee
Brady (PA)	(TX)
Braley (IA)	Jefferson
Brown, Corrine	Johnson (GA)
Butterfield	Johnson, E. B.
Capps	Jones (OH)
Capuano	Kagen
Cardoza	Kaptur
Carnahan	Kennedy
Carney	Kildee
Carson	Kilpatrick
Castor	Klein (FL)
Chandler	Kucinich
Clarke	LaHood
Cleaver	Lampson
Clyburn	Langevin
Cohen	Lantos
Conyers	Larsen (WA)
Cooper	Larson (CT)
Costa	Lee
Costello	Levin
Courtney	Lewis (GA)
Cramer	Lipinski
Cuellar	Loeb
Cummings	Loeb
Davis (AL)	Lofgren, Zoe
Davis (CA)	Lowe
Davis (IL)	Lynch
Davis, Lincoln	Maloney (FL)
DeFazio	Maloney (NY)
DeGette	Markey
Delahunt	Marshall
DeLauro	Matheson
Dicks	Matsui
Doggett	McCarthy (NY)
Donnelly	McCollum (MN)
Doyle	McDermott
Edwards	McGovern
Ellison	McIntyre
Ellsworth	McNerney
Emanuel	McNulty
Emanuel	Meehan
Engel	Meek (FL)
Eshoo	Meeks (NY)
Etheridge	Melancon
Farr	Michaud
Fattah	Millender
Filner	McDonald
Frank (MA)	Miller (NC)
Giffords	Mitchell
Gillibrand	Mollohan
Gonzalez	Moore (KS)
Gordon	Moore (WI)
Green, Al	Moran (VA)
Green, Gene	Murphy (CT)
Grijalva	Murphy, Patrick
Hall (NY)	Murtha
Hare	Nadler
Harman	Napolitano
Hastings (FL)	Neal (MA)

NAYS—190

Aderholt	Burton (IN)	Diaz-Balart, M.
Akin	Buyer	Doolittle
Alexander	Calvert	Drake
Bachmann	Camp (MI)	Dreier
Bachus	Campbell (CA)	Duncan
Baker	Cannon	Ehlers
Barrett (SC)	Cantor	Emerson
Bartlett (MD)	Capito	English (PA)
Barton (TX)	Carter	Everett
Biggart	Castle	Fallin
Bilbray	Chabot	Feeney
Bilirakis	Coble	Ferguson
Bishop (UT)	Cole (OK)	Flake
Blackburn	Conaway	Forbes
Blunt	Crenshaw	Fortenberry
Boehner	Cubin	Fox
Bonner	Culberson	Franks (AZ)
Bono	Davis (KY)	Frelinghuysen
Boozman	Davis, David	Gallagher
Boustany	Davis, Tom	Garrett (NJ)
Brady (TX)	Deal (GA)	Gilchrest
Buchanan	Dent	Gillmor
Burgess	Diaz-Balart, L.	Gingrey

Goode	Manzullo	Rogers (MI)
Goodlatte	Marchant	Rohrabacher
Granger	McCarthy (CA)	Ros-Lehtinen
Graves	McCaul (TX)	Roskam
Hall (TX)	McCotter	Royce
Hastert	McCrery	Ryan (WI)
Hastings (WA)	McHenry	Sali
Hayes	McHugh	Schmidt
Heller	McKeon	Sensenbrenner
Hensarling	McMorris	Sessions
Herger	Rodgers	Shadegg
Hobson	Mica	Shays
Hoekstra	Miller (FL)	Shimkus
Hulshof	Miller (MI)	Shuster
Hunter	Miller, Gary	Simpson
Inglis (SC)	Moran (KS)	Smith (NE)
Issa	Murphy, Tim	Smith (NJ)
Jindal	Musgrave	Smith (TX)
Johnson (IL)	Myrick	Souder
Johnson, Sam	Neugebauer	Stearns
Jones (NC)	Nunes	Sullivan
Jordan	Paul	Tancredo
Keller	Pearce	Terry
King (IA)	Pence	Thornberry
King (NY)	Petri	Tiahrt
Kingston	Pickering	Tiberi
Kirk	Pitts	Turner
Kline (MN)	Platts	Upton
Knollenberg	Poe	Walberg
Kuhl (NY)	Porter	Walden (OR)
Lamborn	Price (GA)	Walsh (NY)
Latham	Pryce (OH)	Wamp
LaTourette	Putnam	Weldon (FL)
Lewis (CA)	Ramstad	Weller
Lewis (KY)	Regula	Whitfield
Linder	Rehberg	Wicker
LoBiondo	Reichert	Wilson (NM)
Lucas	Renzi	Wilson (SC)
Lungren, Daniel	Reynolds	Wolf
E.	Rogers (AL)	Young (AK)
Mack	Rogers (KY)	Young (FL)

NOT VOTING—20

Baird	Dingell	Miller, George
Brown (SC)	Fossella	Peterson (PA)
Brown-Waite,	Gerlach	Radanovich
Ginny	Gohmert	Saxton
Clay	Gutierrez	Tanner
Crowley	Kanjorski	Westmoreland
Davis, Jo Ann	Kind	Wexler

□ 1105

Messrs. BOOZMAN, NEUGEBAUER, PICKERING, BISHOP of Utah and ROHRABACHER changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1362, the Accountability in Contracting Act.

The SPEAKER pro tempore (Mr. ALTMIRE). Is there objection to the request of the gentleman from California?

There was no objection.

ACCOUNTABILITY IN CONTRACTING ACT

The SPEAKER pro tempore. Pursuant to House Resolution 242 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1362.

□ 1109

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the consideration of the bill (H.R. 1362) to reform acquisition practices of the Federal Government, with Ms. SOLIS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour and 20 minutes, with 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

The gentleman from California (Mr. WAXMAN) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 30 minutes, and the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Madam Chairman, I yield myself such time as I may consume of the time that has been reserved to us.

The bill before us, H.R. 1362, the Accountability in Contracting Act, would increase transparency and accountability in Federal contracting, limit the use of certain types of abuse-prone contracts and promote integrity in the acquisition workforce.

Under the Bush administration, spending on Federal contracts has exploded in size. The Federal Government spent \$175 billion more in Federal contracts in 2005 than it did in 2000, making Federal contracts the fastest growing component of the Federal budget.

The Federal Government now spends nearly 40 percent of discretionary spending on contracts with private companies, a record level. This surge in contract spending has enriched private contractors like Halliburton, but it has come at a steep cost to taxpayers through rising waste, fraud, abuse and mismanagement.

Spending on sole source and other noncompetitive contracts has more than doubled in the last 5 years. The administration has justified the awarding of these lucrative sole source contracts by citing urgent and compelling needs, but then they allow these contracts to continue years after the emergency has passed.

Cost reimbursement type contracts leave the taxpayers vulnerable to wasteful spending by providing contractors with little or no incentive to control costs. But between 2000 and 2005, the use of this type of contract has risen by 75 percent.

The administration has also hidden contractor overcharges from Congress, international auditors and the public, impeding oversight and diminishing accountability. Too often, the independence of procurement of officials has been compromised by illegal relationships with government contractors.

Darleen Druyun, the former chief acquisition official for the Air Force, negotiated a lucrative deal to lease aircraft from Boeing in exchange for future employment. All of these problems have been compounded by an insufficient acquisition workforce to properly award and adequately oversee Federal contracts.

H.R. 1362 contains important provisions to rein in out-of-control Federal contracting. It would require Federal agencies to develop plans to minimize the use of the sole source contracts, and it would limit the duration of no-bid contracts issued in emergencies.

The bill would also require agencies to encourage the use of fixed-price contracts, which are not as prone to abuse as cost-plus contracts. This provision will allow the growth of contracts to give companies a financial incentive to increase their costs to the taxpayers.

When a sole source contract is awarded, agencies are required to prepare a justification and approval document to explain why full and open competition was not used to award the contract. The bill would require those documents to be made public.

The bill also promotes transparency in the acquisition process by requiring agencies to report to Congress when auditors identify over \$10 million in questioned or unsupported costs. A big and growing problem with the Federal acquisition system is that it has a workforce that is too small and undertrained. The bill requires the administration to develop a comprehensive definition of the acquisition workforce and ensures that funds for training will continue to be available.

Finally, the bill includes revolving door provisions that close loopholes in the law, prohibiting contracting officials from negotiating employment for their relatives and establish a cooling off period before procurement officials can award or oversee contracts involving a former employer.

All of this is important legislation. This legislation alone will not do the job. We need, however, to continue our oversight, and Congress has already begun many oversight hearings in our committee and in other committees as well.

Members are starting to ask what went wrong and to insist on accountability. But this legislation is an important reform in the contracting area. I want to thank my ranking member, TOM DAVIS, and the chairman and ranking member of the Armed Services Committee for their hard work and efforts in reaching a bipartisan consensus on the bill before us.

□ 1115

The Accountability in Contracting Act makes sound commonsense reforms which will improve the transparency and accountability of the Federal acquisition system, and I urge Members to support the bill.

Madam Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Madam Chairman, I yield myself such time as I may consume.

I rise today to speak on H.R. 1362, the Accountability in Contracting Act, which was introduced by Government Oversight and Reform chairman HENRY WAXMAN last week. I want to thank the chairman for working with us.

This is not a bill that we are particularly enthusiastic about. We have very divergent views in the way we should go about contract regulation, but we both want the same ends. And I want to commend him for working with us, addressing some of our concerns as it moved through the committee process.

This bill would attempt to reform our acquisition system through a series of restrictions and reports geared towards greater regulation and oversight. More specifically, the legislation would limit the duration of contracts awarded under urgent conditions; require agency reports on minimizing the use of fixed-price and sole-source contracts; require additional reports to Congress on cost questions by auditors; and broaden the reach of current limitations on post-employment opportunities for our acquisition workforce, as well as limit the ability of acquisition workers hired by the government from the private sector to participate in certain acquisition activities.

I want to thank the chairman again for working with me by including two provisions that we requested that are both intended to strengthen the Federal acquisition workforce through better training and management. The first would require the administrator for Federal Procurement Policy to come up with a government-wide definition for "acquisition workforce." This modification would help give Federal agencies a clear picture of the composition of their existing acquisition workforce and provide a baseline for the improvement of the human capital resource dedicated to the management of the acquisition workload. The second would make permanent the Acquisition Workforce Training Fund, which was first enacted under SARA, the Services Acquisition Reform Act, which I authored.

Last week our committee revised the introduced version of the bill by approving an amendment I offered to address the concerns I had with the bill's expansion of post-employment restrictions. While I wholeheartedly support the desire to promote integrity, transparency and accountability in government, I was troubled by certain provisions in the bill which sought to significantly expand current post-employment restrictions and curb the government's capability to take advantage of the valuable technical abilities and skills of former private-sector employees.

At a time when we need to be looking for ways to retain qualified acquisition personnel, too many of whom are approaching retirement age, while at the same time looking for effective ways to

recruit new qualified people, the introduced version tried to instead impose new restrictions on these Federal employees. These restrictions would have had a detrimental impact on the executive branch's ability to recruit and retain the brightest and the best personnel for the acquisition workforce, something we can ill afford.

Our amendment shortened the bill's 2-year post-employment restrictions on contracting officers to 1 year and provided for a waiver of the restrictions on the ability of acquisition workers hired by the government from the private sector to participate in certain acquisition activities. My amendment also shortened the duration of the activity restrictions from 2 years to 1 year. While this language goes part way toward addressing my concerns about the negative effects such restrictions have had on the Federal Government's ability to recruit, hire, and retain the skilled acquisition workforce, I continue to have the same concerns.

The bottom line is that there are too many good people working for this government for us to pass onerous restrictions based on the misdeeds of a handful of employees. We need to promote the natural churn of employees between the public and private sector, instead of trying to stymie it. We can't, on the one hand, bemoan the quality of contract management, while on the other, create more obstacles to getting the people that we need to do the job.

In addition to the changes we made in committee last week, I am pleased to see the text of the bill that is on the floor today includes the good work of the Committee on Armed Services. That committee made significant improvements and clarifications to the underlying bill. The Armed Services Committee toned down some of the rhetoric in the bill. For example, by changing terms like "limiting the abuse of abuse-prone contracts" to "improving the quality of contracts."

More substantively, the Armed Services Committee raised the threshold of the report on preliminary audits of contractor costs from \$1 million to \$10 million. Nonetheless, I remain concerned a report like this, even at the higher threshold and the limitation to significant contractor costs, still presents a distorted and incomplete picture of the management of cost-type contracts. Contract auditors are critical cogs in the management system. They write audit reports which are submitted to aid the contracting officer in making his final determination whether particular costs are reasonable and consistent with applicable law and the contract terms and, therefore, permitted or what we call "allowable under the contract." It is the outcome of the oversight process, not just the first phase, that we should be reviewing. If we want an accurate picture of costs actually billed to the government which the contracting officer determined the government will not pay, the unallowables, then we might learn

something. But that is not what this bill does. The bill would only burden agencies with another meaningless reporting requirement and, I might add, add fodder up here for Members to take this review and make something of it that is probably not accurate.

Each year our Federal contract professionals use the acquisition system to purchase almost \$400 billion worth of goods and services, ranging from paper clips to advanced weapons system, from sophisticated information technology and management services to grass cutting and window washing. Recent reforms, culminating in our Services Acquisition Reform Act of 2003, have modernized the way the government does business with the private sector. No longer is our government laden with inflexible, timely, and costly acquisition systems. Legislative efforts over the past decade have provided many of the tools necessary for our acquisition professionals to get the job done.

Unfortunately, the Federal acquisition system has been under stress in recent years because of the extraordinary pressures of a shrinking workforce, combined with the unprecedented Hurricane Katrina disaster relief and recovery efforts, the enormous job of managing contractors who provide logistical support for our troops in Iraq, and overseeing the daunting task of building an Iraqi infrastructure. To no one's surprise, this strain has resulted in a series of management problems that have been exaggerated by the press and exploited by opponents of the system.

Nevertheless, the system has worked pretty well, and the vast majority of the government's acquisitions have been conducted properly. The problems have largely been the result of management difficulties exacerbated by an overburdened and understaffed workforce, combined with improper actions by a handful of officials.

Frankly, Madam Chairman, I don't think that controls, reports, procedures and restrictions in this bill will go very far in addressing the challenges that face us today. Reverting to the bloated system of the past, weighted down with a process-oriented system doesn't help the government acquire the best valuable goods and services the commercial market has to offer and our government so desperately needs in a timely manner. Reverting to the past, under the rubric of fraud, waste and abuse and cleaning up the system may provide flashy sound bites and play well back home, but it doesn't give us the world-class acquisition system that we need to compete in the 21st century.

We have put the current system to the test in some of the most difficult environments imaginable: Hurricane Katrina reconstruction and Iraqi logistics and contracting and reconstruction. The failures which occurred have been rooted in the inadequacies of management and implementation.

And yet the Rules Committee, in looking at the Armed Services Committee report and ours, took out the provision that had the 1 percent additional funding for some of the management and implementation dollars that could have gone into training.

As legislators, we should resist the temptation to micromanage our acquisition system based on unproven anecdotes of failure and misconduct. More controls and procedures will not remedy poorly defined requirements or provide us with a sufficient number of Federal acquisition personnel with the right skills to select the best contractor and manage the subsequent performance.

Why should we force the taxpayers and private entities to undergo unreasonable burdens so politicians can reap short-term gain at the expense of crippling an already overburdened acquisition system and workforce?

It is for these reasons, Madam Chairman, we find this bill has sufficient shortcomings. These shortcomings are shared by the administration in their statement on administration policy in the ITAA, and I will discuss those as the debate goes further.

Finally, let me just say, this country, over the years, has had the debate over what is the appropriate role of oversight, how much is too much. But we need an acquisition system that works. And sometimes we spend so much in our rules and regulations, making sure somebody doesn't steal anything, that they can't do much of anything else either; and we get a system that is burdened and that does not create the efficiencies that we need to move forward. Once again, one of the greater issues that divide the chairman and myself is our philosophies on contracting. But I want to just commend him for working with us on this bill to try to get to where it is today. I know this is important to him.

Madam Chairman, I reserve the balance of my time.

Mr. WAXMAN. Madam Chairwoman, I am pleased to yield 4½ minutes to a very important member of our committee, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Madam Chairman, I rise today in support of H.R. 1362, the Accountability in Contracting Act, which I have cosponsored, because we have an obligation to be good stewards of taxpayer dollars.

I am simply appalled by the reports of pervasive waste, fraud and abuse in government contracting.

As chairman of the Subcommittee on Coast Guard and Maritime Transportation, I led a hearing back on January 30 on the U.S. Coast Guard's troubled \$24 billion 25-year-long Integrated Deep Water Systems Project.

The project was supposed to modernize the Coast Guard's aging fleet, but a series of failures by contractors and poor oversight by the Coast Guard have wasted millions of taxpayer dollars instead.

In one of the more disturbing examples, the modernization of 49, 110-foot patrol boats was halted when the hulls of the first eight modernized boats cracked upon being sent out to sea.

In the Committee on Oversight and Government Reform and in the House Armed Services Committee, we have consistently heard reports of waste, fraud and abuse in Iraq contracting. Examples include: a report from the Iraq Special Inspector General, Stuart Bowen. He found gross mismanagement in a \$75 million contract awarded to Parsons Corporation to build the largest police academy in Iraq. According to the report, the police academy was so poorly constructed that feces and urine rained from the ceilings into the barracks of students, floors heaved inches off the ground and cracked apart, and water dripped so profusely in one room that it was dubbed "the rainforest."

Investigators fear that, with its structural integrity in question, the academy is beyond repair, and public health concerns are being raised.

Unfortunately, this scenario is not unprecedented. In total, Pentagon auditors have identified \$3.5 billion in questionable and unsupported costs in Iraq reconstruction contracts. For one Halliburton contract alone, its \$16.5 billion logistic civil augmentation program, the Defense Contract Audit Agency, identified \$1.1 billion in questionable costs.

Halliburton whistleblowers have shed light on the company's deceitful practices, reporting that the company paid subcontractors up to \$45 for a case of soda and \$100 for a 15-pound bag of laundry.

And the IG in the past has reported that Parsons, despite spending \$186 million of a \$500 million contract to build hospitals and health clinics, has barely gotten the project off the ground, with just 20 of the 142 clinics completed. The list of such atrocities is endless.

Last Monday we visited Walter Reed Medical Center for a field hearing of the Oversight and Government Reforms Committee's Subcommittee on National Security and Foreign Affairs to investigate reports that substandard treatment is being provided to our troops and veterans. There, too, contracting played a role.

It appears that wherever we find failures in government these days, contractors are sure to be involved. We have consistently been told by this administration that privatization of critical government functions would cost less. But instead it has been both costly and ineffective.

We need accountability in contracting. We need the Accountability in Contracting Act. This vitally important legislation would institute critical reforms, including limiting the length of non-competitive contracts, minimizing no-bid contracts, minimizing cost-plus contracts, ensuring public disclosure of justification for no-bid

contracts, disclosing contractor overcharges, funding contract oversight, and closing the revolving door.

□ 1130

Mr. Chairman, I want to applaud you for doing such an outstanding job on this legislation. And I strongly urge my colleagues to vote for H.R. 1362, the Accountability in Contracting Act.

Mr. TOM DAVIS of Virginia. Madam Chairwoman, I yield to the gentleman from Tennessee (Mr. DUNCAN) for a unanimous consent request.

Mr. DUNCAN. Madam Chairwoman, I rise at this time to request unanimous consent to place a statement in the RECORD in regard to H.R. 1362.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DUNCAN. Madam Chairman, I rise in support of this bill, and I thank all who have worked to bring this legislation to the floor today.

I wish the bill went much further, but there are so many former Federal employees working for Federal contractors now, and so many present Federal employees who want to some day hitch on to this lucrative Federal gravy train, that the pressures against reform are tremendous.

Unfortunately, almost every Federal contract is a sweetheart or insider or friendship type deal. Almost all Federal contracts have at least one or usually several former Federal employees working for them.

Defense contractors are the prime examples. The International Herald Tribune had an article a year and a half ago describing what it called the revolving door at the Pentagon.

It said the top 20 defense contractors had hired over 300 retired admirals and generals during the 90s.

But this type of thing is rampant throughout the Federal Government.

Now I am not against the Federal Government contracting out many functions.

Usually, or often, the Federal bureaucracy is so wasteful and inefficient that Federal contractors can do things better or cheaper, even while making huge profits.

But some of the markups on contracts in Iraq have been mind boggling. I believe fiscal conservatives should be the ones most upset about some of the ripoff deals in Iraq.

Be that as it may, this bill helps highlight what has become a serious abuse of power, and abuse of the taxpayer, and this is a good start toward correcting this problem.

Mr. TOM DAVIS of Virginia. Madam Chair, I yield myself such time as I may consume.

The administration strongly opposes H.R. 1362, which would impose a new statutory ban on how the government uses acquisition personnel and would restrict the executive branch's ability to determine the appropriate funding for acquisition workforce functions.

That is what they say on their statement on administration policy. We also note that other provisions would impose burdensome statutory requirements that overlap with more efficient administrative efforts to strengthen the use of competition and reduce fraud, waste, and abuse.

The administration also feels that this legislation would limit the Federal Government's ability to tap technical expertise of Federal employees who are former contractor employees.

Frankly, we need the best and the brightest overseeing these contracts. As I take a look at contracts that have failed, a lot of it is due to the fact that we have not had appropriate oversight within the executive branch, and being able to get the best and the brightest is a very, very critical component to this. These restrictions, the administration feels, would lower the quality of procurement, solicitations, and analyses and would significantly harm the executive branch's ability to recruit and retain the experienced procurement officials from the private sector to close skill gaps and strengthen the overall capabilities of the acquisition workforce.

The administration also is concerned with the new requirement in the bill that would impose exhaustive quarterly reporting on every significant contract management deficiency at the contractor and subcontractor levels. This requirement will interfere with agencies' abilities to address and resolve contract performance problems in a timely manner.

The Information Technology Association of America in Arlington, Virginia says: The Association joined with other members of the Acquisition Reform Working Group in pointing out flaws in H.R. 1362, while saying that such significant legislation deserves the same light-of-day and careful consideration as do the major government contracts that the majority seeks to control.

They note that the title of the bill alone mistakenly implies a lack of accountability for government contractors under current law. Their president, Phil Bond, notes that "to the contrary, there is already abundant chapter and verse to bring best value to government and to protect the interest of taxpayers. What is really needed is better application of existing regulations by a fully staffed professional Federal acquisition corps working with responsible government contractors."

The letter also points out to committee leaders that many of the contracting issues now being addressed are "symptoms of the shortages of manpower and training for adequate contract management." And they note that "the government can't retain personnel and fill existing job openings in the acquisition workforce."

They also joined the working group in taking issue with the sections of the bill regarding disclosure of government contractor overcharges. While agreeing that the proper use and oversight of government contracts is paramount, they dispute any need for quarterly reports to Congress on contract charges that are adjudicated by the Defense Contract Audit Agency, the DCAA. They note that these are unnecessary provisions and would force significant

investment and government resources and additional burdens on acquisition personnel. So the ITAA comes out against it.

They also note that another section of the bill that seeks more restrictive cost reimbursement-type contracts is also unnecessary and potentially harmful. They note that such contracts typically are used when uncertainties and risks are high, as in emergency situations, and development programs when it is not feasible to set a fixed price for the work required. The Federal Acquisitions Regulations, the FAR, already establishes detailed criteria for proper selection of contract type, including limitations on the use of cost-type contracts "for use only when uncertainties involved in contract performance do not permit costs to be estimated with sufficient accuracy to suit any type of fixed price contract."

Madam Chairwoman, if we want to fix the Federal contracting system, the appropriate way is to hire, train, retrain, and pay well our acquisition personnel so that they have a toolbox of acquisition options to use to get the best deal for the government in every case, get the best value for the government. The taxpayers' dollars are at stake here, and their role ought to be to make sure the taxpayer dollars are spent most efficiently.

Adding burdens and layers and layers of regulatory reports do nothing to help that situation at all, and in many cases it can be very misleading as these burdens come out and we start taking out DCAA reports that have nothing to do with final adjudications of how these work. We already, by the way, have access to that information in Congress. What we don't have access to information is, and one of the things we would have liked to include, is to take final adjudications on costs that were deemed allowable and see what those costs are per contractor. That could have helped us in ferreting out which contractors are using these items. But this legislation does little to remedy those situations, unfortunately.

Madam Chair, I reserve the balance of my time.

Mr. WAXMAN. Madam Chairwoman, I recognize and yield to a very distinguished member of our committee, the gentleman from Illinois (Mr. DAVIS) for 3 minutes.

Mr. DAVIS of Illinois. Madam Chair, I want to thank Chairman WAXMAN for yielding.

I have always been told that one of the basic responsibilities of management is to effectively manage and account for the resources of the corporation, of the country, of the business. And, of course, in this instance we are talking about the United States Government; and all of us are shareholders, are stakeholders.

And I must confess that when I look at the record of our chief management team, we have come up woefully short. We have seen raw examples of waste,

fraud, and abuse: no paper trails, no real rationale for why a contract or contracts were let.

And I want to commend Chairman WAXMAN for effectively laying out a bill of particulars against these current practices. The hearings that were held on contracting accountability were so revealing. As a matter of fact, much of the information that we saw, we just couldn't believe in terms of contracts that were let and nobody could tell what had happened as a result of the contract, what was the work that was done, who did it.

This legislation will limit the length of noncompetitive contracts, minimize no-bid contracts, maximize fixed-price contracts, require public disclosure of justification of no-bid contracts, disclose contractor overcharges, and promote ethics in procurement which is so important.

Every dollar spent by this Government should get maximum return for the shareholders. We have not seen that in our contracting policies and practices. And I commend the chairman not only for the oversight but also for the corrective action which we are about to take today by passing this legislation.

Mr. TOM DAVIS of Virginia. Madam Chairwoman, may I inquire as to how much time is left on each side?

The CHAIRMAN. The gentleman from Virginia has 14½ minutes; the gentleman from California has 17 minutes.

Mr. WAXMAN. Madam Chair, I would like to now yield 3 minutes to the gentleman from Maryland (Mr. SARBANES), a member of our committee.

Mr. SARBANES. I thank the gentleman from California for yielding his time.

I rise to strongly support H.R. 1362, the Accountability in Contracting Act, and I want to thank Chairman WAXMAN for his leadership in shepherding this bill through to the floor.

This will establish a structure that will rein in the abuses in government contracting that we have been having hearing after hearing about over the last few weeks. By putting emergency no-bid contracts into position where they are limited to 1 year, requiring agencies to develop plans to try to limit the number of those contracts, and also to promote fixed-price contracts instead of cost-plus contracts, we can promote much more transparency in the way these contracts are let.

One particular way in which these emergency no-bid contracts can be exploited came to our attention during a hearing, and that is, often the cost structure is not put in place for some time after the contract is let under emergency conditions. This allows the contractor to front-load a lot of costs that can be very difficult for the auditors to come in and question later. And so in limiting the number of no-bid contracts and emergency contracts that are let, we can discourage that kind of activity.

Madam Chairman, the administration is really engaged over the last few years in sort of a two-step shuffle that seeks to discredit good government, and bad contracting gives a bad name to good government.

On the one hand, what they have done with many of our Federal agencies is they have cut resources. That makes it more difficult for good Federal employees to do their job, and they point at that and then they say government doesn't work. And on the other hand, they have this impulse to outsource and contract things to the private sector in situations where that may not be warranted, without any accountability or oversight. And then, when things go wrong, they point to it and they say, see, government doesn't work.

There are going to be times when we have to outsource things, when we have to procure services from the private sector. At a very minimum, when we do that, we need to make sure that it is done with transparency and accountability. If we do that, we can restore faith in the notion of good and accountable government.

Mr. TOM DAVIS of Virginia. Madam Chair, I yield myself such time as I may consume.

Let me start by saying we all want to limit the use of no-bid contracts. These go back of course to the Revolutionary War, where the troops were marching and they needed food and there is one farmer around. And you can't go out to bid to see who is going to sell you the lowest corn; you take what is there. But they should be limited, because competition is the cornerstone of our contracting system.

Let me go through some of the assertions that are made in support of the bill and give my thoughts.

Assertion one is that spending on sole source and other noncompetitive contracts has more than doubled over the last 5 years. And although spending has increased significantly over the last 5 years, it is due largely to 9/11 and Katrina. The total dollars competed is a percentage of total dollars available for competition. It has remained relatively constant between fiscal years 2001 and 2006, between 61 and 64 percent, according to the FPDS.

This notwithstanding, the Office of Federal Procurement Policy Administrator will be seeking to help in the leadership of the CAOs to reinvigorate through administrative means the use of competition and related practice for achieving a competitive environment. The role of competition advocates should be revived, with special emphasis on planning and execution in the management of hard-to-task and delivery orders.

There is an assertion that over the last 5 years the administration has jeopardized taxpayer interests and squandered hundreds of millions of dollars by giving private contractors exclusive control over huge portions of the reconstruction efforts in Iraq.

Frankly, DOD is giving increased attention to contingency contracting, including training for acquisition and program personnel and standard operating procedures. The Department of Defense and other agencies have recognized the need to increase the number of prepositioned, competitively awarded contracts to address contingencies. Also, the Department of Defense has several audit agencies including the Defense Audit Agency and Defense Contract Management Agency working in theater to monitor the contracts and resources.

□ 1145

Another assertion that comes from the other side is that this administration has justified the award of lucrative sole source contracts by citing urgent and compelling needs but then allowed these contracts to continue years after the emergency has passed.

The Chief Acquisition Officers Council, the CAOC, has established an Emergency Response and Recovery Working Group to improve access to information that can assist the acquisition workforce in planning for and addressing emergencies. The working group created a community of practice Web site, accessible at <http://acc.dau.mil/emergencyresponse>, so that agencies can share information about their policies and procedures, their best practices, their training resources, and other information of interest. For example, the site provides a link to the Emergency Acquisition Field Guide developed by FEMA so other agencies can learn about and adopt, as appropriate, practices employed by FEMA for performing specific assignments or functions in an emergency acquisition environment.

The emergency response and recovery Web site includes a list of inter-agency contracts that offer the types of supplies and services that were required by agencies to address disaster recovery for Katrina and 9/11, such as communications equipment, fuel and transportation, pharmaceuticals, portable shelters, generators, tarps, bottled water, and emergency meals. The GSA has established a disaster relief and emergency preparedness homepage that provides a quick reference guide to offerings on its Multiple Award Schedules that can be suitable for addressing readiness, intervention, counteractive solutions, or post-emergency logistics.

Another assertion is that cost reimbursement-type contracts leave the taxpayer vulnerable to wasteful spending by providing contractors with little or no incentive to control costs. Between 2000 and 2005, the use of this type of contract has risen 75 percent.

Frankly, according to the FPDS again, the total government spending on contracts has increased considerably, roughly at the same percentage as the increases in cost-type contracts stated above. From fiscal year 2000 to fiscal year 2005, total spending increased from \$219 billion to \$380 billion.

But cost-type contracts play a useful and necessary role in contracting when uncertainties involved in contract performance don't permit costs to be estimated with sufficient accuracy to use any type of fixed-price contract. And the contractors get caught on these many times when they move ahead and they estimate it to be one thing and then the needs of the contract change and they end up having to advance costs. So cost-type contracts in these types of situations are proven useful, but they are only good when they get the appropriate oversight from the procurement officers. And we don't address that underlying issue in a significant way in this legislation.

Agencies such as NASA rely on cost-type contracts for critical R&D work, such as planetary science and exploration missions, systems development operation support in physical engineering, and life sciences. In the early 1980s, there was a push towards fixed-price contracts for R&D to address failed major programs, cost overruns. But ultimately Congress passed legislation requiring a secretarial approval for contracts over \$25 million. DOD regulations preclude award of a fixed-price contract for a development program unless the level of program risk permits realistic pricing and the use of a fixed-price type contract allows an equitable and sensible allocation of program risk between the government and the contractor.

Madam Chairman, I reserve the balance of my time.

Mr. WAXMAN. Madam Chair, I yield 4 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Madam Chair, I want to, first of all, thank the gentleman for yielding.

I rise in strong support of H.R. 1362, the Accountability in Contracting Act. This is contract reform legislation that was reported favorably out of our Oversight Committee by unanimous consent, and I think that speaks to the merits of this bill. As a result of the hard work of Chairman WAXMAN and Ranking Member DAVIS, this is a good first step in bringing accountability to contracting practices in our government.

By minimizing the use, as others have said, of the abusive no-bid contract practice, we will reintroduce competition into this contracting protocol used by our government. As well as limiting the use of cost-plus contracts, we will strengthen the reporting and disclosure requirements for contract overcharges and increase funding for contract oversight personnel. H.R. 1362 will address the glaring weaknesses in our Federal procurement system that have caused considerable waste, fraud, and abuse of American taxpayer dollars.

The need to reform Federal contracting law has been with us for some time and demonstrated, I think, glaringly during our series of contracting hearings in the House Oversight Com-

mittee, as we continue to examine a variety of misguided and poorly managed, poorly designed, and extremely costly Federal contracts that have been issued.

In the area of Iraq reconstruction, where we have spent a lot of time, we have learned from William Reed, the Director of the DCAA, the Defense Contract Audit Agency, of more than \$10 billion, 10 billion with a "b," in questioned and unsupported costs related to our Iraq reconstruction and troop support contracts. In addition, based on updated data provided to the committee by DCAA, we know that Halliburton's three massive cost-plus contracts alone are the source of at least \$2.7 billion in questioned and unsupported billings. And until recently, unfortunately, we have not had auditors on the ground in Iraq. The DCAA did not have contractors on the ground to review these contracts. They were auditing these contracts from Alexandria, Virginia. We have changed that process and put people on the ground.

In the area of homeland security, we recently examined the Department of Homeland Security's \$24 billion contract to modernize the Coast Guard's aging fleet and the \$30 billion SBInet contract to design and implement a modernized border security plan. Based on thousands of pages of documents provided by DHS to our committee, we have learned that the Department's oversight of these massive contracts is severely limited by what they call the "prime integrator" contracts. These prime integrator contracts vest the government oversight responsibility in program design and construction to contractors to do this very work. In addition, we came to find out the Department had actually contracted out oversight functions that it had retained under the contract terms.

This is a good first step. And I want to give great credit to Chairman WAXMAN for his good work and also Mr. DAVIS for building compromise in this, and I think that the American taxpayers will be better served by the result of the work of these two gentlemen.

Mr. TOM DAVIS of Virginia. Madam Chairman, I reserve the balance of my time.

Mr. WAXMAN. Madam Chair, I would like to yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Madam Chairman, I thank very much the gentleman's yielding and for his extraordinary leadership on protecting taxpayers' money by better oversight of our contracting policies. And I congratulate former Chairman DAVIS and Chairman WAXMAN on the Accountability in Contracting Act that we are passing today.

I feel so strongly about it because if we really manage our dollars better,

then we will have more dollars for the services that we need for our people. And I urge all of my colleagues and all of my constituents and really the listening public to read this excellent report that has come out from the Oversight and Government Reform Committee on "Dollars, not Sense: Government Contracting Under the Bush Administration." And it shows that sole source contracts have absolutely ballooned. They have grown dramatically from \$67 billion in 2000 to over \$145 billion in 2005. These are contracts that only one person gets. It is as if I handed you a lollipop. It is giving someone billions and billions of dollars, and I believe there are many talented businesses, many talented individuals in this country that should deserve the right to compete for these contracts.

This bill makes it easier for them to compete and, I believe, will save taxpayers dollars by the billions. It says if we give Halliburton or some other company a sole source no-bid contract worth billions and billions of dollars, then they have to tell us why we should give it to them. They have to file a document called the Justification and Approval Document. That is the least that we can do for the American taxpayer, to build in some transparency and some accountability. It also has many other important reforms in it.

But I must say of all the areas of mismanagement, contracting may look dull, but it is billions of dollars that if we were better stewards, we would have those dollars for education and health care.

I commend the chairman for his leadership on cracking down on this waste, fraud, and abuse and really shoddy mismanagement that has ballooned into billions of sole source contracts.

If you read this report, it is really chilling.

Mr. TOM DAVIS of Virginia. Madam Chairman, I reserve the balance of my time.

Mr. WAXMAN. Madam Chair, I yield 1 minute to the distinguished majority leader of the House of Representatives (Mr. HOYER).

Mr. HOYER. Madam Chairman, I thank the chairman for yielding. I thank Mr. DAVIS for his work on this legislation. And I rise in strong support.

I want to commend the chairman on the Committee on Oversight and Government Reform, Congressman WAXMAN of California, for his hard work and leadership on the five, not just this bill, but on the five government accountability and transparency bills considered on the House floor this week. This has been a very significant week for transparency, openness, and accountability in government, and I commend the chairman for his actions and the committee for its.

It is no mere coincidence that the four bipartisan bills we have considered so far have passed with an average of

340 votes, including on average 112 Republican votes for every one of these four and now fifth reform bills. So there is not a narrow partisan agenda here. What the committee has been bringing to the floor are bills broadly supported because we know that transparency and accountability in government have not been the norm. We need to restore the public's faith in its government.

In fact, there is a clear demonstration of the new Democratic majority's commitment to change the way business is done in Washington, to restore accountability for government practices and congressional oversight and to reach bipartisan consensus when possible. The four bills included measures to increase public access to government information by strengthening the Freedom of Information Act. After all, this information is gathered by taxpayer dollars.

To provide whistleblower protection to Federal workers who specialize in national security issues. To nullify an executive order issued by President Bush giving former Presidents and Vice Presidents broad authority to withhold presidential records or to delay their release indefinitely. The public has a right to know, and this legislation facilitates the redress of that right.

Lastly, to require the disclosure of donors to presidential libraries so there cannot be secret, very large contributions to Presidents before they leave office.

It should be noted that the first three measures passed overwhelmingly despite veto threats from the White House that apparently does not want openness or accountability or transparency.

All four bills are reasonable, prudent, and consistent with our Nation's democratic values and openness and accountability.

The legislation before us today, the Accountability in Contracting Act, is equally important. In short, this legislation would instruct Federal agencies to minimize the use of no-bid contracts. Why? Because we want lowest prices. How do we get lowest prices? By competition. That is the free enterprise system. This bill says let us pursue the free enterprise system.

It would promote the use of cost-effective, fixed-price contracts and limit the duration of no-bid contracts awarded in emergencies to 1 year.

This bill also would require the public disclosure of the rationale for using no-bid contracts and require agencies to report to Congress on contracts on overcharges.

□ 1200

Madam Chairman, it is unfortunate, but true, that problems in government contracting have arisen again and again during the last 6 years, and indeed before that, from the \$2.4 billion, however, in no-bid contracts for Halliburton, that soon-to-be Dubai company based in Dubai, to the failed con-

tracting in the aftermath of Hurricane Katrina.

Furthermore, Madam Chairman, it should be noted that spending on no-bid contracts has more than doubled under the Bush administration, even as hearings have exposed a pattern of reckless spending, poor planning and ineffective oversight by Federal contract officials.

This legislation, like the other four bills brought to the floor by Mr. WAXMAN considered this week, will help us begin to restore accountability and transparency to government. The American people expect and deserve no less.

This is a new day in this new Congress. The days of hear no evil, see no evil, speak no evil are over. This Congress embraces its constitutional responsibility to conduct real, meaningful oversight, as well as our value of openness and transparency.

Two days from now is St. Patrick's Day. The Taoiseach, the Prime Minister of Ireland, will be at lunch just a few feet from here any minute. Honor St. Patrick; vote green on this accountability legislation.

Mr. TOM DAVIS of Virginia. Will the gentleman yield for just one comment?

Mr. HOYER. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Let me just note that on the bills on the Presidential records, the library, the whistleblowers, Mr. WAXMAN and his staff have worked very well with us. And the record should show that the reason we got such big bipartisan majority was their willingness to bend back and our ability to work back and forth. And I want to, again, commend him.

We have other differences on this bill which is close to my heart that I think he understands and we understand; but even here they have worked with us. And I think the record should note that they have gone out of their way and we appreciate that.

Mr. HOYER. Reclaiming my time, I want to say that I spoke a lot about accountability and the lack of accountability in the last Congress, and in my opinion, the two Congresses before that. The chairman of the Government Reform Committee was one of the few chairmen, in my opinion, in the last Congress who undertook some oversight responsibility, and I commend him for that. I think we need to go further; we are going further; but I commend him for his recognition that oversight is a critical responsibility of this Congress, just as the referee is a critically important component of any football game or basketball game.

So I thank him for what he has done in the past. I thank him for his cooperation in working with our chairman on the three bills that we passed this week so far, and I would hope that we can pass this bill. If we make it better in conference, that's fine; but this is a good bill and an important bill, and I thank the gentleman for his efforts.

Mr. TOM DAVIS of Virginia. I yield myself 1 minute to note again the reason for the rise in sole-source contracts has been emergencies like 9/11 and Katrina, under which the exigencies which government is faced with at that point to meet in a timely manner doesn't allow you to go out in these cases for a wide swath of bids. But I think we share a common desire to bring more competition into government contracting.

I also want to note that at our committee hearing on February 8, the Inspector General, Richard Skinner, testified that the government's greatest exposure to fraud, waste and abuse is undoubtedly in the area of procurement. As already pointed out by members of this committee, he notes, the problem is not a new one. It dates back to the Federal Government's near-sighted policies in the early 1990s to reduce the Federal workforce. While acquisition management capabilities were being downsized, the procurement workload was on the rise.

I hope to continue to work with the gentleman as we focus on this acquisition workforce and give them the tools they need.

Mr. WAXMAN. Mr. Chairman, I am pleased now to yield 2 minutes to a new member of our committee, but who has been a valuable member and raised a great deal of concern about these issues, the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Thank you, Mr. Chairman.

I rise today to simply thank Chairman WAXMAN and many of his compatriots on the other side of the aisle for giving us this week.

If you want to know why there are so many new Members in this Chamber today, it is that there have been a lot of people in this country who have been waiting for this week.

You know, we sit around and we wonder sometimes why we feel this disconnect between the people out there in the American public and their government. Well, there is a sense on their behalf that the government somehow exists separate from them, that it is an entity that is wholly divorced from what is happening out in the real world, and that government has ended up setting its own rules that don't really have applicability to their own lives and how they manage their own existences.

And I think the issue of how we have gone about contracting, whether it be for this war or for other domestic and foreign endeavors, is a perfect example of how we have broken down that contract between government and its people. They look to the \$100 billion in no-bid contracts, many of which going to companies that didn't need any more help. They look at Halliburton and other companies like it get rich while local programs that help people in the communities, middle-class working families with health care and education wither on the vine. And I think

they look with a renewed sense of faith and optimism to this House, not just this week, but in how we have gone about keeping their money and regaining their faith.

It started on the first day when those of us who got sworn in were lucky enough to cast a vote in favor of new budget rules that will make sure that we keep better track of the money that comes in and don't rack up record deficits. And it continues today, Mr. Chairman, with a renewed commitment to responsible contracting.

I am happy to be standing next to my new chairman, Mr. WAXMAN. I am happy to be here today in our process of restoring that faith in the government that our people have lost.

Mr. TOM DAVIS of Virginia. I would yield 2 minutes to the gentleman from Ohio, a member of the committee, Mr. TURNER.

Mr. TURNER. Thank you, Mr. DAVIS. Yesterday I was on the House floor as part of the discussion concerning the Freedom of Information Act amendments and as we discussed the issue of the dedication of this week of open government.

Open government is an important issue because it is one that we all know that by being dedicated to information being available to the public, we can hold our government accountable. Unfortunately, we have an irony once again happening on the House floor, and that is that today's bill that we are considering is one that went through committee, Government Reform Committee, which I serve on, and the Armed Services Committee, which I serve on, and went through hearings where there were amendments that were provided and Members were able to participate. But this bill today is not the bill that came before those two committees. It has been amended in some backroom deal that we are all decrying here on the House floor, with language that has not been through the committee or the subcommittee. If the public were looking at this bill as it went through those two committees, they would not find that this language matches that which went through the committees. Certainly, as we dedicate ourselves to open government, we should dedicate ourselves to a process where the bills that are here are available and open to the public and the members of these two committees.

Mr. TOM DAVIS of Virginia. May I inquire as to how much time I have remaining.

The Acting CHAIRMAN (Mr. HASTINGS of Florida). The gentleman has 6½ minutes remaining.

Mr. TOM DAVIS of Virginia. I yield 5 minutes to the gentleman from California, the ranking member of the Armed Services Committee, Mr. HUNTER.

Mr. HUNTER. I thank the gentleman. I am going to speak a little bit during our section on this bill, but I just wanted to invite the majority leader, Mr. HOYER, to come back down to the

floor and to talk a little bit about the statement that he just made to the effect that there hasn't been any oversight over the last several years.

I am reminded of our teams that left the Armed Services Committee, went out to the companies that were up-arming Humvees, started to move that schedule to the left, that means getting those Humvees quicker to the troops; and when they were told that there was a steel shortage, moving to the steel mills, finding out what the problem was. When they were told it might be a problem with too many shifts or not enough shifts with union employees, meeting with union employees, getting those shifts put on line, getting that steel produced, getting it to the Humvee factories and moving it out to the field.

I am also reminded of the times when we moved ahead quickly with what the gentleman has criticized as sole-source contracts when our troops in the field didn't have any dismounted jammers. That means the ability to stop an electronic signal that fires off a roadside bomb that hurts our troops. This committee moved quickly to give the Secretary of Defense the ability to waive all acquisition and competition regulations so you could do one thing, get equipment that protects our troops to the battlefield quicker. And we did that in terms of the first dismounted jammer that we produced, something that a marine or a GI could carry on a patrol that would keep a bad guy from detonating a roadside bomb that could kill him or his squad. Using this new system instead of the old system, we were able to, R&D, build in the United States and move into the warfighting theater 10,000 jammers for our troops within 70 days.

Now, the system that the gentleman is wedded to and loves so much, the slow system, the system in which you have interminable appeals, in which you have competitions that take months and months, sometimes years, is now working on the next generation of portable jammer. It has been a year, and we don't have that jammer fielded yet for troops in a portable fashion.

So I would just say to the gentleman who has been criticizing the contractor corps, 389 American contractors have been killed in this war so far, in this war against terror. They are great people, probably some of them from the gentleman's district. And the idea that he is trying to offer to this body, which I think is smart enough to reject that idea, that somehow there was no oversight in the theater, and by making these fairly minor changes, and these are fairly minor changes, we marked them up, they are nips and tucks in the oversight system. Somehow the judgment of the thousands of people who oversee our contracts around the world will now go from bad to good. That is obviously in great error. In fact, the same people are in place administering contracts; the same people are risking their lives in Iraq and Afghanistan to

support our warfighters. And by and large, they are doing an excellent job.

And we are going to get into later, into the added restrictions that the majority has placed on people who are participating in contract decisions, participating in a broad category called "administering" and the vagueness that attaches to that that might make a person civilly liable if they walk into the wrong meeting at the wrong time and they are ultimately prosecuted or fined civilly for making that mistake.

You know, we have great members of our staffs in the Armed Services Committee and indeed in all the committees in the House of Representatives. We shouldn't put a more onerous burden on the people that work in the rest of government than we would put on our own staff.

And I would say to my colleagues, one thing you have got to have when you have penalties, whether they are civil or criminal, that attach to action, you better define the action and you better define it clearly enough that staff members know exactly what they are doing and know exactly where the line is so they don't cross that line.

And let me just finish by saying that the gentleman from Maryland (Mr. HOYER), who I consider to be a friend, has done a real disservice to the great men and women who serve in a contracting capacity for this country by implying that somehow they haven't been doing their job and somehow the committees of this Congress have not been doing their job in this war against terror.

I thank my friend from Virginia for yielding me a couple of minutes.

Mr. WAXMAN. Mr. Chairman, may I inquire how much time is left on each side.

The Acting CHAIRMAN. The gentleman from California has 5½ minutes, and the gentleman from Virginia has 1½ minutes.

Mr. WAXMAN. Mr. Chairman, I yield myself 5 minutes.

I want to acknowledge the fact that Chairman TOM DAVIS did more as the chairman of our committee in doing oversight than any other Chair in the House. We did do a lot, but the other committees did not. They didn't want to do oversight. It was as if the Republican leadership of the House decided that if they did too much oversight, they might find embarrassment to this administration.

Well, it looks like this administration would now like to keep us from getting embarrassing information about them because they don't like this bill. Oh, we have to give too many reports to Congress; there has to be too much transparency; it is burdensome to have to be open about these contracts. But the fact of the matter is we are spending an incredible amount of money on these outside contracts. And from what we have seen, our taxpayers are not being protected from waste, fraud, abuse and corruption. Just look

at what went on in Iraq. Halliburton had contracts for logistical purposes, to restore oil. We were told we needed them to get a contract without any competition because they are the only ones, this is what we were told in the very beginning when we asked why did we get this contract in Iraq with no other competition.

□ 1215

We were told, Well, they are the only ones who know how to put out the oil well fires when we go to war. And so they got a contract without competition on a cost-plus basis even though they had a history of overcharging the taxpayers. And then later we found out that they didn't do anything about putting out oil well fires in the first Gulf war; it was Bechtel, not Halliburton. We were told it was civil servants who had done it in giving this award to the contractor. But then we found out it was the political people who did it.

Halliburton was given special treatment. Other contractors were given special treatment by not having healthy competition. Competition benefits the consumer. When the government is the payor, the consumer, we are deprived of what market forces can bring. So these contractors got no-bid contracts.

I made a proposal on the House floor when we had one of these appropriations bills to say that if any contractor overcharges us \$100 million or more, they ought to be barred from future contracts. The chairman at that time of the Armed Services Committee stood up and said, We can't have an amendment like this; we haven't even held hearings on anybody who has charged us over \$100 million.

Well, why hadn't they held hearings? Why didn't the Armed Services Committee hold hearings?

The fact of the matter is in recent years, we have had an enormous outpouring of money spent in Iraq, in homeland security, in dealing with Hurricane Katrina, and we have seen the same mistakes over and over again: No-competition contracts; cost-plus contracts.

We have seen what the result has been: Wasted taxpayer dollars. That is why this legislation has been put together. It is a bill to require that if there is an emergency to give a contract, give it. But then have bidding within a year.

Gasoline prices charged by Halliburton were considered highway robbery. Parsons built just a handful, 20 of the 142 health clinics they were paid to build. Human sewage leaked out of the roof of a police academy.

In Hurricane Katrina, they subcontracted and subcontracted and subcontracted, and finally they paid a guy with a truck to come and take away debris. Every markup of every one of those subcontractors was passed on to the taxpayers.

We have had a contract to build a border for our homeland security that

cost us billions of dollars that didn't work. We had a contract to help the Coast Guard get state-of-the-art ships, and they didn't meet standards. We need reform in this area.

If that is called micromanaging when we want transparency, this is the type of reform we need. We need something we didn't have before: A lot more oversight. We have got to keep people honest.

I am shocked when I hear conservatives say they care about taxpayers' dollars, and then don't want competition. I am shocked when they say taxpayers' money is being used wisely, and then we find it is being thrown away.

I urge support for this bill.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, we fully support transparency and accountability in decision-making, but we need to remember we are asking for all of these audit reports that are only advisory in nature. They are not disposition. These are questioned costs, and contracting in a war zone or in an emergency often lacks appropriate documentation. But these are allowable costs.

I think to provide those to Congress not only gives you too much information, a lot of it can be misleading and can be misplayed.

Knowing that the results of an audit will be provided to Congress during the negotiation and the resolution process, which is what they are asking for, could unduly influence the impact the audit advice may have on the contracting officer's administrative determination. This inhibits their authority to appropriately and effectively resolve contracting issues using all of the relevant information available to them. This could also have the unintended effect of increasing the number of contract disputes.

But I know my colleague feels with a passion that we need to move ahead and do something of this order. I look forward to working with him on legislation on the acquisition workforce which we don't touch in this area. This legislation I think falls short of the promise, but I appreciate the willingness he has shown to work with us. We will address further issues later in our motion to recommit.

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

The Acting CHAIRMAN (Mr. HASTINGS of Florida). The gentleman from California has 30 seconds.

Mr. WAXMAN. Mr. Chairman, legislation is an organic process. We have negotiated with the minority. We have strong bipartisan support for this legislation. The bill was referred to the Armed Services Committee. They gave us good recommendations which have been adopted unanimously by that committee and incorporated into this bill.

The gentleman from Ohio complained there was another change made. There are always changes going on to make

the bill better. It will get even better as we move it through the process. Let's pass the bill and work together. Let's stand up for the American taxpayers of this country.

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

The Acting CHAIRMAN. The gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will now control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1362, the Accountability in Contracting Act. This bill amends title 10 and 41, United States Code, and establishes other new statutory requirements to improve the quality of government contracts, increase government contract oversight, and promote integrity in contracting.

The House Armed Services Committee approved this legislation on a bipartisan vote of 53-0. Our committee has worked for decades to improve the contracting process within the Department of Defense.

Over this time, the committee has passed numerous bills, including both major additions to contract law and focused revisions. We utilized the experience gained in these legislative efforts to formulate our recommendations in this bill. I am confident that this is a good product that will improve contracting and save the taxpayer money.

Right now, American military forces are deployed throughout the world in support of the war on terrorism as well as other military operations, including Iraq. These contingency operations have generated a number of very large contracts, the Department of Defense has expended billions of dollars on support and reconstruction contracts that have been awarded, administered and overseen in the most challenging of conditions.

H.R. 1362 would help address these challenges by empowering the heads of the military departments and the defense agencies to ensure the proper use of a variety of contract types, both competitive and noncompetitive, and by empowering Congress to oversee such contracts. It also ensures continued faith in the integrity of the procurement system.

I thank my friend and colleague, Chairman WAXMAN, for introducing this legislation and bringing it to the floor today. And I especially want to thank my friend and partner on the Armed Services Committee, Mr. HUNTER, who is the ranking member and the former chairman, for working so closely with us on this legislation. I thank him for that.

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

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have given a fair amount of consideration to this bill,

H.R. 1362. I have a couple of observations to share with you.

First, I am very proud of the work that the Armed Services Committee has done with respect to this bill to craft what I consider to be a better bill. I want to thank the chairman, my good friend from Missouri, Mr. IKE SKELTON, for making sure that we participated in this markup and holding the markup of H.R. 1362.

I had serious concerns about the original bill as reported out of the Committee on Oversight and Government Reform, including a number of provisions that, through amending title 10, U.S. Code, and other procurement regulations, would have had the effect of preventing the Department of Defense from serving warfighter needs in the most expeditious manner possible. That is an issue that I spoke to just a minute ago in my exchange with Mr. WAXMAN.

As my colleagues from the Armed Services Committee know, this committee has given a great deal of attention to matters pertaining to acquisition reform. This has been especially true during wartime as our committee has worked hard to ensure that the brave men and women serving our country receive what they need when they need it as they deploy to Iraq, Afghanistan, and other theaters of operation.

At the same time, we have been vigorous advocates for competition and cost control measures. I firmly believe that the Armed Services Committee is best suited to properly balance the need for improving accountability in defense contracting while at the same time ensuring that the Department of Defense can carry out its duties to the warfighter. I am pleased that the chairman agreed to hold an Armed Services Committee markup of this bill. In continuing its rich tradition of deliberation and robust oversight of matters within its jurisdiction, the committee produced a higher quality piece of legislation.

I supported Chairman SKELTON's mark because I believe the mark remedied the most serious deficiencies of the base bill and was truly a bipartisan measure. The Armed Services Committee mark encouraged competition and cost controls while protecting procurement flexibilities important to the national interest.

Secondly, it provided Congress with additional tools for oversight and reinforced standards of integrity widely held by the dedicated men and women of the defense acquisition workforce.

But, unfortunately, we are not here today to vote for the Armed Services Committee mark. We are not even here to vote for the Committee on Oversight and Government Reform mark, which leads me to my second set of observations.

We are here today to vote for a piece of legislation that was not voted out of any committee. Those who would say this bill received unanimous support in two committees would not be telling it

as it is. The full truth is that the Speaker wanted to put a rush on this bill so she could say Congress did something about contract reform. It was introduced late one night, and in 24 hours it was being voted out of committee. In two more business days a markup was scheduled in the Committee on Armed Services. Late that night, additional text was added that changed the bill yet again, and I think in a potentially dangerous way.

But no member of Oversight and Government Reform or Armed Services got to vote on those changes. Instead, the language simply appeared out of nowhere and the rule for H.R. 1362 let the new bill move to the floor.

What would the new language do? It is hard to say because the text is subject to broad interpretation, which is precisely what concerns me. One thing can safely be said. It is ironic that the original bill would have required agencies to hire thousands of additional personnel, but at the same time this new language would presume those personnel are dishonest and would attempt to restrict their decisionmaking ability or their ability to seek further employment.

I am all for accountability and performance in Federal contracting. I am likewise for accountability and performance in the legislative branch. Frankly, I am disappointed in the final product of this bill, and I am referring to the parts that were put in after we marked up our portion of the bill.

Mr. Chairman, let me go right back to Mr. HOYER and Mr. WAXMAN and their assertion that somehow we are leaving a period of no oversight, and they have brought now oversight to the warfighting process and accountability for the contracts that are let pursuant to this war against terror. That is absolutely not the truth.

As anybody knows when you are fighting a war, you need to move quickly. I use once again the example of the jammers that we got out the door under a new waiver strategy where you waive all acquisition regulations. You go in and build something that the troops need immediately on the battlefield. You don't give a 6-month appeal to the folks that lose the competition. You don't give small business set-asides because there is one thing you don't have, you don't have time.

When we have troops that are experiencing bombs on the battlefield that are detonated remotely, you have to move quickly to get the jammers that will jam that electronic device. When you have new explosives that are penetrating your Humvees, you have to get steel on the sides of those Humvees quickly.

□ 1230

When you are moving a military force down the road and you have to get fuel to that force, whether it is in movement or in base, you have to move quickly. You cannot have 6-month appeal periods. You cannot have buyers'

forums that take months to set up. You have to move quickly.

Now, when you have time, you want to absolutely have competition, and I can just tell my colleagues that that is always in my interest to have competition, get the best buy for the buck, and we have had a number of forums incidentally. We introduced the Challenge Program where any company that could come in and say, I could make a better tire for the Humvee than the incumbent, or I can make a better windshield or a better engine, that guy or lady has got the right to go in and challenge the incumbent company that has the present contract and show how they can do it cheaper or make something that has better warfighting capability. We introduced that legislation. That is called the Challenge Legislation.

But let us not mix that up with this idea that somehow you can have competition on every single aspect of the battlefield, and when you need a new jammer to stop roadside bombs, you go out and you start a month-long search, and then you have a 6-month competition, and then after the award you have a 6-month appeal, and by that time you are ready for the next war. You are not even relevant to the situation that is hurting your young men and women on the battlefield right now.

So there is some good substance in this bill, and I like it, but there is a lot of rhetoric. There is a lot of worthless, political rhetoric that preceded this bill, and I hope that the American people will not be snagged by that one. There are times that you have to move quickly.

I am reminded of one contractor that came back. One of the contractors who was not one of the 389 who has been killed in this war, and he showed me a picture of a crater, of a mortar crater. He said, That is where I was standing 5 minutes before that mortar landed. He said, I do not care how much you award this contract for, I am not going back to that dangerous AO.

Let me tell you, there are a lot of people who do go back time and time again. They are good Americans. They are honest Americans, and they are the same folks carrying out the contracting and administering the support of our Armed Forces who were there 6 months ago. The idea that somehow they have been crooked up to now, that now they are going to be straightened out by Mr. HOYER and Mr. WAXMAN is absolutely outrageous.

So having said those gentle words, I look forward to the continued discussion. Mr. WAXMAN has taken the floor. I would be happy to yield to Mr. WAXMAN if he has got a rejoinder.

Mr. WAXMAN. Mr. Chairman, well, I do. I am surprised you are taking the position you are taking in trying to make it personal but—

Mr. HUNTER. Let me just take my time back. I am not making it personal. Mr. WAXMAN made a statement, I am talking. Mr. WAXMAN, I will let

you respond to this. We are not making it personal.

What I am telling you is that there are exigencies in the battlefield, and you got this from your own leadership, gentlemen like Mr. MURTHA who said you cannot have these long delays in awarding contracts and have this vigorous oversight period; you cannot have that hold up a battlefield situation. You do have to award sole-source contracts, and you have to award them to people who can move very quickly and get things done. That is my point.

The idea that we are supposed to stop that or that we have not exercised any oversight is simply not accurate. There is no personal animosity toward you as a fine Member of this body, but those statements are not accurate, and I yield to the gentleman.

Mr. WAXMAN. I think the gentleman is misinformed about what is in the legislation because we do permit under exigent circumstances a no-bid contract to be awarded. We understand there are times that there are emergencies, but we ask that after a year that the contract be put out to bid, that there be competition at least after a year. I see nothing wrong with that. It makes a lot of common sense to me, and you are arguing that we are not responding to the emergency situation when we do.

Mr. HUNTER. If the gentleman will allow me to say this, I think that that is a good provision. In fact, we supported that provision in the Armed Services markup.

Let me tell you a provision I do not support, and maybe you can help us with this. You refer in the revolving door that says that a person cannot take a job with a company in which he has administered—

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. HUNTER. Would the gentleman allow me to have a minute of his time so I can just offer this one point?

Mr. SKELTON. Mr. Chairman, I will be glad to yield 1 minute to the gentleman.

Mr. HUNTER. I thank the gentleman. Mr. WAXMAN, the two provisions that were put in after the markup, the one that talks about a person who participates in a meeting as a senior staff, that means if a person walks in a room and if they are involved in a discussion, they could be subjected to massive civil penalties at a later time if there is a contract awarded.

I would simply say that I think in areas where you have civil penalties you have to have great clarity, and I have not seen a definition of "senior staff" or "senior participants" in DOD, and I think that that is a real problem. I think it is a problem of vagueness and one that could keep people from entering the civil service in this role and in this capacity.

Mr. WAXMAN. What this provision provides is if somebody is personally and substantially involved in that contract, they should not be then going

out and working for the contractor. I just think that is improper. There ought to at least be a cooling-off period. We do not think they can never go work.

Mr. HUNTER. Mr. Chairman, let me just rejoin to that. We have looked up "personally" and "substantially." That could involve standing there in a room and giving advice. So that can be just a person giving advice which could expose them to a \$50,000 civil penalty, from what I have seen.

I thank the gentleman for yielding.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

I first wish to thank the gentleman from California and all the members of the Armed Services Committee that worked on this legislation that recommended its passage by a 53-0 vote, and I was very pleased and proud of that. Of course, it was changed to about 1 percent as opposed to 99 percent that we approved in our committee.

The change merely clarifies the application of post-employment restrictions to senior level officials who are involved with procurement. It is a minor change. The language was shared with the minority well before the bill went to the Rules Committee for its rule on bringing it to the floor today. So I think that the change made post-Rules Committee effectually was minimal, or as they say in the law, de minimus; and I am sorry that there is a question that has arisen to that effect.

This bill does not affect the rapid acquisition authority that the Armed Services Committee did approve. It allows, as the gentleman from California mentioned, 1 year for emergency contracts, and it can go longer if the agency head so determines that it is needed.

I wish that this bill, as it is before us, could receive a unanimous vote on the floor because of what it does. It is clear. It helps the procurement process. It brings it home to every American that we are on top of the matter and that oversight is happening, and it is a clarification of a law that is actually overdue and well deserved.

I applaud all those who worked on it. I am going to thank the gentleman from California for his work on the Committee on Armed Services and all of those, Democrats, Republicans, who did approve it and thank the chairman, Mr. WAXMAN, for his hard efforts in bringing this to the floor.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I thank you very much for yielding to me.

I just want to point out that I think my good friend from my same State, former chairman of the Armed Services Committee, now the ranking member, protesteth too much.

He complained that they have to award a contract right away and that this bill would prevent it. Well, we

have already pointed out that that is not the case at all. A contract can be awarded on an emergency basis; but after a year, there ought to be competition. He thought that sounded good once we explained it to him on the floor.

Then he said, well, there is another provision that he dislikes and that is the fact that somebody who awards a contract cannot go to work for the contractor. Well, that provision was narrowed, and it was narrowed to say it had to be a senior person, and it also had to be someone who was personally and substantially involved in awarding the contract.

Now, a lot of these contracts are determined by political appointees. For example, we learned that the Halliburton no-bid contract to restore oil in Iraq was signed by the contracting civil servant, but the decision was made by a political appointee. The gentleman's name is Michael Mobbs. He decided that Halliburton ought to get that contract and that there should not be competition. He even went before a committee of principals, including Scooter Libby representing the Vice President, and suggested to them this is the way the contract ought to be awarded, and the contract was awarded. He argued that it needed to be awarded at that time to that contractor, they would do the job.

Should he be allowed to go within a year and go sign up as an employee for Halliburton? I do not think he should be permitted. All we say is there ought to be a cooling-off period. We do not say he never could go work for Halliburton, but I think it is unseemly to have him go right from that position to go work for Halliburton.

Now, I must say from those who tell us everything is going great in Iraq, they are also telling us today on the House floor everything has gone well with contractors in Iraq. I must submit that things have not gone well, unless you do not mind hundreds of billions of dollars in questioned costs, in overcharging by a contractor to bring in gasoline from Kuwait, having a contractor charge for \$45 for Cokes or \$50 for laundry, obscene kind of expenditures. Things have not gone well. That is why we need more oversight, and that is why we need this important reform legislation.

Mr. SKELTON. Mr. Chairman, I yield myself the remaining time.

I thank the gentleman from California; and, again, I certainly hope we could get a strong bipartisan vote for this bill. It does good things. It clarifies the law and makes sure that the American taxpayer is more protected regarding contracts. It is fair. It is equitable. It is easy to understand.

All you have to do is read the King's English and follow the law, and it will help clarify so much of the problems that have arisen in recent years regarding contracting.

Ms. HIRONO. Mr. Chairman, as a cosponsor of H.R. 400, introduced by my colleague

from Hawaii, the Honorable NEIL ABERCROMBIE, which seeks to prohibit war profiteering, I support H.R. 1362 which champions the same goals.

At a time of war, when the lives of Americans are put at risk, when the limited resources of the Nation are being expended and when programs serving millions of Americans are being cut back, no corporation or person should ever be allowed to misuse, waste or misappropriate Federal tax dollars. Unfortunately, due to mismanagement, incompetence and sweetheart deals, and lack of oversight, certain U.S. corporations and their subsidiaries apparently have blatantly over-charged government agencies, engaged in wasteful practices and committed allegedly fraudulent acts that have resulted in the virtual disappearance of billions of dollars.

Examples of American corporations padding expenses then charging an administrative fee on top of the overpriced goods and services have been well-documented. Documentaries such as "Iraq for Sale" chronicle a chilling story of unchecked waste, demoralization of our troops from shoddy services provided by contractors and shameless acts of corporate misconduct.

It is shocking that, in some cases, it's all legal. Without reasonable restrictions on contractor spending and practices on no-bid and cost-plus contracts and lack of enforcement of existing law, there is no incentive to provide goods and services to the government at the least cost and with the greatest efficiency. Indeed, the current practices foster and encourage waste and corruption, as the dismal track record in Iraq of defense contractors demonstrate. Just one corporation, Halliburton, has disputed charges amounting to over a billion dollars.

This bill minimizes the use of no-bid contracts, promote the use of cost effective fixed-price contracts and limit the duration of no-bid contracts, which must be awarded under emergency conditions, to one year. This bill allows the awarding of no-bid contracts which cannot be delayed but require re-bidding when the emergency has elapsed. Public disclosure of the reasons for using no-bid contracts and overcharging will promote transparency and expose improper contracting practices. Fixed price, rather than open-ended cost-plus, contracts will encourage efficiency and minimize unrestricted spending by contractors.

H.R. 1362 will go a long way to curb unchecked abuse and overcharging, slipshod accounting practices and lack of accountability. It will give government procurement managers the authority to control wasteful and fraudulent contractor practices, as well as be governed by stricter ethical guidelines to regulate the procurement managers' own behavior.

Until now, there has been no effective congressional oversight since the war began and no effective laws to rein in wasteful, corrupt and, in fact, unpatriotic behavior. Billions have been lost in this war, while critical programs in education, health, environment, alternate energy and other domestic needs have been unnecessarily slashed.

This legislation will help correct this unacceptable situation. I commend Chairman WAXMAN and the Committee on Oversight and Government Reform for this important improvement in our Federal contracting laws.

Mr. CARDOZA. Mr. Chairman, I support this legislation, and believe that it will improve ac-

countability in Federal contracting and increase the amount of information provided to the public and to Congress about Federal contracts. However, I believe that more needs to be done.

I am particularly concerned about overuse of exemption four of the Freedom of Information Act—the exemption that protects trade secrets and business confidential information. Too often, this exemption is used to withhold information about Federal contracts that should be made public.

With minimal exceptions for proprietary information, the public should have access to information submitted to the Federal Government in application for Federal contracts. And agencies should release information to the public regarding questionable performance of Federal contractors. The public should be able to easily access through FOIA information relating to whether a contractor actually performed the work required under the terms of the contract as well as information that indicates the use of substandard materials or work practices in performing the contract.

Waste, fraud, and abuse in contracting is all too common. Contractors should not be able to hide behind a FOIA exemption in order to keep their poor performance out of the public eye.

I have spoken to Chairman WAXMAN and he has pledged to jointly request that GAO conduct an examination of this issue and clarify what legitimately qualifies as an exemption for confidential business information. I appreciate Mr. WAXMAN's interest in this issue and look forward to working with him.

Mr. WAXMAN. Mr. Chairman, I understand that my colleague, Representative CARDOZA has concerns about the use of the confidential business information exemption within the Freedom of Information Act to withhold information about Federal contracts from the public. I understand Mr. CARDOZA's concern and want to work with him to ensure that the public has access to this type of information under FOIA. Yesterday, the House approved legislation that will strengthen FOIA and ensure that agencies apply a presumption of disclosure when considering requests. I believe that yesterday's bill, along with the bill we are considering today, are steps in the right direction. But, neither bill directly addresses my colleague's concerns related to overuse of FOIA's exemption four.

I have an ongoing interest in strengthening the Freedom of Information Act and certainly want to work together with Mr. CARDOZA to accomplish his important goal of ensuring public access to information about federal contractor performance.

I have agreed to work with Mr. CARDOZA to request that GAO conduct an examination of agency use of exemption four. A report from GAO could clarify what is currently being withheld from the public under this exemption, and how much of that information is actually a trade secret or is truly confidential. This report will inform us as we move forward.

Mr. ORTIZ. Mr. Chairman, a government of the people only works when transparency and accountability are the watchwords of the day. This is vital when it comes to contracting. Democracy suffers when our government spends taxpayer money on contracts that can include fraud, waste, and abuse.

Nowhere is this more apparent than in defense-related contracts that are single-sourced

and rarely overseen. Our troops don't have the equipment they need in the field; and taxpayers are losing billions in fraud and abuse in contracts.

The bill before us today ends waste in Federal contracting, by reducing the use of no-bid contracts, mandating disclosure of no-bid contracts and contract overcharges, and closing the revolving door between government procurement officials and private contractors. The wasted money would be far better used to improve readiness needs—currently in deep crisis.

We have to reconstruct our military that has been decimated by the Iraq war. A good beginning to that long and difficult task is providing open competition in contracting in order to provide the best services for our military in both wars.

Congress has exposed a pattern of reckless spending, poor planning, and ineffective oversight in contracting that has resulted in the waste of hundreds of millions of taxpayer dollars in no-bid contracts for Halliburton and for contracts for Hurricane Katrina.

This legislation builds on the progress we are making to return to the basic principles of fiscal responsibility and to restore Congress's role as a check and balance to the Executive Branch, particularly on training and equipping of our troops, in order to make this government more accountable to the American people.

Specifically, the legislation would change Federal acquisition law to require agencies to limit the use of emergency no-bid contracts and to increase transparency and accountability in Federal contracting in an effort to protect the taxpayers' money. To restore accountability in the Federal contracting process, the bill would instruct agencies to minimize the use of no-bid contracts, promote the use of cost-effective fixed-price contracts, and limit the duration of no-bid contracts awarded in emergencies to one year.

It also promotes transparency by requiring public disclosure of the rationale for using no-bid contracts, and requiring agencies to report to Congress on overcharges in contracts. To improve the integrity in contracting, the bill closes the revolving door between government procurement officials and private contractors.

Spending on no-bid contracts has more than doubled under the Bush Administration with a 75 percent increase in spending on contracts that reward companies for every taxpayer dollar spent, not saved with more than \$2.4 billion squandered on no-bid contracts for Halliburton in Iraq, with another or the other \$23 billion for other abuse-prone contracts. That money lost to fraud and abuse would have gone a long way in equipping our troops in the field.

Mr. Chairman, our military readiness is in crisis in no small measure due to the waste, fraud and abuse that is inherent in how this government has awarded contracts in Iraq and elsewhere. I ask the House to join me in supporting this important legislation.

Mr. ENGEL. Mr. Chairman, I rise today in strong support of H.R. 1362, the Accountability in Contracting Act. With the alarming increase of no-bid contracts and cost-plus contracts under this administration, I am very gratified to see the Democratic majority bring this bill up for a vote so that we can put an end to these scurrilous practices.

The United States government has paid hundreds of millions of dollars in the past few

years to contractors that did not even have to submit a bid for the work it wanted to conduct. So much for good old fashioned American competition! In addition, there have been very few penalties for the contractors when this work went far over budget and Federal dollars were misused such as in the Hurricane Katrina recovery effort. American taxpayers have had to pick up the tab for these cost overruns, and they have been on the hook for millions and millions of dollars.

Mr. Chairman, in this week devoted to oversight legislation, this is a necessary bill to protect the taxpayers of this Nation from paying too much for too little work. This bill will reduce the number of no-bid contracts and strictly control cost overruns. Further, new rules will be promulgated for disclosing contractor overcharges.

The Accountability in Contracting Act is long overdue, and I thank the Speaker, the Majority Leader, and Chairman WAXMAN for bringing this bill up for a vote.

Mr. ARCURI. Mr. Chairman, it is time to rein in this administration's prevalent use of no-bid contracts. I urge all my colleagues on both sides of the aisle to support this rule and the Accountability in Contracting Act.

In the last five years, spending on "no-bid" or "sole-source" contracts has more than doubled. The administration contends that in every one of these cases there were "urgent and compelling needs" that required these contracts to be awarded without a competitive bidding process. In the case of the emergency response to disasters like hurricanes Katrina and Rita, I don't dispute that the need was urgent, but for non-emergency contracting needs, we must get our fiscal house in order.

Just as any family has a budget to stick to, shouldn't we reach a point after an emergency when there has been enough time to consider multiple, competitive bids? A point after which the "compelling needs" are a little less urgent? By last June—nine months after Hurricane Katrina—\$10.6 billion had been awarded to private contractors for recovery efforts, but only 30 percent of that had been awarded competitively.

I know of no small business in Upstate New York, who could get by without reasonably budgeting for their expenses—even in times of emergency. Why should taxpayer dollars be spent differently?

Oversight of these contracts has been no better. Audits have revealed that post-Katrina contractors have over-billed, double-billed, and billed for work that was never completed. The Defense Contractor Audit Agency found that through fiscal year 2006, over \$10 billion in contractor charges in Iraq have been identified as "questioned" or "unsupported."

Under this administration, the use of "cost plus" contracts has increased more than seventy-five percent. These cost-plus contracts guarantee a contractor a fixed profit, regardless of how efficiently they spend the government's money—taxpayers' money. These contracts provide no incentive to look after the bottom line because they guarantee there will always be money off the top. When indefinite, no-bid contracts contain "cost-plus" provisions, the opportunity for foul play is only amplified.

The Accountability in Contracting Act addresses these concerns. This bill limits to roughly 8 months the time that federal no-bid contracts can last. It requires each federal

agency that has awarded at least \$1 billion in the preceding fiscal year to develop and implement a plan to minimize the use of contracts entered into using no-bid procedures and cost-reimbursement type contracts. The bill also establishes a system to increase competition in contract bidding and requires agencies that enter into a no-bid contract to make "justification and approval" documents public within fourteen days after awarding a contract.

Mr. Chairman, we have a responsibility to the American people to spend their hard-earned tax dollars in a fiscally responsible way. And the Accountability in Contracting Act will help reach that end by providing much-needed transparency to the way the federal government awards contracts.

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

The Acting CHAIRMAN. All time for general debate has expired.

In lieu of the amendments recommended by the Committee on Oversight and Government Reform and the Committee on Armed Services printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute printed in part A of House Report 110-49. That amendment in the nature of a substitute shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Accountability in Contracting Act".

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

Sec. 1. Short title and table of contents.

TITLE I—IMPROVING THE QUALITY OF CONTRACTS

Sec. 101. Limitation on length of non-competitive contracts.

Sec. 102. Minimizing sole-source contracts.

Sec. 103. Maximizing fixed-price procurement contracts.

TITLE II—INCREASING CONTRACT OVERSIGHT

Sec. 201. Public disclosure of justification and approval documents for noncompetitive contracts.

Sec. 202. Disclosure of Government contractor audit findings.

Sec. 203. Study of acquisition workforce.

Sec. 204. Repeal of sunset of training fund.

TITLE III—PROMOTING INTEGRITY IN CONTRACTING

Sec. 301. Additional provisions relating to procurement officials.

TITLE I—IMPROVING THE QUALITY OF CONTRACTS

SEC. 101. LIMITATION ON LENGTH OF NON-COMPETITIVE CONTRACTS.

(a) REVISION OF FAR.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to restrict the contract period of any contract described in subsection (c) to the minimum contract period necessary—

(1) to meet the urgent and compelling requirements of the work to be performed under the contract; and

(2) to enter into another contract for the required goods or services through the use of competitive procedures.

(b) **CONTRACT PERIOD.**—The regulations promulgated under subsection (a) shall require the contract period to not exceed one year, unless the head of the executive agency concerned determines that the Government would be seriously injured by the limitation on the contract period.

(c) **COVERED CONTRACTS.**—This section applies to any contract in an amount greater than \$1,000,000 entered into by an executive agency using procedures other than competitive procedures pursuant to the exception provided in section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)) or section 2304(c)(2) of title 10, United States Code.

(d) **DEFINITIONS.**—In this section:

(1) The term “executive agency” has the meaning provided in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(2) The term “head of the executive agency” means the head of an executive agency except that, in the case of the Department of Defense, the term means—

(A) in the case of a military department, the Secretary of the military department;

(B) in the case of a Defense Agency, the head of the Defense Agency; and

(C) in the case of any part of the Department of Defense other than a military department or Defense Agency, the Under Secretary of Defense for Acquisition, Technology, and Logistics.

SEC. 102. MINIMIZING SOLE-SOURCE CONTRACTS.

(a) **PLANS REQUIRED.**—Subject to subsection (c), the head of each executive agency covered by title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) or, in the case of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall develop and implement a plan to minimize, to the maximum extent practicable, the use of contracts entered into using procedures other than competitive procedures by the agency or department concerned. The plan shall contain measurable goals and shall be completed and submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate and, in the case of the Department of Defense and the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives, with a copy provided to the Comptroller General, not later than 1 year after the date of the enactment of this Act.

(b) **COMPTROLLER GENERAL REVIEW.**—The Comptroller General shall review the plans provided under subsection (a) and submit a report to Congress on the plans not later than 18 months after the date of the enactment of this Act.

(c) **REQUIREMENT LIMITED TO CERTAIN AGENCIES.**—The requirement of subsection (a) shall apply only to those agencies that awarded contracts in a total amount of at least \$1,000,000,000 in the fiscal year preceding the fiscal year in which the report is submitted.

(d) **CERTAIN CONTRACTS EXCLUDED.**—The following contracts shall not be included in the plans developed and implemented under subsection (a):

(1) Contracts entered into under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), in amounts less than the amounts listed in paragraph (1)(D)(i)(II) of that section.

(2) Contracts entered into under section 31 (15 U.S.C. 657a) of such Act, in amounts less than the amounts listed in subsection (b)(2)(A)(ii) of that section.

(3) Contracts entered into under section 36 of such Act (15 U.S.C. 657f), in amounts less than the amounts listed in subsection (a)(2) of that section.

SEC. 103. MAXIMIZING FIXED-PRICE PROCUREMENT CONTRACTS.

(a) **PLANS REQUIRED.**—Subject to subsection (c), the head of each executive agency covered by title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) or, in the case of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall develop and implement a plan to maximize, to the fullest extent practicable, the use of fixed-price type contracts for the procurement of goods and services by the agency or department concerned. The plan shall contain measurable goals and shall be completed and submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate and, in the case of the Department of Defense and the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives, with a copy provided to the Comptroller General, not later than 1 year after the date of the enactment of this Act.

(b) **COMPTROLLER GENERAL REVIEW.**—The Comptroller General shall review the plans provided under subsection (a) and submit a report to Congress on the plans not later than 18 months after the date of the enactment of this Act.

(c) **REQUIREMENT LIMITED TO CERTAIN AGENCIES.**—The requirement of subsection (a) shall apply only to those agencies that awarded contracts in a total amount of at least \$1,000,000,000 in the fiscal year preceding the fiscal year in which the report is submitted.

TITLE II—INCREASING CONTRACT OVERSIGHT

SEC. 201. PUBLIC DISCLOSURE OF JUSTIFICATION AND APPROVAL DOCUMENTS FOR NONCOMPETITIVE CONTRACTS.

(a) **CIVILIAN AGENCY CONTRACTS.**—

(1) **IN GENERAL.**—Section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended by adding at the end the following new subsection:

“(j)(1)(A) Except as provided in subparagraph (B), in the case of a procurement permitted by subsection (c), the head of an executive agency shall make publicly available, within 14 days after the award of the contract, the documents containing the justification and approval required by subsection (f)(1) with respect to the procurement.

“(B) In the case of a procurement permitted by subsection (c)(2), subparagraph (A) shall be applied by substituting ‘30 days’ for ‘14 days’.

“(2) The documents shall be made available on the website of the agency and through the Federal Procurement Data System.

“(3) This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.”

(2) **CONFORMING AMENDMENT.**—Section 303(f) of such Act is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(b) **DEFENSE AGENCY CONTRACTS.**—

(1) **IN GENERAL.**—Section 2304 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(1)(1)(A) Except as provided in subparagraph (B), in the case of a procurement per-

mitted by subsection (c), the head of an agency shall make publicly available, within 14 days after the award of the contract, the documents containing the justification and approval required by subsection (f)(1) with respect to the procurement.

“(B) In the case of a procurement permitted by subsection (c)(2), subparagraph (A) shall be applied by substituting ‘30 days’ for ‘14 days’.

“(2) The documents shall be made available on the website of the agency and through the Federal Procurement Data System.

“(3) This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5.”

(2) **CONFORMING AMENDMENT.**—Section 2304(f) of such title is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

SEC. 202. DISCLOSURE OF GOVERNMENT CONTRACTOR AUDIT FINDINGS.

(a) **QUARTERLY REPORT TO CONGRESS.**—

(1) The head of each Federal agency or department or, in the case of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall submit to the chairman and ranking member of each committee specified in paragraph (2) on a quarterly basis a report that includes the following:

(A) A list of completed audits performed by such agency or department issued during the applicable quarter that describe contractor costs in excess of \$10,000,000 that have been identified as unjustified, unsupported, questioned, or unreasonable under any contract, task or delivery order, or subcontract.

(B) The specific amounts of costs identified as unjustified, unsupported, questioned, or unreasonable and the percentage of their total value of the contract, task or delivery order, or subcontract.

(C) A list of completed audits performed by such agency or department issued during the applicable quarter that identify material deficiencies in the performance of any contractor or in any business system of any contractor under any contract, task or delivery order, or subcontract.

(2) The report described in paragraph (1) shall be submitted to—

(A) the Committee on Oversight and Government Reform of the House of Representatives;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

(C) the Committees on Appropriations of the House of Representatives and the Senate;

(D) in the case of reports from the Department of Defense or the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives; and

(E) the committees of primary jurisdiction over the agency or department submitting the report.

(3) Paragraph (1) shall not apply to an agency or department with respect to a calendar quarter if no audits described in paragraph (1) were issued during that quarter.

(b) **SUBMISSION OF INDIVIDUAL AUDITS.**—

(1) The head of each Federal agency or department shall provide, within 14 days after a request in writing by the chairman or ranking member of any committee listed in paragraph (2), a full and unredacted copy of any audit described in subsection (a)(1). Such copy shall include an identification of information in the audit exempt from public disclosure under section 552(b) of title 5, United States Code.

(2) The committees listed in this paragraph are the following:

(A) The Committee on Oversight and Government Reform of the House of Representatives.

(B) The Committee on Homeland Security and Governmental Affairs of the Senate.

(C) The Committees on Appropriations of the House of Representatives and the Senate.

(D) In the case of the Department of Defense or the Department of Energy, the Committees on Armed Services of the Senate and House of Representatives.

(E) The committees of primary jurisdiction over the agency or department to which the request is made.

SEC. 203. STUDY OF ACQUISITION WORKFORCE.

(a) REQUIREMENT FOR STUDY.—The Administrator for Federal Procurement Policy shall conduct a study of the composition, scope, and functions of the Government-wide acquisition workforce and develop a comprehensive definition of, and method of measuring the size of, such workforce.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the relevant congressional committees a report on the results of the study required by subsection (a), with such findings and recommendations as the Administrator determines appropriate.

SEC. 204. REPEAL OF SUNSET OF TRAINING FUND.

Subparagraph (H) of section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)) is repealed.

TITLE III—PROMOTING INTEGRITY IN CONTRACTING

SEC. 301. ADDITIONAL PROVISIONS RELATING TO PROCUREMENT OFFICIALS.

(a) ELIMINATION OF LOOPHOLES THAT ALLOW FORMER FEDERAL OFFICIALS TO ACCEPT COMPENSATION FROM CONTRACTORS OR RELATED ENTITIES.—Section 27(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(d)) is amended—

(1) in paragraph (1)—

(A) by striking “or consultant” and inserting “consultant, lawyer, or lobbyist”; and

(B) in subparagraph (C), by striking “Federal agency—” and inserting “Federal agency or participated personally and substantially at a senior personnel level in—”

(2) by amending paragraph (2) to read as follows:

“(2) Paragraph (1) shall not prohibit a former official of a Federal agency from accepting compensation from any division or affiliate of a contractor that does not produce the same or similar products or services as the entity of the contractor that is responsible for the contract referred to in subparagraph (A), (B), or (C) of such paragraph if the agency’s designated ethics officer determines that the former official’s acceptance of compensation would not damage public confidence in the integrity of the procurement process.”.

(b) REQUIREMENT FOR FEDERAL PROCUREMENT OFFICERS TO DISCLOSE JOB OFFERS MADE ON BEHALF OF RELATIVES.—Section 27(c)(1) of such Act (41 U.S.C. 423(c)(1)) is amended by inserting after “that official” the following: “or for a relative of that official (as defined in section 3110 of title 5, United States Code)”.

(c) REQUIREMENT ON AWARD OF GOVERNMENT CONTRACTS TO FORMER EMPLOYERS.—Section 27 of such Act (41 U.S.C. 423) is amended by adding at the end the following new subsection:

“(i) PROHIBITION ON INVOLVEMENT BY CERTAIN FORMER CONTRACTOR EMPLOYEES IN PROCUREMENTS.—An employee of the Federal Government who is a former employee of a contractor with the Federal Government shall not be personally and substantially involved with any award of a contract to the employee’s former employer, or in the ad-

ministration of such contract at a senior personnel level, for the one-year period beginning on the date on which the employee leaves the employment of the contractor unless the employee has received a waiver from the agency’s designated ethics officer. In determining whether to issue a waiver, the designated ethics officer shall take into account the agency’s need for the involvement of the employee and the impact a waiver would have on public confidence in the integrity of the procurement process.”.

(d) REGULATIONS.—Section 27 of such Act (41 U.S.C. 423) is further amended by adding at the end the following new subsection:

“(j) REGULATIONS.—The Administrator, in consultation with the Director of the Office of Government Ethics, shall—

“(1) promulgate regulations to carry out and ensure the enforcement of this section; and

“(2) monitor and investigate individual and agency compliance with this section.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

The Acting CHAIRMAN. No amendment to that amendment shall be in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

PART B AMENDMENT NO. 1 OFFERED BY MR.

MATHESON

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110-49.

Mr. MATHESON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 offered by Mr. MATHESON:

At the end of title II, add the following new section:

SEC. 2. NOTICE TO CONGRESS OF NON-COMPETITIVE CONTRACTS AWARDED TO FOREIGN-OWNED COMPANIES IN COUNTRIES SPONSORING TERRORISM.

(a) NOTICE TO CONGRESS REQUIRED.—If a contract is expected to be awarded by a department or agency of the Federal Government without the use of competitive procedures to a foreign-owned company that is based or has majority operations in a country described in subsection (b), the department or agency shall notify the appropriate congressional committees at least 30 days before awarding the contract, for purposes of providing Congress time to review the proposed contract and provide comments to the department or agency.

(b) FOREIGN COUNTRIES DESCRIBED.—A country described in this subsection is a country the government of which the Secretary of State has determined, for purposes of section 6(j) of Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

The Acting CHAIRMAN. Pursuant to House Resolution 242, the gentleman

from Utah (Mr. MATHESON) and the gentleman from Virginia (Mr. TOM DAVIS) each will control 5 minutes.

The Chair recognizes the distinguished gentleman from Utah.

□ 1245

Mr. MATHESON. Mr. Chairman, first of all I do want to commend Chairman WAXMAN and the Oversight and Government Reform committee for all the work that they have done this week.

The four accountability bills that the House has already considered this week are an important step that Congress should take in order to keep a promise to the American people. A government of the people and by the people should do everything to ensure transparency in Federal Government contracting.

That is why I rise today to offer an amendment to H.R. 1362, the Accountability in Contracting Act. I believe that the public deserves a great level of accountability and transparency in sole source contracting.

Now, over the past several years, there has been a great deal of controversy regarding this type of contract. As a businessman, before I came to Congress and as a supporter of business, I believe that there are, indeed, legitimate reasons for this type of contract to be issued. However, I also believe that we need checkpoints in place at times.

My amendment anticipates a limited set of circumstances that call for additional scrutiny. It would simply provide Congress with prior notice of any sole source contract expected to be awarded to a foreign-owned company that is based in or has majority operations in a country known to sponsor terrorist activity.

The amendment is intended to allow Congress to review and comment on the proposed contract. As someone who has spent his life in the business world before coming to Congress, I think there are important reasons why Congress should be looking at sole source contracting beyond just the business perspective.

My amendment would provide 30 days for the appropriate congressional oversight committees to review this type of contract under the circumstances I have described. Now, this is not an overly long period of time, but it is still a sufficient amount of time for Congress to take a look at major contracts and offer a different perspective, if necessary.

I think it’s important that we take a step in the right direction to attempt to address this issue in advance, instead of being put in the position of reacting after the fact, if this circumstance were to present itself.

Now, I would also stress this amendment is about good government and making sure that U.S. tax dollars aren’t inadvertently benefiting countries that sponsor or harbor terrorists. My amendment is not about singling out any specific business or any specific country. This is about having the

best possible process and checkpoints in place to provide for transparency in government.

It's clear the public has demanded accountability from Congress and from the Federal Government, which they should demand. This bill is a great vehicle for achieving that goal.

We have an opportunity to shine a bright light on contracting procedures in the underlying bill, and I believe that my amendment provides an added layer of appropriate congressional review in, as I described earlier, a rather limited set of potential circumstances in the future.

Again, I want to commend the committee. I want to commend Chairman WAXMAN and also Ranking Member DAVIS for their efforts in this bill, also Chairman SKELTON and Ranking Member HUNTER for his efforts in pursuing this bill as well.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I would like to ask the offeror of the amendment just a clarification question before I yield.

For a company to have to disclose under this, it would be a foreign-owned company, I understand, that is based or has majority operations in a country described in subsection D. Any idea who that would apply to? I am just trying to figure out.

Mr. MATHESON. Could you repeat the last half of the question?

Mr. TOM DAVIS of Virginia. I am trying to figure out what companies this would apply to.

Mr. MATHESON. First of all, I did not, as I said, I am not singling out any particular company at all.

Mr. TOM DAVIS of Virginia. A foreign-owned company could be, if it is on the American Stock Exchange, that probably would not make it a foreign-owned company in all likelihood?

Mr. MATHESON. If a company has significant foreign operations in a country, that would be what the legislation is indicating.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentleman for yielding to me.

Mr. Chairman, as I understand the gentleman from Utah's amendment, it would require a Federal agency that expects to award a sole source contract to a foreign company based in a country known to sponsor terrorist activity to notify Congress 30 days prior to the award of that contract. This seems to me to be a good idea.

Congress should know if no-bid contracts are going to countries that sponsor terrorism. So I support the amendment. I think it makes a lot of sense. What Congress does after they get this information will remain to be seen.

There may be some justification for it, but I would certainly want to know, as this Member of Congress, speaking on my own behalf, and I think others would feel the same way if such a sole source contract was going to be awarded.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank my colleague for yielding.

Mr. Chairman, let me just say about the major points of this bill, which we marked up, that we are in agreement with it. Contrary to Mr. WAXMAN, we did look at them before we came to the floor.

We agree with the no more than 1 year for sole source, that is good; the plan to minimize use of sole source, that is good; maximize fixed-price procurement, that is good; quarterly report to Congress, good; codify the right to review unredacted copies of reports, that is good.

What I think you need to be very careful about, because if you are going to penalize people, if you are going to give them \$50,000 civil penalties, you need to have it clearly laid out for those people who may be professional members of our staffs, who may be good people who come in from the outside and go to work in DOD and wanting to serve this country, let's make sure that walking into a room and participating in a conversation about a contract doesn't then expose them to civil penalties later on.

So I am looking at title III, and I am looking at the word on line 17, it talks about participated personally and substantially at a senior personnel level.

Does that mean, and this relates, of course, to elimination of loopholes that allow former Federal officials to accept compensation from contractors or related entities? I think that is good.

But I think we need to make it very clear as to whether a staff member, like one of your staff members, Mr. WAXMAN, going to work for DOD, who walks in a room and is asked a question about a defense system and answers that question, participates in the conversation, whether he has then violated the law.

Now, if you turn, and I want you to take a look at that, that is line 18. Now, turn the next page, page 14, and go down to the bottom, and it talks about the administration of a contract, which could also be a violation of a law.

So if one of your former staff members or one of mine who goes to work for DOD should participate in the administration, let me just ask you, ask the gentleman from California, if it's a defense system, and your former staff

member is assigned to go out to a range to see if that piece of equipment has arrived at the range and if it's being tested, is that involving itself in administration of the contract? Is that person, that former staff member of yours, now involved in administration such as to expose him to civil penalties? That is my question. I think we need to have that clarified.

Mr. WAXMAN. As I understand the way we wrote this bill, it would have to be a person at a senior level who is substantially involved in the awarding of the contract. I don't think being on a range is an awarding of the contract.

Mr. TOM DAVIS of Virginia. Let me just ask the author of the amendment, this would obviously apply, this is a list that evolves, as the Secretary of State certifies, is that correct?

Mr. MATHESON. That's correct.

Mr. TOM DAVIS of Virginia. I would assume that Iran, North Korea are probably on that list today?

Mr. MATHESON. Currently they are on that list, that is correct.

Mr. TOM DAVIS of Virginia. Jordan, the United Arab Emirates, for example, would probably not be on that list today?

Mr. MATHESON. That is correct.

Mr. TOM DAVIS of Virginia. I am prepared to accept the amendment. I congratulate the gentleman for offering it.

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

Mr. MATHESON. I thank the gentleman from Virginia for the comments and helping to clarify this matter.

Again, a limited set of circumstances, one I think is appropriate that we try to anticipate in advance so Congress isn't caught unaware. I appreciate the expression of support from the minority side of the aisle.

I urge all my colleagues to support the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

The amendment was agreed to.

PART B AMENDMENT NO. 2 OFFERED BY MR. CASTLE

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-49.

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mr. CASTLE:

Add at the end of title III the following:

SEC. 302. REPORT TO CONGRESS.

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Government Ethics shall submit a report to Congress that contains the Director's recommendations on requiring Government contractors that advise one or more Federal agencies on procurement policy, and requiring federally funded research and development centers, to comply with restrictions relating to personal financial interests, such as those that apply to Federal employees.

(b) **DEFINITION.**—In this section—

(1) The term "Government contractor" means any person (other than a Federal agency) with which a Federal agency has entered into a contract to acquire goods or services.

(2) The term "Federal agency" means—

(A) any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation; and

(B) any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under the Architect's direction).

(3) The term "federally funded research and development center" means a federally funded research and development center as identified by the National Science Foundation in accordance with the Federal Acquisition Regulation.

The Acting CHAIRMAN. Pursuant to House Resolution 242, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

I rise to offer myself a simple but much needed amendment to the legislation before us. According to a 2006 report by the Office of Government Ethics, many Federal agencies have become increasingly reliant on non government employees to work closely with government personnel and provide advice on important procurement and spending issues.

For example, Federally Funded Research and Development Centers, or FFRDCs, as they are commonly known, are in most cases financed exclusively by the agency of the Federal Government and provides services similar to the duties of the Government Accountability Office.

There are currently 36 of these centers, which are normally affiliated with an industrial firm, a university or a nonprofit institution that contracts with the Pentagon, Homeland Security, Department of Energy and other Federal agencies to provide decision-makers with recommendations on procurement policy and important issues that steer billions in taxpayer dollars.

In fiscal year 2000, FFRDCs received over \$6 billion in Federal funding for their services, yet they are not considered to be Federal employees. Beyond just FFRDCs, other private advisers are increasingly being used to provide critical guidance and recommendations.

In fact, some of the most secret and inherently governmental jobs, including spending decisions and budget preparation at the Pentagon and Department of Homeland Security, are increasingly contracted out. Because private advisers and government employees play under different rules, our current conflict of interest laws do not apply to nongovernment workers serving in quasi-governmental controls.

In fact, the Office of Government Ethics has determined that current law prohibits government employees from making recommendations on matters where they have a financial conflict of interest. But it does not presently apply to FFRDC personnel or the private advisers who sit right next to those employees making high-level decisions that involve billions in taxpayer dollars.

While there is no doubt that the majority of these nongovernment advisers are dedicated individuals with highly specialized skills, there is purely a need to prevent financial conflicts of interest from impacting our government's important spending priorities.

In fact, there have been reported incidents in which the advice of private advisers may have been tainted by personal conflicts of interest. In one case, an FFRDC contradicted government auditors, including the Government Accountability Office, and advised the Pentagon to move forward with a risky fighter jet program.

As it turned out, the program suffered costly setbacks, eventually spending billions more than originally planned. It was later discovered that the President of the FFRDC that recommended the program had financial ties, which may have skewed their recommendations.

My amendment would simply require the Office of Government Ethics to study this issue and submit a report to Congress within 180 days on recommendations for requiring nongovernment personnel who serve in an advisory role to the government to comply with personal financial conflict of interest regulations, such as those that currently apply to Federal employees.

This is obviously a very complicated issue, but I firmly believe that it is Congress' responsibility to make certain that ethical people are providing sound advice when it comes to crucial government decisions regarding procurement and spending.

I believe this amendment will help us better understand whether there is a need for such provisions and ensure that our government maximizes its return on investment at the best value for the taxpayer.

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

Mr. WAXMAN. Mr. Chairman, I am not in opposition to the amendment, but I wish to claim the time that would go to the Member in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. WAXMAN. Mr. Chairman, I rise in support of the Castle amendment. There are currently no Federal ethics laws that apply to contractor employees. This is particularly problematic because contractors are providing more and more services that used to be performed by Federal service personnel.

In many agencies today, one can tell the difference between a Federal employee and a contractor only by the color of his or her badge. One area where this can cause real problems is in the contracting workforce. A company providing contract oversight services to the government may be over-seeing a company and working as a subcontractor to that same company in the private sector. Clearly such a situation would cause conflicts of interest.

The amendment offered by Mr. CASTLE would require the Office of Government Ethics to report to Congress with recommendations on requiring contract employees to be covered by Federal financial and conflict of interest laws.

I support this amendment and urge all of my colleagues to support it.

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

Mr. CASTLE. I very much appreciate the support of the distinguished gentleman from California. I think that is significant.

Mr. Chairman, I do feel this is an area that we should look into. I am not enough of an expert to specifically recommend how to do it. That is why we are asking for the study in 180 days. There is potential for conflict here, and we are dealing with very, very large sums of money, and in my judgment, as part of a lot that we are doing this year in bringing in everybody with governmental basis in terms of making decisions, I think it's a very good idea that we do this.

I appreciate his support. I hope the amendment will eventually lead to the best rules and regulations possible with respect to conflicts of interest as far as the future is concerned and the best interests of the country.

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

□ 1300

Mr. WAXMAN. Mr. Chairman, I have time still available if any Member wishes me to yield to him or her.

Mr. TOM DAVIS of Virginia. Will the gentleman yield 30 seconds?

Mr. WAXMAN. I would be happy to yield.

Mr. TOM DAVIS of Virginia. I will commend my friend from Delaware for offering this amendment. I would just say we are happy, and we are here to support it as well, and we think this adds to the bill.

Mr. WAXMAN. Mr. Chairman, I urge support for the amendment.

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

The Acting CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

The Acting CHAIRMAN. There being no further amendments, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. McNULTY) having assumed the chair, Mr. HASTINGS of Florida, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1362) to reform acquisition practices of the Federal Government, pursuant to House Resolution 242, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TOM DAVIS of Virginia. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Tom Davis of Virginia moves to recommit the bill H.R. 1362 to the Committee on Oversight and Government Reform with instructions to report the same back to the House forthwith with the following amendment:

At the end of title II, add the following new section (and conform the table of contents accordingly):

SEC. 2. PROHIBITION ON CONTRACTS TO EDUCATIONAL INSTITUTIONS NOT SUPPORTING U.S. DEFENSE EFFORTS.

An executive agency may not award a contract to an institution of higher education (including any subelement of such institution) if that institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents, the Secretary of a military department or the Secretary of Homeland Security from gaining access to campuses of the institution, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting, in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any

other employer. For purposes of this section, the term "institution of higher education" has the meaning provided in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001). The prohibition in this section shall not apply to an institution of higher education (or any subelement of that institution) if the Secretary of Defense determines that the institution of higher education involved has a longstanding policy of pacifism based on historical religious affiliation.

Mr. TOM DAVIS of Virginia (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself 2 minutes.

This motion to recommit would bar Federal agencies from awarding contracts to colleges and universities that either prohibit on-campus military recruitment, or otherwise do not provide military recruiters access to campuses and to students that is at least equal in quality and scope to the access that is provided to any other employer.

On March 6, 2006, the Supreme Court reversed a Federal appeals court ruling in *Rumsfeld vs. Forum for Academic and Institutional Rights*. In doing so, eight Justices upheld the constitutionality of the so-called Solomon amendment, upon which this motion is based, forbidding most forms of Federal aid to higher educational institutions that deny military recruiters access to students equal to that provided other employers.

Mr. Speaker, military recruiters must be given access to university and college campuses and students that is at least equal in quality and scope provided to other employers.

This motion establishes that requirement government-wide. We already do this to some agencies in government. A number of Departments are already covered; but since this bill is government-wide in scope, we make this government-wide in scope.

This motion establishes that requirement, thereby addressing an apparent trend among certain colleges and universities to attempt to frustrate military recruiters through official and unofficial mistreatment.

Unfortunately, this growing trend is not isolated to the higher education community, as evidenced by the decision last November by the San Francisco Board of Education to phase out Junior ROTC from the high school system over the next 2 years. At a time of war, when we are depending on a volunteer military, it seems counterproductive to be openly discriminating against our military personnel and to create perceptions that military service is not a noble and professional calling.

The Department of Defense noting that certain colleges and universities

continue to restrict access or limit opportunities for military recruiters to participate fully in job fairs, placement office services and interview programs, supports congressional efforts to take action to pass legislation granting military recruiters access equal to that of other employers.

The motion to recommit would help prod those colleges and universities that currently do not provide equal access to military recruiters.

We also, I want to note, have a clause in here that this prohibition does not apply to an institution of higher education or a sub-element if the Secretary of Defense determines that the institution has a longstanding policy of pacifism based on historical religious affiliation.

I urge my colleagues to support this.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I like this motion to recommit. You know, all of us have shown our support for the troops. Almost every Member in this body has shown support by traveling to the warfighting theaters. This is a chance to show support in another way, to show that we believe that the military is an outstanding profession, one which many of our young people who are in institutions of higher education may want to engage in. And this elevates, I think, the military profession by showing that we accord it respect by putting this requirement in this motion to recommit.

So I thank the gentleman for offering it. I think it is excellent. I would commend it to all the Members of this body. And I want to thank the chairman for his offering of the base bill, and for the ranking member, Mr. DAVIS, for their hard work.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would just add, 10 U.S.C. 983 already covers a number of agencies, the Department of Defense and others in terms of contracting and limitations that are put on colleges and universities that don't allow recruiters to come on campuses. This makes it government-wide.

This body has addressed this issue before. But I think it is time to make this government-wide, and I would urge my colleagues to support the motion to recommit.

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

Mr. WAXMAN. Mr. Speaker, I rise in opposition to this motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Members could have different views about the underlying question, and that is whether universities should be able to exclude military recruiters. It is not a new issue to be considered on this floor. We have voted on this many, many times. Some universities have taken the position that they don't want military recruiters on their campus because the military is not an equal opportunity employer based on the "don't ask, don't

tell" policy. I happen to think that universities that take this position are right.

But that is not the reason I oppose this motion to recommit. I oppose it because I have heard the arguments made by my colleagues many, many, times that we shouldn't exclude somebody from competing from a contract on extraneous bases.

Why should we exclude a university from being able to compete in a government contract when they might be the ones who can save the lives of our troops? After all, the bioshield program has given money, Federal dollars to universities to try to develop ways to get us vaccines that will stop the impact of anthrax or smallpox. Are we going to say that a university that develops such a vaccine will not be able to compete for a contract to sell that vaccine because they don't want recruiters on their campus because they object to the don't ask, don't tell policy? That doesn't make any sense. People ought to be able to compete for contracts based on what they can do if they are selected to perform that contract. Are we going to exclude people for extraneous reasons? I don't think that makes sense.

So I think if you look at it carefully, when you recognize that the work being done at universities can be so important in so many different ways, that we should just arbitrarily exclude them. I think we have all said over and over again in the debate on this bill, we don't like sole-source contracts. We want competition. We want market forces. Well, sometimes you need a sole-source contract in an emergency. Well, then we say at least a year later, let's have competition.

But if we adopt this amendment, from the very beginning we will not allow competition if it involves competition from a university unless they have a longstanding position of being pacifists, and then we will let them compete. But if they have a different position, but they also have the ability to compete and to provide a service that can save our country from terrorism, save our military from disease, save the American people the consequences for which we need them to perform in that contract, we are going to exclude them.

I urge opposition. I know Members will feel a lot of pressure on this because it can be used in a 30-second ad, that Congressman So-and-So voted to allow universities to exclude military recruiters. Well, I don't think that is really what this amendment is doing. It is excluding universities from competing for contracts, even if they can, in awarding that contract, provide vital services and that maybe no one else can provide. So I urge opposition to the motion to recommit.

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

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 309, nays 114, not voting 10, as follows:

[Roll No. 155]

YEAS—309

Aderholt	Cramer	Herger
Akin	Crenshaw	Herseth
Alexander	Cubin	Hill
Altmire	Cuellar	Hobson
Andrews	Culberson	Hodes
Baca	Davis (AL)	Hoekstra
Bachmann	Davis (CA)	Holden
Bachus	Davis (KY)	Hoyer
Baird	Davis, David	Hulshof
Baker	Davis, Lincoln	Hunter
Barrett (SC)	Davis, Tom	Inglis (SC)
Barrow	DeFazio	Inslee
Bartlett (MD)	Dent	Israel
Barton (TX)	Diaz-Balart, L.	Issa
Bean	Diaz-Balart, M.	Jackson (IL)
Berkley	Dicks	Jefferson
Berry	Dingell	Jindal
Biggert	Donnelly	Johnson (IL)
Bilbray	Doolittle	Johnson, Sam
Bilirakis	Doyle	Jones (NC)
Bishop (GA)	Drake	Jordan
Bishop (NY)	Dreier	Kagen
Bishop (UT)	Duncan	Keller
Blackburn	Edwards	Kildee
Blunt	Ehlers	Kilpatrick
Boehner	Ellsworth	Kind
Bonner	Emerson	King (IA)
Bono	Engel	King (NY)
Boozman	English (PA)	Kingston
Boren	Etheridge	Kirk
Boswell	Everett	Klein (FL)
Boucher	Fallin	Kline (MN)
Boustany	Feeney	Knollenberg
Boyd (FL)	Ferguson	Kuhl (NY)
Boyd (KS)	Flake	LaHood
Brady (TX)	Forbes	Lamborn
Braley (IA)	Fortenberry	Lampson
Brown-Waite,	Fossella	Langevin
Ginny	Fox	Lantos
Buchanan	Franks (AZ)	Larsen (WA)
Burgess	Frelinghuysen	Latham
Burton (IN)	Gallegly	LaTourette
Buyer	Garrett (NJ)	Lewis (CA)
Calvert	Gerlach	Lewis (KY)
Camp (MI)	Giffords	Linder
Campbell (CA)	Gilchrest	Lipinski
Cannon	Gillibrand	LoBiondo
Cantor	Gillmor	Lowe
Capito	Gingrey	Lucas
Cardoza	Gohmert	Lungren, Daniel
Carnahan	Goode	E.
Carney	Goodlatte	Lynch
Carter	Gordon	Mack
Castle	Granger	Mahoney (FL)
Chabot	Graves	Maloney (NY)
Chandler	Green, Gene	Manzullo
Clyburn	Hall (NY)	Marchant
Coble	Hall (TX)	Marshall
Cole (OK)	Hare	Matheson
Conaway	Harman	McCarthy (CA)
Cooper	Hastings (WA)	McCarthy (NY)
Costa	Hayes	McCauley (TX)
Costello	Heller	McCotter
Courtney	Hensarling	McCrery

McHenry	Putnam	Smith (NJ)
McHugh	Rahall	Smith (TX)
McIntyre	Ramstad	Smith (WA)
McKeon	Regula	Snyder
McMorris	Rehberg	Souder
Rodgers	Reichert	Space
McNerney	Renzi	Spratt
Meek (FL)	Reynolds	Stearns
Melancon	Rogers (AL)	Stupak
Mica	Rogers (KY)	Sullivan
Miller (FL)	Rogers (MI)	Tancred
Miller (MI)	Rohrabacher	Tauscher
Miller, Gary	Ros-Lehtinen	Taylor
Mitchell	Roskam	Terry
Moore (KS)	Ross	Thornberry
Moran (KS)	Royce	Tiahrt
Moran (VA)	Ruppersberger	Tiberi
Murphy (CT)	Ryan (OH)	Turner
Murphy, Patrick	Ryan (WI)	Udall (CO)
Murphy, Tim	Salazar	Udall (NM)
Murtha	Sall	Upton
Musgrave	Sanchez, Loretta	Van Hollen
Myrick	Schiff	Visclosky
Neugebauer	Schmidt	Walberg
Nunes	Schwartz	Walden (OR)
Oberstar	Scott (GA)	Walsh (NY)
Paul	Sensenbrenner	Walz (MN)
Pearce	Sessions	Wamp
Pence	Sestak	Weldon (FL)
Perlmutter	Shadegg	Weller
Peterson (MN)	Shays	Westmoreland
Petri	Shea-Porter	Whitfield
Pickering	Sherman	Wicker
Pitts	Shimkus	Wilson (NM)
Platts	Shuler	Wilson (OH)
Poe	Shuster	Wilson (SC)
Pomeroy	Simpson	Wolf
Porter	Sires	Yarmuth
Price (GA)	Skelton	Young (AK)
Pryce (OH)	Smith (NE)	Young (FL)

NAYS—114

Abercrombie	Hinchey	Pallone
Ackerman	Hinojosa	Pascarell
Allen	Hirono	Pastor
Arcuri	Holt	Payne
Baldwin	Honda	Price (NC)
Becerra	Hooley	Rangel
Berman	Jackson-Lee	Reyes
Blumenauer	(TX)	Rodriguez
Brady (PA)	Johnson (GA)	Rothman
Brown, Corrine	Johnson, E. B.	Royal-Allard
Butterfield	Jones (OH)	Rush
Capps	Kanjorski	Sánchez, Linda
Capuano	Kennedy	T.
Carson	Kucinich	Sarbanes
Castor	Larson (CT)	Schakowsky
Clarke	Lee	Scott (VA)
Clay	Levin	Serrano
Cleaver	Lewis (GA)	Slaughter
Cohen	Loebach	Solis
Conyers	Lofgren, Zoe	Stark
Crowley	Markey	Sutton
Cummings	Matsui	Thompson (CA)
Davis (IL)	McCollum (MN)	Thompson (MS)
DeGette	McDermott	Tierney
Delahunt	McGovern	Towns
DeLauro	McNulty	Velázquez
Doggett	Meehan	Wasserman
Ellison	Meeks (NY)	Schultz
Emanuel	Michaud	Waters
Eshoo	Millender	Watson
Farr	McDonald	Watt
Fattah	Miller (NC)	Waxman
Filner	Mollohan	Weiner
Frank (MA)	Moore (WI)	Welch (VT)
Gonzalez	Nadler	Wexler
Green, Al	Napolitano	Woolsey
Grijalva	Neal (MA)	Wu
Gutierrez	Obey	Wynn
Hastings (FL)	Olver	
Higgins	Ortiz	

NOT VOTING—10

□ 1409

Messrs. LOEBSACK, PALLONE, BECERRA, ALLEN, TOWNS, DELAHUNT, WELCH of Vermont, MEEHAN, RODRIGUEZ, OLVER, MOLLOHAN and ROTHMAN and Ms. CLARKE, Ms. HIRONO and Ms.

WASSERMAN SCHULTZ changed their vote from “yea” to “nay.”

Messrs. EVERETT, CARNAHAN, LARSEN of Washington, HARE, RAHALL, COSTELLO, MAHONEY of Florida, BACA, KAGEN, COURTNEY, KINGSTON and VISCLOSKEY and Mrs. TAUSCHER, Ms. SHEA-PORTER, Mrs. MCCARTHY of New York and Ms. LORETTA SANCHEZ of California changed their vote from “nay” to “yea.”

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. WAXMAN. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report H.R. 1362 back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

At the end of title II, add the following new section (and conform the table of contents accordingly):

SEC. 2. PROHIBITION ON CONTRACTS TO EDUCATIONAL INSTITUTIONS NOT SUPPORTING U.S. DEFENSE EFFORTS.

An executive agency may not award a contract to an institution of higher education (including any subelement of such institution) if that institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents, the Secretary of a military department or the Secretary of Homeland Security from gaining access to campuses of the institution, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting, in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any other employer. For purposes of this section, the term “institution of higher education” has the meaning provided in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001). The prohibition in this section shall not apply to an institution of higher education (or any subelement of that institution) if the Secretary of Defense determines that the institution of higher education involved has a longstanding policy of pacifism based on historical religious affiliation.

Mr. WAXMAN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 347, noes 73, not voting 13, as follows:

[Roll No. 156]

AYES—347

Abercrombie	Duncan	LaHood
Ackerman	Edwards	Lampson
Aderholt	Ehlers	Langevin
Alexander	Ellison	Lantos
Altmire	Ellsworth	Larsen (WA)
Andrews	Emanuel	Larson (CT)
Arcuri	Emerson	Latham
Baca	Engel	LaTourette
Bachmann	English (PA)	Lee
Bachus	Eshoo	Levin
Baird	Etheridge	Lewis (GA)
Baker	Fallin	Lewis (KY)
Baldwin	Farr	Lipinski
Barrett (SC)	Fattah	LoBiondo
Barrow	Ferguson	Loebuck
Bartlett (MD)	Filner	Lofgren, Zoe
Bean	Flake	Lowey
Becerra	Forbes	Lucas
Berkley	Fortenberry	Lynch
Berman	Frank (MA)	Mahoney (FL)
Berry	Frelinghuysen	Maloney (NY)
Biggert	Garrett (NJ)	Markey
Bilirakis	Gerlach	Marshall
Bishop (GA)	Giffords	Matheson
Bishop (NY)	Gilchrest	Matsui
Blackburn	Gillibrand	McCarthy (CA)
Blumenauer	Gillmor	McCarthy (NY)
Bono	Gingrey	McCollum (MN)
Boozman	Gohmert	McCotter
Boren	Gonzalez	McDermott
Boswell	Goode	McGovern
Boucher	Goodlatte	McHugh
Boustany	Gordon	McIntyre
Boyd (FL)	Granger	McMorris
Boyd (KS)	Graves	Rodgers
Brady (PA)	Green, Al	McNerney
Braley (IA)	Green, Gene	McNulty
Brown, Corrine	Grijalva	Meehan
Brown-Waite,	Gutierrez	Meek (FL)
Ginny	Hall (NY)	Meeks (NY)
Buchanan	Hare	Melancon
Butterfield	Harman	Mica
Camp (MD)	Hastings (FL)	Michaud
Capito	Hastings (WA)	Millender
Capps	Hayes	McDonald
Capuano	Heller	Miller (MI)
Cardoza	Hensarling	Miller (NC)
Carnahan	Herseth	Mitchell
Carney	Higgins	Mollohan
Carson	Hill	Moore (KS)
Carter	Hinchev	Moore (WI)
Castle	Hinojosa	Moran (KS)
Castor	Hirono	Moran (VA)
Chabot	Hobson	Murphy (CT)
Chandler	Hodes	Murphy, Patrick
Clarke	Holden	Murphy, Tim
Clay	Holt	Murtha
Cleaver	Honda	Nadler
Clyburn	Hookey	Napolitano
Coble	Hoyer	Neal (MA)
Cohen	Hulshof	Nunes
Cole (OK)	Inglis (SC)	Oberstar
Conyers	Inslee	Obey
Cooper	Israel	Olver
Costa	Jackson (IL)	Ortiz
Costello	Jackson-Lee	Pallone
Courtney	(TX)	Pascarella
Cramer	Jefferson	Pastor
Crenshaw	Jindal	Paul
Crowley	Johnson (GA)	Payne
Cuellar	Johnson (IL)	Perlmutter
Cummings	Johnson, E. B.	Peterson (MN)
Davis (AL)	Jones (NC)	Petri
Davis (CA)	Jones (OH)	Pickering
Davis (IL)	Jordan	Platts
Davis (KY)	Kagen	Pomeroy
Davis, David	Kanjorski	Porter
Davis, Lincoln	Kaptur	Price (NC)
DeFazio	Keller	Pryce (OH)
DeGette	Kennedy	Putnam
Delahunt	Kildee	Rahall
DeLauro	Kilpatrick	Ramstad
Dent	Kind	Rangel
Diaz-Balart, L.	King (NY)	Regula
Diaz-Balart, M.	Kingston	Rehberg
Dicks	Kirk	Reichert
Dingell	Klein (FL)	Renzi
Doggett	Kline (MN)	Reyes
Donnelly	Knollenberg	Reynolds
Doyle	Kucinich	Rodriguez
Drake	Kuhl (NY)	Rogers (KY)

Rogers (MI)	Shuler	Velázquez
Ros-Lehtinen	Shuster	Visclosky
Roskam	Sires	Walden (OR)
Ross	Skelton	Walsh (NY)
Rothman	Smith (NE)	Walz (MN)
Roybal-Allard	Smith (NJ)	Wamp
Royce	Smith (WA)	Wasserman
Ruppersberger	Snyder	Schultz
Rush	Soils	Waters
Ryan (OH)	Space	Watson
Ryan (WI)	Spratt	Watt
Salazar	Stark	Waxman
Sánchez, Linda	Stearns	Weiner
T.	Stupak	Welch (VT)
Sanchez, Loretta	Sutton	Weldon (FL)
Sarbanes	Tauscher	Weller
Schakowsky	Taylor	Wexler
Schiff	Terry	Whitfield
Schwartz	Thompson (CA)	Wilson (NM)
Scott (GA)	Thompson (MS)	Wilson (OH)
Scott (VA)	Tiberi	Wolf
Serrano	Tierney	Woolsey
Sestak	Towns	Wu
Shays	Udall (CO)	Wynn
Shea-Porter	Udall (NM)	Yarmuth
Sherman	Upton	Young (FL)
Shimkus	Van Hollen	

NOES—73

Akin	Franks (AZ)	Pearce
Barton (TX)	Gallely	Pence
Bliley	Hall (TX)	Pitts
Bishop (UT)	Herger	Poe
Blunt	Hoekstra	Price (GA)
Boehner	Hunter	Rogers (AL)
Bonner	Issa	Rohrabacher
Brady (TX)	Johnson, Sam	Sali
Burgess	King (IA)	Schmidt
Burton (IN)	Lamborn	Sensenbrenner
Buyer	Lewis (CA)	Sessions
Calvert	Lungren, Daniel	Shadegg
Campbell (CA)	E.	Simpson
Cannon	Mack	Smith (TX)
Cantor	Manzullo	Souder
Conaway	Marchant	Tancred
Cubin	McCaul (TX)	Thornberry
Culberson	McCrery	Tiahrt
Davis, Tom	McHenry	Turner
Doolittle	McKeon	Walberg
Dreier	Miller (FL)	Westmoreland
Everett	Miller, Gary	Wicker
Feeney	Musgrave	Wilson (SC)
Fossella	Myrick	Young (AK)
Fox	Neugebauer	

NOT VOTING—13

Allen	Linder	Slaughter
Brown (SC)	Miller, George	Sullivan
Davis, Jo Ann	Peterson (PA)	Tanner
Deal (GA)	Radanovich	
Hastert	Saxton	

□ 1427

Mr. TURNER changed his vote from “aye” to “no.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ALLEN. Mr. Speaker, on rollcall No. 156, I was unavoidably detained. Had I been present, I would have voted “aye.”

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote 156. Had I been present, I would have voted “aye.”

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 106.

The SPEAKER pro tempore (Mr. MCGOVERN). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. BLUNT. Mr. Speaker, I rise for the purpose of inquiring about next week's schedule from my friend, the majority leader; and I yield to my friend.

Mr. HOYER. I thank the distinguished Republican whip for yielding; and I would tell him on Monday, the House will meet at 12:30 p.m. for morning hour business and 2 p.m. for legislative business. We will consider several bills under suspension of the rules, as we usually do; but there will be no votes until 6:30 p.m. on Monday.

On Tuesday, the House will meet at 10:30 a.m. for morning hour business and noon for legislative business. We will consider additional bills under suspension of the rules, a complete list of which will be available by the end of the week. We also expect to consider H.R. 1227, the Gulf Coast Hurricane Housing Recovery Act, which has been reported out of the Financial Services Committee.

On Wednesday and Thursday, the House will meet at 10 a.m. On Friday, the House will meet at 9 a.m. We will consider the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act; the Caller ID/spoofing bill; and the D.C. vote bill.

Mr. BLUNT. I thank my friend for the information.

Mr. Speaker, on the I guess what I would consider the two major bills, the supplemental appropriations bill and the D.C. voting bill, I may be wrong in characterizing those are the two, but I would think they would.

You would expect both of those to be on the floor next week, is that what I heard?

Mr. HOYER. I do.

Mr. BLUNT. On the supplemental, we have a fairly firm sense that that will be ready next week? The committee has dealt with it today.

Mr. HOYER. The committee has favorably reported that bill, and we expect it to be on the floor next week.

Mr. BLUNT. You would expect that to be near the end of next week?

Mr. HOYER. Yes, sir.

Mr. BLUNT. I thank my friend for that.

On both of those bills, do you have a sense of the opportunities we will have on the D.C. voting bill and the supplemental to have amendments to those bills, to have the ability to change them?

Mr. HOYER. Because the bills, not the D.C. bill, but the supplemental was just reported out, I have not had, nor do I believe the Speaker has had an opportunity to discuss with Mr. OBEY his recommendation on a rule, so I unfortunately don't have an answer for you on the supplemental.

On the D.C. bill, they are marking up right now, so I am in the same position, because they haven't finished their markup. They are marking up as

we speak on that bill. So I have not had the opportunity to talk to Mr. WAXMAN about his advice or desire, or Mr. CONYERS. It's a joint referral, they are considering it together, the D.C. bill. So I cannot give you an answer. I apologize at this point in time.

Mr. BLUNT. I thank my friend for that response. I would say that there are few exceptions to the rule, but my experience has been, and I have had some experience on this question when we were in the majority and had chairmen, the chairman almost never wants to believe that the bill can be improved.

So the chairman's desire for a closed rule is generally unanimous, though I know the chairman of the Finance Committee last week took a different view, and I was pleased to see his different view of that.

I think on appropriations bills, there are very few, if any, exceptions where those bills have not come to the floor with an open rule. The gentleman is a member of the committee and would have a sense of that, but the tradition here is pretty strong.

I don't know of any more important bill we are likely to deal with this year than this particular appropriations bill. I would hope that we have this kind of open process on the appropriations bill that we have had in the past.

I would yield for a response.

Mr. HOYER. I appreciate your yielding and appreciate your observation. Although I am not now on the Appropriations Committee, you are correct, I served there for 25 years. I am on leave. I have no expectation of going back soon, I hope.

In any event, the gentleman is correct. As you know, the bill we are talking about is probably, as we discussed on the floor, one of, if not the most important bill that we might consider this year on funding our troops, supporting our troops in Iraq, and dealing with the policy that we are pursuing in Iraq.

Obviously there is a broad spectrum of views on that. Just as obviously, if you had some bills that in many instances come with an open rule, very frankly, I don't know about your experience, but our experience has been that there are a wide range of views.

It may well be that we will solicit a request for possible amendments and make decisions on them, because this is, to some degree, as you know, not a straight appropriations bill in the sense that this is where the money is, in or out, up or down. This is a consideration of policy and authorizing bills. Usually the tradition is to have amendments offered in the Rules Committee and the Rules Committee determines which amendments they want to make in order.

I cannot anticipate what we are going to do at this point in time. The gentleman's point is well taken, but we will have to see how we want to bring to this floor to try to reflect in the final product, as best we can, the views

of the American people, which are divided, and I think will be reflected in the floor vote on that bill.

Mr. BLUNT. I thank the gentleman for that response. I would say that I believe that I reflect the view of this side that the debates both on the policy issues, that I frankly think may be appropriate in some other bill besides an appropriations bill, on the policy issues and the spending issues, a full and free opportunity to discuss those is the desire of this side. I think it serves the best interest of the country.

As this appropriations bill gets broader and broader in the areas it deals with, it becomes more and more like the regular appropriations bills we will bring to the floor, and the tradition of the House, unaltered by any pattern I am aware of, has been on appropriations bills, as long as the Member was willing to say where they would pay for the change that they want to make, that they have been given the opportunity to make those amendments.

I was disappointed, as broad-based and as big as the continuing resolution was that we passed earlier, that it violated what I considered a well-understood and time-honored principle of amending those bills. This bill would go even further if we did that, and it would be a bad pattern, I think.

On the budget, does the gentleman have any information on the budget itself, when we might be able to see the majority's budget and when we would be voting on it, both?

I would yield to my good friend.

Mr. HOYER. We expect the budget to be marked up in the latter part of next week, the middle or latter part of next week, and we expect the budget to be on the floor the following week. As I indicated last week, we are still on that path, that schedule.

Mr. BLUNT. And so my friend's expectation from the previous week is unchanged, that we will see the supplemental on the floor next week and the budget on the floor the following week would be your anticipation?

Mr. HOYER. That is my anticipation.

Mr. BLUNT. I have no other questions. I am pleased for the information and hope we have an opportunity to debate these bills.

HOUR OF MEETING ON TOMORROW, ADJOURNMENT TO MONDAY, MARCH 19, 2007, AND HOUR OF MEETING ON FRIDAY, MARCH 23, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow; when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Monday, March 19, for morning hour debate; and further, when the House adjourns on Thursday, March 22, it adjourn to meet at 9 a.m. on Friday, March 23.

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

There was no objection.

**DISPENSING WITH CALENDAR
WEDNESDAY BUSINESS ON
WEDNESDAY NEXT**

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

**APPOINTMENT OF MEMBERS TO
COMMISSION ON SECURITY AND
COOPERATION IN EUROPE**

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 3003 note, 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 Commission on Security and Cooperation in Europe, in addition to Mr. HASTINGS of Florida, Chairman, appointed on January 12, 2007:

Ms. SLAUGHTER, New York
Mr. MCINTYRE, North Carolina
Ms. SOLIS, California
Mr. BUTTERFIELD, North Carolina
Mr. SMITH, New Jersey
Mr. ADERHOLT, Alabama
Mr. PENCE, Indiana
Mr. PITTS, Pennsylvania

**HONORING THE BENTONVILLE
HIGH SCHOOL CHAMBER CHOIR**

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

Mr. BOOZMAN. Mr. Speaker, I rise this afternoon to honor an exceptional group of teenagers from my home district, the Bentonville High School Chamber Choir.

The choir, comprised of juniors and seniors, is one of only four across the Nation chosen to go to Carnegie Hall next week for the National High School Choral Festival.

Under the direction of Terry Hicks, the choir has participated in many regional and national competitions, representing Arkansas and the Third District with class. We are privileged to have students such as the Bentonville Chamber Choir living in and representing the State of Arkansas, and I commend their success.

I wish them the best of luck on their performance at the world-famous Carnegie hall.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. CLARKE). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

**RENAMING THE DEPARTMENT OF
THE NAVY**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, in 1947, with the National Security Act, the United States Congress clearly stated that we have four separate military services, the Army, the Air Force, the Navy and the Marine Corps. Too many times people, both in the military and outside the military, do not realize that we have four separate services.

The Department of the Navy was created to be the department for two equal services acknowledged by law, the United States Marine Corps and the United States Navy. Both the Navy and the Marine Corps have proud heritages. In my service in Congress and in my seven terms on the Armed Services Committee, many times in hearings we hear the Navy admirals and the Marines generals stating for the RECORD, we are one team, we are one fighting team.

Madam Speaker, it is time for the Marine Corps to be recognized as the other three services are recognized. As a great defender of freedom for America with H.R. 346, this is the fourth Congress that I have introduced legislation to change the name of the Department of the Navy to be the Department of the Navy and the Marine Corps.

Madam Speaker, 121 of my colleagues last year cosponsored the bill. This year the bill is the same language. We are gaining large numbers from both parties who believe in the fairness of this legislation.

I would like to share part of an editorial published last year in the Chicago Tribune, and I quote, "No service branch shows more respect for tradition than the United States Marine Corps does, which makes it all the more ironic that tradition denies the corps an important show of respect: Equal billing with the other service branches."

Madam Speaker, I submit for printing in the RECORD the entire editorial from the April 21, 2006, Chicago Tribune.

[From the Chicago Tribune, Apr. 21, 2006]

STEP UP FOR THE MARINES

No service branch shows more respect for tradition than the U.S. Marine Corps does, which makes it all the more ironic that tradition denies the corps an important show of respect: Equal billing with the other service branches.

The Continental Congress ordered "two Battalions of Marines" to be raised in 1775 as landing forces for the Navy. The Marines have remained within the Navy on government organization charts ever since, even though the corps functions through wartime and peacetime as a separate branch in every other way.

Like the Army, Navy and Air Force, the Marine Corps has its own command structure. Its commandant holds equal status with other members of the Joint Chiefs of

Staff, which happens to be chaired for the first time by a Marine, Gen. Peter Pace.

Several Marine veterans and supporters have launched an online petition drive to support a bill proposed by Rep. Walter B. Jones. The North Carolina Republican, whose district includes Camp Lejeune, wants to fix the matter simply by changing the Department of Navy to the "Department of the Navy and Marine Corps."

Jones has twice passed similar measures in the House with bipartisan support, but the Senate was cool to them. Senate Armed Services Committee Chairman John Warner, a Virginia Republican, veteran and former Navy secretary, has promised "fair consideration" for the legislation. That's Senate-speak for a reluctance to commit. His reluctance seems to be rooted in a sense of tradition. But sometimes it's good to break with tradition. The War Department, for example, became the Defense Department after World War II. The Army Air Corps was elevated in 1941 to the Army Air Forces and in 1947 to the autonomous Air Force.

The Marines have not asked for complete autonomy. Nothing structurally needs to change in their relationship with the Navy, which has served both branches well. The corps only asks for recognition. Having served their nation proudly and courageously since colonial days, the leathernecks have earned a promotion.

But sometimes it's good to break with tradition. The War Department, for example, became the Defense Department after World War II. The Army Air Corps was elevated in 1941 into the Army Air Force, and in 1947 to the autonomous Air Force.

The Marines have not asked for complete autonomy. Nothing structurally needs to change in their relationship with the Navy, which has served both branches well. The Corps only asks for recognition, having served their Nation proudly and courageously since colonial days. The leathernecks have earned a promotion.

Madam Speaker, I want to say more emphatically beside me is a poster, is a blow up of orders from the United States Navy to submit to the family of Michael Bitz, a Marine sergeant killed in Iraq. His family received a Silver Star for valor. He gave his life for this country.

I have met his family, I have met his children, twins he will never know on earth because he died before they were born. You can see that the orders for Silver Star says at the top, the Secretary of the Navy, Washington D.C., and there is a Navy flag, but there is nothing about the Marine Corps about the heading.

□ 1445

We took these orders and we want to show you how, if this bill should become law, how the fairness will show itself. If you take the orders for Michael Bitz, again, a marine who died for this country, his family received a Silver Star, and should this bill ever become law, this is what the orders will say: the Secretary of the Navy and Marine Corps, with the Navy flag and the Marine flag.

Madam Speaker, before I close, this is only an issue of fairness. The Marine Corps has earned this distinction to

stand with the other three services and be recognized as a separate service.

With that, Madam Speaker, I ask God to please continue to bless our men and women in uniform. I ask God, in his loving arms, to hold the families who have given a child dying in Afghanistan or Iraq. And I close by asking God to please continue to bless America.

The SPEAKER pro tempore (Ms. CLARKE). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

(Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. REICHERT) is recognized for 5 minutes.

(Mr. REICHERT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BOOZMAN) is recognized for 5 minutes.

(Mr. BOOZMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DEMOCRACY IN BELARUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Madam Speaker, democracy and the rule of law is something that we have cherished in this country for over 200 years. And it is part of our responsibility to not only strengthen and preserve that in our country, but support those countries who are fighting for democracy and freedom.

Many of you may be thinking that this talk is about Iraq and Afghanistan. It is not. It is addressing the last dictatorship in Europe, which I am fortunate to have a relationship with based upon a niche I have developed in working with former captive nations and Eastern European countries.

The country of Belarus has been in a dictatorship for many years. And I am here today to call attention to the arrest two nights ago of an opposition leader, Vintsuk Vyachorka, by the KGB police. Yes, the Belarusian police still go by the KGB, under the direction of the Belarusian dictator, Alexander Lukashenka.

Vintsuk Vyachorka was pulled from his home in the middle of the night, only to be brought up on non-existent charges that will likely land him in jail for at least 25 days.

Madam Speaker, it is my belief, along with many others who have been monitoring the unraveling civil liberties of Belarus, that this arrest is merely the beginning of a series of arrests that the dictator, Mr. Lukashenka, is going to try to use to intimidate opposition leaders into abandoning a large protest on March 25 in honor of Belarusian freedom.

I say that we need to stand together today and say that we will not sit by and watch idly as Mr. Lukashenka uses his power to intimidate and scare the Belarusian people.

I am holding up a wrist bracelet, and many kids have been wearing these now in the United States for a couple of years. It is very simple. In Belarus, you can get arrested for wearing this. In fact, young people are pulled off the streets, intimidated and harassed. So today I bring this on the floor to show

my solidarity with the Belarusian people, for those who are seeking freedom, a return to democracy and the rule of law.

I will not be silent, and I know the world community will not be silent until the last dictatorship in Europe changes its ways and becomes a democracy and enters the community of free, democratic countries in Europe.

CHEMICAL FACILITY SECURITY IMPROVEMENT ACT OF 2007

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to introduce the Chemical Facility Security Improvement Act of 2007.

It is my hope that this act will improve upon the current legislation authorizing the Department of Homeland Security to regulate security practices at the Nation's chemical facilities.

On October 5, 2006, H.R. 5441, FY07 Department of Homeland Security Appropriations Act became law (P.L. 109-295). Section 550 of that bill granted the Department of Homeland Security the authority to promulgate interim regulations for chemical facility security.

Although not required for interim regulations, the Department put out an Advance Notice of Rulemaking and requested public comments. Parts of the proposed regulations caused concern, prompting comments from myself and several of my colleagues in Congress. The intention of this bill is to address four areas of concern: Preemption of State laws, use of specific security measures, information protection, and private rights of action.

The most concerning piece of the proposed regulation occurred when the Department decided to go far beyond congressional intent and assert the right of the Secretary to preempt any State or local law; H.R. 5441 was silent on the issue of preemption of State laws, and other major chemical security legislation considered in the 109th Congress—specifically H.R. 5695 and S. 2145—protected State laws from preemption in most cases.

This bill will protect State laws by allowing no Federal funds to be used to approve a site security plan unless the facility meets or exceeds security standards established by the State or local government.

H.R. 5441 restricted the Secretary from requiring the use of any particular security measure. The use of specific security measures could, however, prove necessary to lower the risk posed to and by the chemical facility in certain cases. This bill removes this restriction and would allow the Secretary to require the use of specific security measures where necessary.

According to the proposed regulations, the Department seeks to create a new class of security information called Chemical-Terrorism Vulnerability Information (CVI). The creation of new classes of protected information is not desirable, and this bill would require Vulnerability Assessments and Site Security Plans to be treated as Sensitive Security Information (SSI). SSI is the same information classification currently used for Vulnerability Assessments and Site Security Plans required by the Coast Guard under the Maritime Transportation Security Act, under which chemical facilities located at ports are currently regulated.

H.R. 5441 also restricted the right of a private citizen to sue a facility or the Department to force the facility to adopt and enforce the security measures. I feel that private suits are sometimes necessary to force a Federal agency to enforce regulations passed by Congress. Given the proliferation of signing statements made by President Bush in the past, we should not assume that congressional intent will be automatically followed.

Regulations that preclude American citizens from access to judicial action run counter to our values. We should be empowering the citizens of this country to help protect the homeland, not restricting them from doing so.

I urge my colleagues to support this legislation.

UPHOLD THE UNITED STATES CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Georgia. Madam Speaker, I appreciate the opportunity to speak to the House, and I rise today to alert my colleagues to a bill, H.R. 328. And I rise to alert them and to speak in disbelief, truly disbelief, at this bill that the majority is preparing to bring to the House floor.

Now, it is hard to say, after some of the legislation that has been offered this year, but this is clearly the most egregious and unconstitutional bill that we have seen proposed to be brought to the floor of the House. In fact, some folks, some constitutional scholars, have said this is the most unconstitutional bill that they have ever seen.

Article I, section 2 of the Constitution states unequivocally: "The House of Representatives shall be composed of Members chosen every second year by the people of the several States."

Now, the majority has held hearings on a bill and they have passed a bill out of committee that totally disregards this portion of the Constitution. It is a bill to give the District of Columbia a seat, and a voting seat, in the House of Representatives, a clear violation of the Constitution.

The Democrats have apparently taken their majority to mean that they can run roughshod over the Constitution. Madam Speaker, this is a sad and distressing state of affairs.

It is really a very simple issue. The Founders of our Nation wisely determined that the House of Representatives was to be composed by Members elected by the States. Now, the last time I looked, Washington, D.C. is not a State.

Madam Speaker, we are the longest surviving democracy in the history of the world and on the face of the Earth for a reason. There is a reason for that.

The Founders of our great Nation, the authors of our Constitution, were brilliant individuals. People around the world still marvel at what they created in our Constitution.

Now, do Democrats think that Washington, D.C. was not given a seat in the

House of Representatives as an oversight?

Was the over-200-year history of our Federal city's place outside of statehood the result of a lapse in judgment?

Constitutional scholars have repeatedly found that the Founders did not believe it to be appropriate for the site of the Federal Government to be a State. They never wanted the seat of the Federal Government to be considered a State, clearly, because of the conflicts that creates.

Congress simply does not have the authority to grant a non-state full congressional representation. But why are they doing this now? Why is the Democrat majority doing this?

Well, Madam Speaker, it is because they can, because they have got the votes. What an incredible abuse of power.

The Constitution addresses House membership very clearly. The legislative branch and the House of Representatives was so important to our Founders that it is the first thing discussed in the Constitution.

Article I, section 1, literally, the third sentence of the Constitution reads: "The House of Representatives shall be composed of Members chosen every second year by people of the several States." The several States, Madam Speaker. It is clear. And Washington, D.C. is not a State.

Now, some may try to construe that statement to mean that the United States is the whole Nation, but the Constitution goes further to make this point even more clear. It says: "No person shall be a representative who shall not, when elected, be an inhabitant of that State in which he shall be chosen." You must be a resident of a State.

This isn't just my opinion. The Congressional Research Service, the non-partisan research service of Congress, filled with constitutional and congressional scholars, released a report that affirms that this bill is unconstitutional. It violates the Constitution.

Madam Speaker, this is a clear power grab. Now, I believe strongly that the citizens of the District should have representation. The right to vote is a sacred one, but so is the document that every one of us takes the oath to support, uphold and defend. We can't just disregard the Constitution. It is the supreme document of our land.

The options are to pass a constitutional amendment identifying the District of Columbia as a State, or to cede the land of the District of Columbia that has residents back to the State of Maryland. It is what happened in 1846 when the land west of the Potomac was ceded back to the State of Virginia.

Madam Speaker, the process that the majority is employing here is completely unfounded. We shouldn't be surprised, however. This new majority has taken the liberty to throw process out the door when they took over. Now they are tossing the Constitution out the door.

Madam Speaker, I will continue to honor the oath to support and defend and uphold our Constitution. It is a sacred document, the bedrock of our Nation.

This new majority claims to be the most open and honest and ethical government ever.

Madam Speaker, what is open about trampling on the Constitution? What is honest about trampling on the Constitution? What is ethical about trampling on the Constitution?

Madam Speaker, the American people are watching, and they don't like what they see.

FROM FOSSIL FUELS TO RENEWABLES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTLETT of Maryland. Madam Speaker, I want to talk about a subject today that at least five groups in our country have a common cause in. They come from quite different perspectives, but they all end up at the final common pathway. And these groups are those who are concerned with national security. They are concerned because our country has only 2 percent of the known reserves of oil in the world, and we use 25 percent of the world's oil and import almost two-thirds of what we use. And as the President says, we get a lot of that from countries that don't even like us.

And so those who are concerned about national security are urging that we make a transition from these fossil fuels, most of which are owned by countries over there, and move to renewables so that we can have a sustainable source of energy for our country from a national security perspective.

There is a second group of people who believe that our burning of these fossil fuels is polluting the environment to an unacceptable level. And it is not just the greenhouse gases, because that introduces us to a third group. But it is all of the other pollutants that come in the atmosphere as a result of using these fossil fuels in all the ways that we use them to produce energy, coal, fire, power plants, our automobiles, our trains, heating our buildings, all the ways that we use energy.

By the way, you can make an argument that even if you are producing more CO₂, that may not produce global warming if you are producing it by burning hydrocarbons in a way that puts a lot of other pollutants up in the atmosphere.

I remember a number of years ago when Carl Sagan, the great astronomer, was noting that if we had a nuclear war we might go through what he called nuclear winter; and the trash thrown up into the atmosphere as a result of the nuclear explosions, he

thought, might block enough of the Sun's rays that there would be a cooling of the Earth so that we would go through a kind of an ice age. Indeed, there is some natural phenomena that give some credibility to that possibility.

Whenever there is a major volcano that goes off, an eruption that throws millions of tons of trash up there that may circulate for a couple of years before all the fine particles finally come down, we can see a degree or two of temporary cooling in the Earth as a result of that. So there is the environmental group that is concerned about our excessive burning of these fossil fuels and the pollutants that come from that, and they are very interested in conservation, in efficiency, and moving to true renewables.

□ 1500

And then there is the growing group of those who are concerned that the release of these greenhouse gases, CO₂ being one of the major ones, is warming our Earth.

Now, it is true that our Earth is warmer than it has been in the last 10,000 years, since the last Ice Age, and maybe as warm as it has been, some say, in the last million years if in fact we have been here that long. It is not certain that there is a cause-effect relationship between CO₂ and warming.

But when you go back through history, and they do this in Antarctica by doing ice borings, and that is a desert down there; they have less than 2 inches of precipitation per year; it doesn't fall as snow, it falls as tiny little ice granules, and that accumulates very slowly. There is nearly 2 miles of ice piled up at the South Pole down there. And so with borings you can go in there and you can look back through tens of thousands of years, and the scientists can tell pretty much what the climate was like and what the temperatures were by the kinds of materials that were deposited there during that time. And they note that every time that CO₂ was up, the Earth was warmer. So that at least is a presumptive evidence that CO₂ certainly as a greenhouse gas is the cause of the present global warming that we are looking at.

And, of course, what the global warming people want is to move away from fossil fuels, because what we are doing with fossil fuels is releasing into the atmosphere carbon dioxide that was sequestered by plants a very long time ago.

As a little boy, I knew that that is what was happening, because we lived up in western Pennsylvania and we had a coal furnace; as a matter of fact, we didn't buy it, we mined it on our own farm.

There was an abandoned mine on the farm and we got the services of a miner in the little local town and he opened up the mine and we shared the coal that he got from it, and we would use coal as it came from the mine, some

big chunks and down to very small ones, and some were too big to put in the furnace. And as a little boy, when it was my time to tend the furnace I would have to go down and sometimes break a lump of coal so that I could get it into the furnace.

I remember taking that sledgehammer that stood by the wall there and breaking the lump of coal, and once in a while it would open up and there would be a fern leaf. I remember as a little kid looking at that fern leaf and wondering, how long ago did that fern live and die and fall over and now be compressed under dirt and with time it finally converted to coal? So as a little boy I knew that the coal that we were burning came from plants that lived a very long time ago, and they had sequestered the CO₂ then over thousands of years perhaps.

And now what we are doing in a relatively few years, because we are in the age of oil, only about 150 years now in the age of oil, and we are now releasing into the atmosphere all the CO₂ that has been taken out of the atmosphere over a very long time period.

So what the global warming concerned people are interested in is an energy economy that uses the energy that we are producing. If you are burning the tree that grew, you are now releasing into the atmosphere the CO₂ which the tree took out of the atmosphere. So although, and if it was possible, I am not sure that it is, that we could get as much energy from these alternative renewable sources that we are now getting from fossil fuels, you can use them to your heart's desire and you wouldn't increase the CO₂ in the atmosphere because for every pound of CO₂ that you released into the atmosphere, that pound was taken out of the atmosphere by the tree or the grass or whatever grew that you were getting energy from.

And so what the people concerned with global warming want us to do is to move as quickly as we can from fossil fuels to these renewables. So they have common cause with the environmental people and with the national security people.

And then there is a group of people growing, not large yet but growing, who believe that, even if you don't have any concern about the environment, even if you don't have any concern about global warming, even if you don't think that it is a national security risk to be getting so much of our oil from over there, it just isn't going to be there because we are going to have such a phenomenon as peak oil. By the way, our country reached that plateau in 1970. We will talk about that in a few moments.

And then there is a fourth group that really ought to have common cause here, and that is the group that is concerned about what could America do to get back as a premier manufacturing Nation? And you know that we are not now, because all you have to do is to look at the cars on the road and where

they are made, and I think more than half of them are now made overseas. And all you have to do is go into a store and buy things and just look at the tag at where it is made. And I have to look and look and look to find something that is made in the United States anymore. You would make a lot of money if your wager was that the first thing you pick up is going to be made in China, because almost always the first thing you pick up is made in China.

So we desperately need an area in which we can be premier, in which we can export to the world, and I would submit that that would be in the energy efficiency and alternative energy area. There is no society in the world that is half as creative and innovative as the American people if we are challenged and if we see the need and if we see the goal.

So I wanted to talk today about this phenomenon which I think that these five groups have common cause in: Those that are concerned about national security, those that are concerned about the environment and isn't our air polluted enough, those that are concerned with global warming, those that believe that by and by the oil just isn't going to be there, the Moon isn't made out of green cheese and the Earth isn't made out of oil and, quite obviously, it is not going to last forever, and then the group that is looking for something where we can again become a premier engineering and manufacturing Nation. And, of course, we have now relinquished that premier position to other parts of the world.

The first chart that I have here kind of explains a lot of our dilemma, the World According to Oil. And I found this, and I found it so intriguing that I have shown it now a couple of times. But what this does is to show you what our planet would look like if the size of the nation was relative to how much oil it had. And, boy, do we have a warped geography here.

Here is Saudi Arabia, and it dominates. Look how big Saudi Arabia is. How many times could we put the United States in Saudi Arabia, 20? That is about how much more oil they have than we have. Canada looks pretty big here; they have got a meaningful amount of oil compared to the lower 48, compared to their size. Look at Venezuela down here, it just dwarfs the rest of South America. And look at the North of Africa here.

The countries that we think of as being important in the world economy like England and Europe and so forth, look at them there, they look like little splotches here on the globe if the countries were sized according to the amount of oil that they have.

Iraq. So you can see why people are concerned about Iraq, it is a pretty big reservoir of oil. Little Kuwait. If you look at a map of that part of the world, you will see that Kuwait, and Saddam Hussein thought that it looked like a province down there in the most southeastern part of Kuwait that he wanted

to reclaim it and that is why he went in more than a decade ago, but it is tiny compared to Iraq. You could fit the United States into Kuwait five, six times. Here is Qatar, a little nation so small you can hardly see it on the globe but there it is probably as large as the United States. Iran, now problems with Iran, note how large Iran is.

Something of particular note on this. The two countries that contain about 2½ billion people total, more than 1 billion now in India, and 1,300,000,000 in China, and look at how big they are relative to oil. Russia north of them, which has only 140 million people, dwarfs them. By the way, notice how big Russia is, 1½ or maybe twice as big as the United States, it doesn't have all that much oil. We have only 2 percent of the known reserves, this is about 2 percent of that total volume of oil nations there. And Russia looks big as an oil exporter because they don't use that much oil so they can export, but they really don't have all that much oil compared to countries like Saudi Arabia and so forth.

The next chart is a prediction that was made by a very famous speech that was given 51 years ago the 8th day of this month. And I will submit that, within a decade, this may well be recognized as the most important speech given in the last century. It was a speech given by M. King Hubbert, who was an oil geologist and he worked for the Shell Oil Company. And there was a convention of oil people in San Antonio, Texas on the 8th day of March 1956, and he got up and gave an absolutely audacious speech. It was inconceivable and unbelievable when he gave the speech.

What he said was that the United States, and if you look back in your history at that point in time we were king of oil; we were producing more oil and I think exporting more oil than any other country in the world. And he predicted that this giant in oil would reach its maximum production of oil in just about 14 years, and he was predicting that by about 1970 we would reach our maximum production of oil.

Now, he was talking only about the lower 48. He couldn't imagine at that time that we would be able to go out and drill in the Gulf of Mexico where there are now 4,000 oil wells, I think, and he did not take into account that we might find oil. I expect the technology for getting it out of there probably would have been very difficult at that time. So he was predicting the lower 48. And that would be everything here of the rest of the U.S. and Texas. You see how big Texas was here. Maybe a third in total oil we have ever produced has come from Texas. And that would be the lower 48.

As you see, right on schedule in 1970, his prediction came true. That shocked a lot of people. And whereas he had been an object of ridicule before that, now he became kind of a legend in his own time.

And then we found that huge strike of oil in Alaska in Prudhoe Bay up at

Dead Horse, I have been there; I saw the beginning of that 4-foot pipeline, through which for a number of years now about one-fourth of our total oil has flowed. And then the nongas liquids you see up here. If you add those two in, there was just a bump on the way down the other side of Hubbert's Peak.

And here we are today. In the lower 48, we are producing considerably less than half of the oil that we produced in 1970. And if you even add to that the liquids made from gases and the Gulf of Mexico oil, now that is recent enough that people can remember that, and you may remember the hype that went on over that. Gee, we don't have to worry about oil for the foreseeable future. We found this enormous amount of oil in the Gulf of Mexico; and, as I mentioned, there are about 4,000 oil wells there. Notice that hardly made a blip in our slide down the other side of Hubbert's Peak.

The next chart shows a depiction of Hubbert's Peak, and this is from a very interesting publication. This is in a publication by CERA. Now, CERA is one of the few organizations that believes that you don't need to be worrying about oil for the next number of years, and they have this chart in their publication and they intend to repudiate and ridicule M. King Hubbert with this chart. And they are saying that M. King Hubbert couldn't have been right because look at the actual data here.

Now, this is the total U.S. production, the red, and the yellow is the Hubbert's lower 48. And what he is saying was that Hubbert must have been all wrong, because the actual lower 48 production are these green things down here, and they think that is far enough away from the yellow that his prognostication is repudiated by this.

I would think the average person looking would say, well, gee, he was right on. Wasn't he? He said it was going to peak in 1970, that is 1970. He said it would go downhill after that. Well, it didn't go downhill quite as fast as he thought it would, but it certainly has gone downhill after that. Maybe he couldn't have imagined that we would drill more than ½ million oil wells in this country. We have more oil wells drilled in this country than all the rest of the world put together.

Now, the red here reflects that contribution from Prudhoe Bay and from the Gulf of Mexico that we saw in the previous one, that little blip going down the other side of Hubbert's Peak.

Mr. MARKEY. Will the gentleman yield?

Mr. BARTLETT of Maryland. I would be happy to yield to the gentleman from Massachusetts.

Mr. MARKEY. I would like to say that the gentleman from Maryland is like Socrates up here lecturing to the Members and to the country on this incredibly important issue. And I would just like to take note that you do it day after day, and you are relentless.

There is no question that, still, there is this denial with regard to the amount of oil that the United States has in terms of reserves compared to OPEC, compared to Russia, compared to other countries in the world.

□ 1515

And the gentleman from Maryland on a consistent basis comes here to the House floor. I know you do it in other places to bring this message. And if I may, just for 10 seconds because I know the gentleman shares my view on this, I think we both drive hybrids. I think the gentleman is the Chair of the Hybrid Caucus, as a matter of fact. And we both know that the technology exists if we make a commitment as a nation. So here is just one little statistic I would like to put out there:

In 1970, the United States imported 20 percent of its oil; 80 percent we produced. By 1977, just 7 years later, we imported 47 percent of our oil. We went from 20 percent imports to 47 percent imports. But then the Congress and Gerald Ford, President Ford, passed legislation which mandated a doubling of the fuel economy standards for the United States of America. By 1985, 1986, we had dropped back down to 27 percent imports. So we went from 20 percent to 46 back down to 27 percent because we improved our technology. We doubled the fuel economy from 13 miles per gallon to 27 miles per gallon. We did it technologically.

Today, unbelievably, the United States imports 60 percent of its oil. So from 1986 to 2006, we went from 27 percent of our oil that we imported to 60 percent of our oil that we imported. And as the gentleman graphically, in eye-watering detail, continues to present out here on the House floor, the places from which we import this oil is not healthy for the United States of America. It is an unhealthy relationship with countries that we should not be dependent upon. Three hundred billion dollars worth of oil imports last year. Three hundred billion dollars. And we know that much of that money is spent on things that are completely adverse to the overall national security interests of the United States of America even as we emit more greenhouse gases out into the atmosphere that we would not be emitting if our fuel economy standard was much higher.

So I saw you out here again like a preacher, and I thought that I would just let you know that I am out here in the congregation listening to you, and I know that there are many, many other people who are very much in debt to you for having the resolute commitment to getting this message into the minds of the American people.

So I thank the gentleman for yielding.

Mr. BARTLETT of Maryland. Mr. Speaker, I thank the gentleman very much for his kind words.

This is, in fact, the 25th time that I have been here. And, wow, it was the 14th, just about a year ago I came here

for the first time, the 14th of last month, March. And we were putting our charts together and we were trying to decide what to call this phenomenon. Were we going to call it the "great rollover," when you reach the top and start down the other side, or were we going to call it "peak oil"? And we had a long conversation in the office about what we should call it, and we finally decided we would call it "peak oil."

Now, I didn't know that there were some other people out there already calling it "peak oil" because I am a whole lot wiser now than I was then, but this kind of indicates the status of the recognition of the problem a year ago, and I was one of the more interested people in the Congress in this and I didn't even know what to call it. I was arguing with myself and with the staff. We were discussing it. Should we call it the "great rollover," and it will be a great rollover, or should we call it "peak oil"? We finally settled on "peak oil," and now today there is an increasing number of people who are concerned about peak oil.

Mr. MARKEY. Will the gentleman yield?

Mr. BARTLETT of Maryland. Yes, sir.

Mr. MARKEY. Why do you think it is so hard to convince people that we don't have the oil reserves that would allow us to have a healthy relationship with the rest of the world that does have the oil reserves that ultimately we are going to need to import if we don't change our habits? Why do you think our country doesn't come to grips with that? Where is the gap in communicating with the American people on this issue?

Mr. BARTLETT of Maryland. Well, thank you. I think there are several reasons for this. One is an irrational confidence, worship almost, of the marketplace, and technology. And the third is that people just don't like to think about tough, hard things. I love to think about those things because there is no exhilaration like the exhilaration of meeting a big challenge and overcoming it. So this is exhilarating to me, and there are many people that don't like this. And my wife tells me that I shouldn't be doing this because don't you remember that in ancient Greece they killed the messenger that brought bad news? And my response is this is a good news story. If we start today, we will have a less bumpy ride than if we start tomorrow.

Mr. MARKEY. Will the gentleman yield?

Mr. BARTLETT of Maryland. Yes, sir.

Mr. MARKEY. You tell your wife that in Massachusetts the messenger's name was Paul Revere and we actually built statues to him up in Massachusetts for telling us the Red Coats were coming, the British were coming, the regulars were coming. And that is what you are telling us right now, that at 60, 61 percent dependence upon imported

oil, we are heading inexorably towards a very, very dangerous foreign policy, national security crisis in our country because we are averaging about 1½ percent per year increase in our dependence. So in order to move from 27 percent back in 1985, 1986 to 60, 61 percent today, it just has to go up that much. So if we come back here in 67 years and we haven't done anything, we will be over 70 percent, 75 percent dependent upon imported oil, all unnecessary if we looked at the facts and looked at the facts today and began to change our national habits.

So tell your wife that Paul Revere is more likely the analogy that applies to you rather than the messenger that they shot.

Mr. BARTLETT of Maryland. I want to thank my friend for joining me. This is absolutely a bipartisan issue. I don't know that energy and oil knows the difference between a Democrat and a Republican. So I am very pleased that you joined me on the floor.

I might say just a word about these two philosophies that are keeping us from really focusing on this issue. One is an almost reference for the marketplace. There are many people who believe that the marketplace is both omniscient, it knows everything; and it is omnipotent, it is all powerful and it will solve everything. Well, I believe the market is really very powerful. But, you know, there are some things that even God can't do. God can't make a square circle, can he? So there are some things that the marketplace won't be able to do.

I do not think that the market signals will be able to be responded to quickly enough to meet this challenge. If there were infinite resources, then this blind faith in the market might have some relevance. But there clearly are not infinite resources. The amount of oil out there is, in fact, finite.

The other is the near worship of scientists and technology: Don't worry, they will fix it. I mentioned to one of our really high officials in government that peak oil was a reality and that it just wasn't going to be there in the future in the amounts that we need for our economy. And he said, Well, I guess when that happens, the price will go up and people will use less and they will find something else and that solves the problem. Don't worry about it, they will fix it.

Well, I point to two different societies: The Mayan society down in Central America. That didn't get fixed and they are gone. Our cliff dwellers out in the West. I am sure that a number of folks have been there and seen those cliffs, and their world is gone. And I am sure when it was deteriorating, they were saying to each other, Don't worry, they will take care of it.

Easter Island, a vigorous civilization there, and when we finally found the last survivors of it they were living in caves. They were eating rats and each other because they had done, in that little part of the planet, what we may

one day do to our total planet; that is, they were living beyond the renewable resources of their little island there in Easter Island and somebody didn't fix it. There wasn't somebody there to fix it.

The next chart looks at a number of the experts and what their predictions are as to when this peak oil that Mr. MARKEY was talking about is going to occur. And we are now here in 2007 and notice that there is a large number of them here: Colin Campbell, Kenneth Deffeyes, Matt Simmons. Several of these I know personally. And their predictions are all in the very, very near timeframe. As a matter of fact, Deffeyes believes that we now have passed peak oil. He said he used to be a prognosticator and now he is an historian. He is now looking back at the event of peak oil. And then we have a few that believe it will be between 2010 and 2016. And then CERA. CERA is the largest one here. Shell. No visible peak. Very few who believe that it may be some time off in the future.

We will have an opportunity in a few moments to talk about CERA and some of their projections. But notice that most, the large percentage of all of those who have been looking at this and studying this believe that peak oil is either present or imminent.

The next chart is a really interesting one. And if you had only one chart to look at, this I think is the most instructive of all of the charts that we have because on this one chart, it shows the discovery, and that is the large bars here. And you see that back in the 1940s we were discovering lots and in the 1950s, and, boy, in the 1960s and 1970s huge amounts of oil. But notice what has happened. Since about 1980 it has been down, down, down. And that is in spite of ever better technologies for discovering oil and ever better incentives.

When Reagan came to office, that was in 1980, and we were already 10 years down the other side of Hubbert's Peak; so we knew darn well that M. King Hubbert was right, that the United States had reached its peak and we were sliding down the other side of the peak. And I really liked Ronald Reagan. I can like a person without liking everything that they do. And I thought then and I am more convinced now that his solution to this oil problem was totally the wrong solution. His belief was that if you gave them a profit incentive they would go out there and find it. So they gave them a profit incentive, and, boy, did they drill. And I don't have it with me, but I have a chart that shows the number of wells that were drilled and how much oil was found. And drilling didn't help. You can't find what is not there and you can't pump what you haven't found. So in spite of ever better techniques like 3D seismic and computer modeling, we now pretty much know what the whole globe looks like geologically except maybe we would like to know a little more about Saudi Arabia and some of

the countries around the Caspian. But largely we are pretty aware of what the geology is, and we know that gas and oil can occur in only certain unique geological formations.

The dark line here represents the use of oil. And you see that for a long while we were finding enormously more oil than we were using. But from about 1980 on, we were finding less and less and using more and more.

By the way, notice this little blip here in the 1970s. This is the result of the Arab oil embargo, and had this curve kept going up at the rate it was before, where would it be? There was a stunning statistic up through the Carter years, through this time; every decade we used as much oil as had been used in all of previous history. Wow. What that says is that when you have used half of all the oil in the world, there would be what, one decade left at current use rates? Now, obviously, that couldn't happen because you are not going to use it and then fall off a cliff at the end because the last remaining oil is going to be harder and harder to get. But since about 1980 on, we have now been eating into or reserves, and you will have to take some of this surplus here and fill in this area here. And then what will the future look like?

This chart presumes that it will peak in about 2010. And you can make the future, within limits, look differently, depending upon how aggressive you want to be in using enhanced oil recovery and if you want to drill everywhere in the world the equivalent of the half million wells that we have drilled in this country. If you drilled 10 wells rather than one in the Oil Patch, you obviously would get the oil out quicker. You are not going to get any more oil out probably, but you will get it out more quickly.

So there may be some argument about what the future looks like, but there can be no argument that you can't pump what you haven't found. Now, if you put a smooth curve over this discovery curve, the area under that curve represents the total amount of our discoveries. That is the equivalent of adding up all these little individual bars. And if you look at the area under the use curve, that will be the amount of oil that we have used.

Now, obviously, at the end of the day, those two areas are going to be the same. So unless you think that we are going to reverse this discovery curve and find a lot more oil, and some people do think that, by the way, and we will talk about that in a few moments, but unless you think that we are going to find a lot more oil, the future cannot look very much different than this because you can't pump what you haven't found.

□ 1530

Because you can't pump what you haven't found, and the area under this discovery curve cannot be different than the area under the use curve. There are many people who are pro-

jecting uses that would just indicate that we are going to have to find enormously more oil in the future. One of those projections is in the next chart.

This is from our Energy Information Agency, and this is projections of discoveries. Now, they didn't draw a really smooth curve. They took in some of the big humps, but they could have smoothed this whole thing out.

This is the discovery curve we were just looking at. I think you can recognize that, way up here in the seventies and down, down, down since then. Back in about 2000 they were projecting what we would find in the future. Now, they used some very interesting assumptions here.

The USGS has done a series of simulations. They have some computer modeling, and they have done a whole series of computer modelings, thousands of these, with different inputs. If this was true, if that was true, then what would the likely amount of yet-to-be-discovered oil be. And they have charted those things, and they have the frequency on the ordinate, and on the abscissa they have the amount of oil yet to be found.

Now, this is all a computer game. They simply are making some guesses, assumptions; and they are putting those into this computer model and they are running that model; and as they change the assumptions, they will change the amount of oil they think we will find.

So they have gone to the midpoint of that, and they have said that was F, they call it F, and somehow that got distorted to P and they are now talking about probabilities, which is just bizarre, because these are not probabilities. But this is the fraction of oil that you will find more or find less than this.

So what did they have here? Three of these curves. They have the P-95, that is 95 percent probability they say. Then they have the P-50. That is really F-50 in the data they took this from. And then they have the 5. What they are saying is that since 50 is halfway between 5 and 95 it is the mean and therefore that is the most probable. So their projection when they made the chart was that this downward slope was now going to be reversed and we were going to start going up.

Of course, if they really are probabilities, and it didn't start as that, it started as these fractional things, but it ended up being projected here as probabilities, if they really are probabilities, there should be another green line down here and another blue line down here.

It is like that little funnel-shaped thing you see from the hurricane. Tomorrow you are pretty certain where it is going to be. The day after tomorrow, you are less certain, so that gets to be a big funnel as you go out. So that is what these various probabilities are.

Now, not surprisingly, the actual data points have followed the 95 percent probability. If you say those are

probabilities, obviously this 95 percent probable is a whole lot more probable than 50 percent probable. But for what it is worth, the actual data points for a decade or so have been following the 95 percent probability.

The next chart, this is from the Hirsch Report. I might digress for a moment to note what the Hirsch Report is. There have been two major studies that are financed by our government. One was financed by the Department of Energy and that was SAIC report. Dr. Hirsch, which is why this is called the Hirsch Report, Dr. Hirsch was the leading investigator on that, and this came out, oh, a year-and-a-half ago roughly. I think we will have some quotes from it a little later. But they looked at this situation, peaking of world oil production, impacts, mitigation and risk management. It is going to peak. What should we do about it, what can we do about it, is what was in this report.

This is one of the charts from this report, and these are USGS estimates of ultimate recovery. This is the F that I was talking about. They somehow changed it to P. But this is low, 95 percent; high, 5 percent; and the mean, or expected value, 3,000.

Just a word about what these numbers are. These are thousand gigabarrels. Now, we use gigabarrel because a billion in England, I understand, is a million million. A billion in this country is a thousand million. So if you are talking about billions, you may confuse some people. But apparently everybody knows what a giga is, and a giga is our billion. So we are talking about gigabarrels of oil.

So this is 2,248 gigabarrels of oil. That is about, what, 2,000 gigabarrels of oil. That, by the way, is roughly the amount of oil that most of the world's experts believe we have found, and we have used about half of that. We have used about 1,000 gigabarrels of oil, so there are about another 1,000 that we have yet to use.

But what this prognostication indicates is that we are going to find as much more oil, another roughly 1,000 gigabarrels to bring this 2 up to 3, we are going to find as much more oil as all the oil that is still left in the world. Now, that is conceivable. I think it is about as likely as winning the lottery. I don't think there is much probability of that happening.

But even if that was true, and that is the stunning thing that this chart shows, even if that is true, that only takes the peak out to 2016. That is just around the corner. That is 9 years away, even if that is true.

This is the power of the exponential function. One of the most interesting lectures I have ever heard was given by Dr. Albert Bartlett, emeritus, University of Colorado, no relative of mine. I wish he were. I wish I had some of his genes. He gives some fascinating explanations of the exponential function. One of them I think is worth spending just a moment on.

The story is told that chess was developed in an ancient kingdom, and the king was so pleased at the invention of chess that he asked the inventor to come in and he promised him any reasonable thing. And the inventor of the chess game said, O, king, I am a very simple person. I have simple needs. If you will just take my chess board and put a grain of wheat on the first square and two grains of wheat on the second square and four grains of wheat on the third square and eight on the fourth square and keep doubling until you have filled all of the 64 squares on my chess board, that will be reward enough.

The king said to himself, simple fellow. He could have asked for something meaningful, and all he has asked for is a few grains of wheat on a chess board. Of course, the king could not deliver, because it is my understanding that it would take the world's harvest today of a decade to fill the chess board. That is the power of exponential growth.

Albert Einstein was asked about what the next great power in the universe would be after the discovery of nuclear energy, and he said the most powerful force in the universe was the power of compound interest.

Well, Dr. Albert Bartlett's fascinating 1-hour lecture, and just do a Google search for Dr. Bartlett, Albert Bartlett and energy, and you can pull it up, and he has some very interesting illustrations in there.

He says the biggest failure of our industrialized society is the failure to understand the exponential growth. But even if we were to find as much more oil as all the oil that now exists, it would push the peak out to only 2016.

Now, if you use enhanced oil recovery and pump a lot of CO₂ down there and live steam and so forth, maybe you can push it out to 2037, but look what happens after that. Then you fall off a cliff, is what they say in this prognostication.

The next chart is an interesting chart from CERA. In an article entitled "Undulating Plateau Versus Peak Oil," it says there is not going to be any peak. I looked at this, and, by golly, it looks like a peak to me. It goes up and then it comes down.

Now, they have several different assumptions in here, and they are pretty easy to sort out, I think. This is roughly that 2 trillion, the current known amount of oil; and if that is all the oil there is, they agree that the peak is pretty imminent. But they believe that we are going to find about as much more conventional oil as still exists in reserves. If that is true, then the peak moves out only this far.

Then they think we are going to get a lot of oil from the unconventional oil sources, like the Canadian tar sands and our western oil shales and the really heavy oil from Venezuela; and if we get that, then we are going to go up that high plateau. But this is still a plateau.

I have 10 kids, 15 grandkids and 2 great grandkids. Wouldn't it be nice if

we left a little energy for them? We are bequeathing them, not with my votes, but we are bequeathing them the largest intergenerational debt transfer in the history of the world. I would like to leave them a little energy, thank you, which is why I don't vote to drill in ANWR and I don't vote to drill offshore. I think there is a real moral element to this discussion.

If we are going to bequeath them this horrendous debt, which I think is immoral in itself, then I think it is doubly immoral that we give them a world from which we have raped all the readily available energy. Someone suggested in the future they may look back at what we have done and say to themselves, how could the monsters have done that? I hope that they won't be able to say that about this generation, because I hope that we will do better.

Well, this curve that they meant to repudiate, peak oil, I think confirms there will be a peak oil.

The next chart here is a statement from one of the experts in this field, Dr. Laherrere, and this is what he says. The USGS estimate implies a five-fold increase in discovery, to reverse the current trend, which is going down, and it is going to go up, a five-fold increase in discovery rate and reserve addition for which no evidence is presented. Such an improvement in performance is in fact utterly implausible, he says, given the great technological achievements of the industry over the past 20 years, the worldwide search and the deliberate effort to find the largest remaining prospects.

And we found a pretty big one just recently out in the Gulf of Mexico, under, what, 7,000 feet of water, roughly 30,000 feet of rock. If you notice, they aren't developing that yet. I am told, and not everything I am told is true because it is sometimes hard to get the correct facts, but I am told that they will start developing that when oil is \$211 a barrel, because that is what it is going to cost to get it out of there. I am not sure whether that is true or not.

The next chart, I mentioned the oil chart that we showed before as being the single chart I would use if I had only one. If I was awarded two charts to use to talk about this, this would be the second one I would use, the upper part of it. This is a really revealing chart.

This goes back through about 400 years of, I generally say 5,000 years of, recorded history. Hyman Rickover referred to it as 8,000 years of recorded history.

I might digress for just a moment. I hope to come to the floor the 15th of this May to talk about a really, really interesting speech that Hyman Rickover, the father of our nuclear submarine, gave to a group of physicians in Saint Paul, Minnesota, 50 years ago the 15th of this May.

He notes that we have 8,000 years of recorded history. He said at that time,

50 years ago, we were about 100 years into the age of oil. This now introduces us to that age of oil.

It was introduced, of course, by the Industrial Revolution which started with wood, the hills of New England, the mountains that were denuded, taking charcoal to England to make iron. Up in Frederick County, which I have the honor of representing, there is Cactoin Furnace up there, which is a little smelter up there, and they denuded the hills up in Gambro where Camp David is. They denuded those hills to make charcoal for that furnace. It is now a historic site. The Industrial Revolution began with the use of wood. The Stanley Steamer used wood.

On the ordinate here is the quadrillion BTUs. This is a measure of the total amount of energy produced. Notice that is pretty far down here. Then we found coal. Boy, then the Industrial Revolution took off. But it really took off when we found gas and oil. And notice how that is standing up on end. And notice what happened at the Arab oil embargo here in the seventies.

□ 1545

Where would we be if that hadn't happened? That was really a wake-up call. As a result of that, we have enormously more efficient appliances than we had then. Your air conditioner is probably three times as efficient as it was then. Too bad our cars didn't follow that path, isn't it?

Well, the interesting thing is that the world's population just about followed this curve. For these 8,000 years of recorded history, we had half a billion to a billion people worldwide. Now with the industrial revolution, the population has exploded. We now have almost 7 billion people in the world.

There is, in Hyman Rickover's speech to those physicians 50 years ago, a fascinating discussion of the contribution of energy to the development of civilization.

I hope to come to the floor on May 15 and we will spend the whole hour talking about his speech. It was so prophetic. As a matter of fact, he predicted that if we start making too much energy from a food substance, the price of food will go up. We have made trifling amounts of ethanol from corn, and we have doubled the price of corn. We are hurting the poor people who use tortillas because they are made out of corn. My dairymen are financially dying because the price of corn has doubled and the price of milk does not justify that feed cost. They are losing money month by month.

Well, this is striking symbolism here. In another 100-150 years, we will be down the other side of the age of oil. This is going to fall off.

Is there any reason that the world shouldn't follow the microcosm of the United States? M. King Hubbert predicted in 1956 that we would peak in 1970. We did. He predicted the world would be peaking about now. If he was right about the United States, why

shouldn't he be right about the world, and why shouldn't we have been doing something about that?

Since 1980, we have known very well that M. King Hubbert was right about the United States. If he was right about the United States, maybe he would be right about the world. If it is true that the world's oil production would peak about now, then no matter what we do, drill a half million wells, like we drill in the United States, which would be millions worldwide, it still goes downhill no matter what we have done. Our production is downhill.

Very interesting, in 8,000 years of recorded history, the age of oil will be but a blip: 300 years. What will our world look like? Our next chart introduces us to that.

Sooner or later, whether we like it or not, we will transition from fossil fuels because they will one day be gone. We will transition from fossil fuels to renewables. This chart looks at the options that we have. We have some finite sources, and we need to come back for another hour and talk in detail about some of these finite sources that we have here and what their potential is, and then let the listener judge as to what contribution they think will be made from this.

One of the challenges we have is the fantastic density of energy in our fossil fuels. One barrel of oil has in it the energy equivalent of 12 people working all year long. Hyman Rickover gives some fascinating examples in his speech to those physicians nearly 50 years ago. He said that each worker in the factory had at his disposal the power equivalent of 244 men turning the wheels and so forth; that every family had the mechanical system, stoves and vacuum cleaners, toasters, that represented the work of 33 full-time faithful household servants. He said 100,000 men pushed your car down the road, and the equivalent energy of 700,000 men pushed a jet plane through the sky.

Two little examples to help realize this, just think how far one gallon of gasoline or diesel, how far that one gallon of gasoline or diesel takes you. I drive a Prius. It drives 50 miles on a gallon. How long would it take me to pull my Prius 50 miles?

If you go out and work really hard all day, I will get more work out of an electric motor for less than 25 cents worth of electricity. Now energy-wise electricity is about half the cost of gasoline, but about 25 cents worth of electricity, and that may be humbling to represent that you are worth less than 25 cents a day in terms of fossil fuel, but that is the reality. And that is why we have such an incredibly high standard of living, we have this incredible energy source at our disposal.

The challenge is to transition to renewable forms of energy that will provide the same quality of life. We have some finite resources that we can go through. The tar sands, the oil shales, the coal, nuclear fission, nuclear fu-

sion. We don't have time today to talk about these in detail. We will come back and talk about those in detail. And then all of the renewables. These will one day be gone, except for nuclear. We will talk about nuclear. If we ever get fusion, we are home free. I think that is most unlikely. If we go to breeder reactors, we buy some problems, but then we have relatively secure energy if you can handle the waste, and so forth, from that.

But there are only so much tar sands, oil shale, and coal. They come at great expense. They are pretty polluting processes. Ultimately, we will be down here, getting all of our energy from these resources: Solar, wind, geothermal, ocean energy, agricultural resources, soy diesel, biodiesel, ethanol, methanol, biomass.

Now there is a lot of talk about cellulosic ethanol. I understand the President on television was saying that there is going to be limited amounts of energy we can get from ethanol because already we have doubled the price of corn. So now we need to turn to biomass, to cellulosic ethanol.

Cellulosic ethanol is liberating the glucose that is so tightly bound in the starch molecule that enzymes in our body can't liberate it, but there are microbes that live in the guts of the wood-eating cockroach, *cryptocercus*, and in the stomach of cows and sheep and goats and so forth that does that for them. So the cellulosic ethanol is liberating the glucose from the big cellulose molecule.

Waste energy. Just a word of caution, that huge stream of waste we have is the result of profligate use of fossil fuels. In an energy deficient world, there will be nowhere near as much waste as we have now. We jolly well ought to be using the waste energy now. It is a much better use of this waste than burying it in a landfill, but it will not be the ultimate solution to our problem.

Hydrogen. I want to make sure that everyone understands that hydrogen is not an energy source. We talk about it because when you burn it you get water that is pretty darn clean, and it is a great candidate for fuel cells, if we ever get fuel cells. Think of hydrogen as a battery, something to carry energy from one source to another.

We have only a few moments remaining, and I would like to put the last chart up. That will introduce us to a longer discussion we will have next time.

We are very much like the young couple whose grandparents have died and they have inherited a lot of money. They have established a lifestyle where 85 percent of the money they spend comes from their grandparents' inheritance, and only 15 percent from what they are earning.

Here we are getting 85 percent of our energy from fossil fuels and only 15 percent from anything else, and the fossil fuels are not going to last. The kids look at what they are doing and

say gee, that is going to run out. We have to do something. Either we have to make more or use less. That is exactly where we are.

A bit more than half of all of this other than fossil fuel energy is nuclear power: 8 percent of total use in our country, 20 percent of electricity, it probably could and should be more than that, and then 7 percent. That is going to have to grow until it is 100 percent, but some don't have much potential for growth.

Conventional hydroelectric, that is peaked out. We will come back and spend a full hour talking about the potential of these. There are exciting challenges here, and I think it will inspire the best of America.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mrs. BOYDA of Kansas). Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. RYAN of Ohio. Madam Speaker, I appreciate the opportunity to be here for another session of the 30-something Working Group. We have had a very interesting week in Congress this week, and we want to share some of that with our fellow Members of Congress and those people paying attention for the record on the week of sunshine in the United States Congress.

In the past several days we have, as Democrats, continued to honor our pledge to try to open up government, knowing that the more information that we share, the more information that we have about the inner workings of government, the better off we are all going to be.

I think we have all seen over the past several years how a very closed, secretive government rules and what the end result may be of a very closed and secretive government. We are trying to fix that problem.

As you watch the news, Madam Speaker, as you watch the news every single day, it seems like we continue to hear stories about problems that we knew about many, many years ago, but we never did anything about it because you are not allowed to admit you make mistakes.

What we have tried to do this week is try to prevent the kinds of situations we have had with Walter Reed, try to prevent the kinds of situations we have had with Iraq, and try to prevent the kinds of situations we have had with Hurricane Katrina. All of these things were happening behind closed doors, and the people involved at the Pentagon or the Department of Defense, or whether it was in FEMA, the problem was people in the organization or in the agency or in certain departments knew things weren't going well or knew there wasn't a plan or knew we didn't have the proper people in place to execute whatever the exact role was of that agency, but nobody was allowed

to tell anybody or talk about it. And if you talked about it, you were fired.

We saw Hurricane Katrina on TV. We continue to see the war on TV, and we see what has happened at Walter Reed. Can you imagine people knew about what was going on at Walter Reed and didn't say anything? And then getting up in front of the TV cameras and say: We are for the troops, and you're not. That is a problem.

The new Democratic majority has begun the problem of fixing that problem this week. We are restoring accountability. This week we passed whistleblower protection and other government reform bills so that those people involved in the agencies who know how the agencies need to be run will not be subjected to the political whims of the day.

We want them to share with us what the problems are. We want them to share with us how we fix the agency or the department or the execution of the mission of a specific department. And I think it is important politically. As I am joined here by my good friend from Florida, Mr. MEEK, I think it is important that we recognize what has happened since the Democrats have taken over.

Now we are not here to just say we are the only political party in the country and we are the best and this and that. We had a political situation in this country since 2000 where the presidency was Republican and for the most part the House and the Senate were Republican the whole time, and the Republicans have controlled this Chamber for 14 years. And a culture of coverup happened, to where the Republican majority in the House would not oversee or provide the proper oversight to what was going on in FEMA, in the war, and a lot of these other agencies.

And what has happened when the Democrats took over Congress and the American people said we need to bring a little balance to this situation, just look at what has happened. Walter Reed, who knows if that would have ever come up if the Democrats weren't poking around saying what is going on with veterans' health care?

□ 1600

All of the issues in Iraq. Today we passed a supplemental to begin to put the framework together to get our kids home from Iraq. And look at what is going on with Katrina and the oversight we are providing for that.

These are things that are happening because the American people put balance back into the government. And we want to continue to honor the pledges that we made previous to the last election. We want to make sure that it is not just the whistleblower protection, but it is the 67 hearings that we have already had, Democrats have already had on Iraq. Sixty-seven. No, it's even more.

Mr. MEEK of Florida. Will the gentleman yield?

Mr. RYAN of Ohio. I would be happy to yield.

Mr. MEEK of Florida. Mr. RYAN, it is more than 67 hearings. You meant 97 last week, but now it is 104 hearings. Three digits.

Mr. RYAN of Ohio. And what is today, March 14?

Mr. MEEK of Florida. March 15. That's a good thing, Mr. RYAN.

Mr. RYAN of Ohio. In a couple of months we've had more hearings than the Republican majority had.

Mr. MEEK of Florida. Definitely at this point in the 109th Congress, in the 108th Congress.

But go ahead, Mr. RYAN.

Mr. RYAN of Ohio. I think it is important for us to really recognize the importance and the results already of what has been happening. And I don't know if this is a coincidence or not, but Halliburton just picked up and moved; they just picked up and said we're moving out of the country.

Mr. MEEK of Florida. That is no-bid contract Halliburton.

Mr. RYAN of Ohio. Yes. And it is a shame that a company that gets that much public tax money would pick up and leave the very country that they get their money from to have their corporate headquarters.

But it is important that we are living up to our commitment. We are providing the oversight, 104 committee hearings. We are restoring accountability with the whistleblower protection; Presidential library donation; FOIA requests, where you can actually access documents in the government, freedom of information. So a lot of sunshine came down on the Capitol this week.

And I couldn't be prouder of the Speaker of the House, NANCY PELOSI, and STENY HOYER and JIM CLYBURN and RAHM EMANUEL and JOHN LARSON, our leadership and the Chairs of our committees for really applying the pressure and really trying to fix things and make things better.

I yield to my friend from Florida.

Mr. MEEK of Florida. Thank you, Mr. RYAN. Thank you for yielding. So kind of you. My good friend from Ohio.

Mr. RYAN, you know, yesterday when we were down here, we talked about the bipartisan votes, the fact that we are allowing an opportunity for the Members of Congress to vote for good commonsense, good government legislation that they have been denied of voting on for 12 years. And now we are in the majority, and we have an opportunity to put legislation forth. And as Ms. WASSERMAN SCHULTZ experienced in the last Congress, we had, Madam Speaker, very few bipartisan votes because it was the bills that came to the floor that encouraged a lack of bipartisanship. As a matter of fact, it encouraged partisanship, to keep us divided. And that is not what Americans asked for. They didn't say, hey, Congressman, I am sending you to Washington, D.C. to be a partisan. I am sending you to Washington, D.C. to make sure that we have accountability; to make sure that we are fiscally responsible; to make

sure that we hopefully move in a new direction when we need to move in a new direction.

And I am so happy today, with this whole Accountability in Contracting Act, that there were 347 votes in the affirmative. Madam Speaker, I am more concerned about the 73. How do they go back home and say, well, I don't believe in accountability in contracting; I'm against that. You know, I would think that the folks that did vote against this very good piece of legislation are probably going down the line of saying that I am committed to being a partisan, because it wasn't my idea or it wasn't their idea. Well, the good thing that I am excited about, because I am not going to focus on the individuals who decided not to vote for it, I am going to focus on the 119 Republicans that did vote for it and the 228 Democrats that did vote for it. Every last Democrat that was voting on that bill voted in the affirmative because it was the right thing to do. And I commend the bipartisanship, and we will continue to talk about that.

Whistleblower protection, we talked about that yesterday, such a good vote. I am going to say it again, Madam Speaker: 331 voting in the affirmative. Bipartisan, the House. The majority of the House voted to protect whistleblowers.

Mr. RYAN, someone is in there in an office somewhere here in Washington, DC, Ms. WASSERMAN SCHULTZ, or in a regional office in Atlanta and come to work every day saying that this is not the way we should be doing things. This is against the law. That individual will be protected once we get it through the legislature, once we get it through the Senate and hopefully to the President.

But what I am more concerned about, Ms. WASSERMAN SCHULTZ and Mr. RYAN, is that the President has already said of these accountability measures that we are passing that he is willing to veto three out of four of them.

Mr. RYAN of Ohio. There is a surprise.

Mr. MEEK of Florida. Which is very interesting. I don't know of the 73 that voted against it today, if that is going to be the basis for saying that that is the reason why I am going to veto it, because 73 Members of the House voted against it. But neither be here nor there, I am glad that we are here in the majority, Madam Speaker. We have been in the minority, but we still have not allowed the majority to get to our heads or to our heart.

Mr. RYAN of Ohio. Will the gentleman yield?

Mr. MEEK of Florida. I will yield, but I was just making a wonderful point. I will yield, Mr. RYAN, if you want me to yield.

Mr. RYAN of Ohio. Okay, make your point.

Mr. MEEK of Florida. We are not letting it get to our heads or our heart or the reason why we are here in the first place.

And the reason why the 30-something Working Group continues to come to the floor, Madam Speaker, because some folks thought, Ms. WASSERMAN SCHULTZ, this is just a minority project. Oh, they are in the minority, they want to go to the floor, they want to talk about what's wrong, they want to talk about what they will do if they ever get in the majority, and that will be it. Well, guess what? We are here in the majority celebrating the fact that we are doing the things that we said we would do. I mean, that is a paradigm shift in Washington politics: you run for office and you come here and you actually do what you said you were going to do. And now that is being carried out.

We have always said some of our friends on the other side of the aisle wanted to be a part of good government, 6 in '06, implementing the 9/11 Commission. We were able to get 299 votes with 68 Republicans voting with us on that. Raising the minimum wage, we were able to get 315 votes with 82 Republicans voting with us. Funding on enhancement of stem cell research, H.R. 3, 253, with 37 Republicans, on and on and on. And the reason why that is happening is not because Republicans all of a sudden say, hey, I want to vote with Democrats and I am going to be bipartisan. They are voting because they always wanted the opportunity, Madam Speaker, to vote for good legislation.

Back home, I am going to tell you right now, there are Republicans that are saying I wanted the 9/11 recommendations to be fully implemented to protect America. They don't care who is the leader of the Republicans in the House and who is the leader of the Democrats in the House. They want to be secure. And those Republicans that voted with Democrats to implement every last one of those 9/11 recommendations did so on behalf of their constituents.

So we come to the floor to talk about bipartisanship. We come to the floor because we have always said bipartisanship can only be allowed, Madam Speaker and Members, if the majority allows it; and we are allowing it.

Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you so much to my good friend.

First, let me say that that is a beautiful orange and blue tie, Mr. RYAN, an excellent choice of colors, and coincidentally, the colors of my alma mater which, by the way, is playing in the NCAA tournament beginning tomorrow night. And who will be at the White House to celebrate the national championship in football? But I digress.

Mr. RYAN of Ohio. I didn't get invited to the White House.

Ms. WASSERMAN SCHULTZ. And we can talk another time about which team our team defeated in order to get there, Mr. RYAN of Ohio.

Mr. RYAN of Ohio. I think we have gotten through that.

Ms. WASSERMAN SCHULTZ. Anyway, to get back to the matter at hand,

Mr. MEEK referred to the fact that the 30-something Working Group was probably expected to shrivel up and die, to blow away after we won the majority, to just not re-emerge because one might think that there was no point in our continuing to exist. However, because the United States Congress and because we believe Democrats are responsible in the leadership of this Congress for accountability, we absolutely need to make sure that we use multiple facets of opportunity available to us to hold people accountable.

We had an opportunity the last number of years to use this forum to hold our good friends on the other side of the aisle accountable, yet we still need to hold this administration accountable. And Lord knows that they certainly need it, as they continue to demonstrate every single day.

And I just want to move on a little past the whistleblower act and the 104 hearings that we have had on this war in Iraq that have been scheduled since we took over the leadership of this Congress to the Attorney General, the U.S. Attorney firings that occurred in the last 10 days or so.

I just came from a House Committee on the Judiciary meeting in which we adopted legislation that will ensure that we reassert the Congress', on the Senate side, role in confirming U.S. Attorneys and restore the check and balance that used to be in place before a provision was inserted in the dead of night by the Republicans in the conference committee without any committee reviewing it whatsoever. They completely changed the way the U.S. Attorneys were confirmed. They politicized that process without any Member being able to have the opportunity to debate it in the light of day.

And clearly we can see as a result of the actions of Attorney General Gonzales and the fact that he has chosen to throw a staff person under the bus rather than have the buck stop with him, seems to be a pattern in this administration, i.e. Scooter Libby. We need to make sure that Congress reasserts our oversight role, and that is exactly what we just did in the Judiciary Committee.

But let's just recap what happened with the U.S. Attorneys. Eight U.S. Attorneys were fired. Now, the U.S. Attorneys serve at the pleasure of the President, and we certainly don't deny that. However, when asked, when an inquiry was made, as is the Congress' responsibility, as to why those eight U.S. Attorneys were fired, the answer that we got was, well, the eventual answer we got was that it was performance related. Well, of course the eight U.S. Attorneys took umbrage at that and some of them came forward and suggested that there were actually some lawmakers, our good friends on the other side of the aisle specifically, that called and inquired about the progress of cases against Democrats in their jurisdiction. And then coincidentally, a few weeks later those that had

gotten called that weren't responsive enough seemed to have been let go.

Now, in the wake of all of this, in the wake of the Attorney General being less than factual in front of a committee of this body and in the wake of the clear difference in what he said and what actually happened, you have the chief of staff to the Attorney General who has resigned. Last week you had another individual responsible for overseeing the U.S. Attorneys resign. Now, they say that he was on his way out anyway.

But it is time, and thank God we are able to now exercise Congress' oversight role and make sure that we have some fairness, make sure that we have justice administered in the way that Americans expect it to be, and that we are not politicizing the Department of Justice or the legal process that U.S. Attorneys oversee in each of their jurisdictions. Without us pointing that out, it would normally have just been swept under the rug. The administration would have just tried to ride it out and weather the storm. But now that we have a Democratic Congress, they can't do that anymore.

Mr. MEEK of Florida. That just happened.

Mr. RYAN of Ohio. That just happened. And it is funny how the chiefs of staff are dropping like flies, first the Vice President's, and now the Attorney General's.

Mr. MEEK of Florida. Mr. RYAN, if you would yield. I mean, Ms. WASSERMAN SCHULTZ, we were just talking just the other day about outing CIA agents; we were just talking about it. And in the last Congress folks were like, why are you all speculating? We are not speculating, I mean, someone is not telling the truth. Now a court of law said that people did know certain things. And you are right, Mr. RYAN, I mean, the most endangered job, especially if you are on the other side of the aisle, is to be chief of staff. Now people are looking at the chief of staff in a different way than they have done before in the past.

□ 1615

Mr. RYAN of Ohio. If I can make a point.

Mr. MEEK of Florida. Make that point.

Mr. RYAN of Ohio. The Attorney General's office, with all these problems, let's think about the role and the mission of the Attorney General's office in the post-9/11 era. We now have Senators calling the current Attorney General not up to the job, I think was the phrase, he is not up to the job, and the other comments that those folks have made.

Ms. WASSERMAN SCHULTZ. They actually went farther than that. You have a former Chief of Staff of the White House, a U.S. Senator from New Hampshire, Mr. SUNUNU, who said, "I think the Attorney General should be fired," period, dot, in the words of Mr. MEEK.

Mr. RYAN of Ohio. The thing is, this has been going on for a long time, and it's not until now where the threat of oversight looms, like impending danger.

Mr. MEEK of Florida. I know Ms. WASSERMAN SCHULTZ will be returning soon, but while we have two high level members of the House Appropriations Committee on the floor at the same time, since you share with me how important the Appropriations Committee is, we need to talk about what's going to happen next week, because I think it's important that the Members understand that we are carrying out a great mission here.

On Tuesday, I know the House will meet at 10:30 for morning business, and we will consider suspension bills, what have you, but we are going to have on the floor next week H.R. 1227, which is the Gulf Coast Hurricane Housing Recovery Act. That is going to resolve many of the issues that gulf coast States and States in the future will face, and will allow us, allow the Federal Government to work in an appropriate way versus an inappropriate way of not being prepared for the needs of the American people.

Then on Wednesday we are going to deal with U.S. troop readiness and accountability act, the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act. Mr. RYAN, you and I were talking about this yesterday, and you were marking it up, or you have marked it up in the Appropriations Committee.

I think it's important that we share with the Members, as they break to go home back to their districts, that the real story within this bill is that it has accountability, that it is protecting the troops in a way that the Department of Defense has said that they should be protected, using their own rules and regulations for readiness.

Now, what does that mean? That is to assure, Mr. RYAN, as you mentioned yesterday, that they have what they need when they go into theater, that it is already there before they get there. They have things that are simple like Kevlar vests, up-armored vehicles, to make sure that they have appropriate downtime before they are put back into the theater. These are Department of Defense regulations. These are not regulations that we came up with here in Congress, this is Department of Defense regulations. So we took those regulations and put it into this legislation.

Looking at holding the Iraqi government to the benchmarks that the President spoke about, when he spoke of his escalation on plan, it's holding the President and also the Iraqi government accountable for benchmarks as it relates to continued funding. Also, I mentioned the strategy of redeployment of U.S. troops by 2008. I think that is very important.

Yesterday I read some poll numbers, Mr. RYAN, that the American people are far ahead of the Bush administra-

tion on this issue. Guess what, we are helping the American people make sure their message makes it into law, makes it into this great emergency supplemental that has teeth in it and that has benchmarks for accountability and fiscal responsibility.

Also, when we look at refocusing military efforts on Afghanistan and fighting terrorism, it's in the bill. What is also in the bill is expanding funding for veterans health care and hospitals. Our track record is clean on this, \$3.6 billion went into veterans health care prior to the Walter Reed story breaking, prior to this emergency supplemental, and the continuing resolution that we passed almost a month ago.

If we can talk a little bit about this legislation, the legislation is coming up next week, but talk about the significance, not only of housing for individuals who are in gulf coast areas, but also the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act. You all just had a great discussion on it today.

Can you share it with the Members so they know exactly what they are voting on next week? You know, in the 30-Something Working Group, we hate to see Members that don't fully understand what they are voting on, because when they go back home and a veteran walks up to him and says, Congressman, Congresswoman, why didn't you vote for additional funding for veterans health care, or when they go to a military base, a Reserve unit, National Guard or Active duty, and they say, well, Congressman, Congresswoman, why are you putting me back into the theater and I just left the theater 120 days ago? That is against Department of Defense regulations.

Ms. WASSERMAN SCHULTZ. Can I share a story with you? I know I have shared this with you before, but I think it's worth repeating.

Right before we debated the Iraq war resolution a couple of weeks ago, I took the opportunity to go to Walter Reed and visit our wounded soldiers, had a chance to meet with six or eight of the finest young men that I have ever encountered. One of them was a young man who suffered from an inoperable illness and was recovering at Walter Reed.

When I met him, his wife and his 6 year-old little boy were there. The gentleman explained to me that he had been in the middle of his third tour of duty, and he had a 6 year-old little boy. Each tour was 1 year, 1 year.

Now, if you do the math, that means that he missed half of his little boy's life. The overwhelming sadness that came over me was almost too much to bear. I mean, this little boy was so sweet, his wife was so understanding, they were so committed to his dad's service, her husband's service. The little boy said to me, just spontaneously, you know, as 6 year-old little boys are, I have a 7 year-old little boy so I know, he spontaneously burst out, he knew

his dad was supposed to finish his tour in August, and he was going to come home forever in August. We forget this is about families and people, and we are destroying the fabric of these families.

Mr. MEEK of Florida. I have to run to the whip's office for an important meeting. I am a member of the Ways and Means Committee. Maybe you all will get a call. I know you are all important, you may get a call as members of the Appropriations Committee to go to the Democratic whip, office of the majority whip, but let me just say this very quickly, the men and women in uniform are standing by for us to sling-shot them in. They want us to stand up for them.

Mr. RYAN, I told you the other day a great Ohio saying, you have to have these sayings in Washington, D.C. and in politics, where they said that we have to remember that the field mouse is fast, but the owl can see at night. It's important that every Member of the House remember why we are here in the first place. People voted for us, you mentioned families, people voted for us to stand up for them, not stand up for a political party or to stand up on behalf of, oh, well, my President is in the White House.

Guess what, the President is the President for the entire country. I don't say your President, he is my President too. When we have issues such as this and we have supplementals, the President said we had a nonbinding resolution, it's nonbinding.

Guess what, this is binding. For folks who are looking for a binding document, this will be a binding document with accountability measures. I hope the two of you as members of the Appropriations Committee can go into it further, because we do have some Members that are on the fence, and we want those Members to vote on behalf of the continuing emergency supplemental so that the troops get what they need. They want us to stand in for them. They want to make sure that we make sure that we sling-shot them in for a win for a change, and this is on behalf of the men and women in uniform, our veterans have been waiting for them.

Mr. RYAN of Ohio. If the gentleman will yield, there is no better way to support the troops than this supplemental bill that just passed out of our committee, and it will be on this floor next week. If you want to talk about sling-shooting the troops in, what we have done, and the Democratic leadership, and Mr. MURTHA, Mr. OBEY has been absolutely phenomenal as to what we have been able to do; \$1.7 billion more than the President's request for defense health care. I don't know how you could vote against us; \$450 million for post-traumatic stress disorder; \$450 million for traumatic brain injury care and research; \$730 million to prevent health care fee increase for our troops; \$20 million to address problems at Walter Reed, and almost \$15 million for

burn care; another \$1.7 billion in addition to the President's request for veterans health care, \$550 million to address the backlog in maintaining VA health care facilities, which has been a huge problem; \$250 million for medical administration to ensure sufficient personnel to support the growing number of Iraq and Afghanistan veterans who are coming back so that they can have the level of service that they need.

Now it's one thing to say you support the troops and then you turn around and you vote against a bill that has \$4- or \$5 billion in it to support the veterans and the troops coming back. It seems quite apparent to me that this is something that we need to do.

Believe me, nobody wants to get out of war faster than me. I want to be out this afternoon, tomorrow morning. Let's come back. This has been foolish to begin with, but there is a certain reality on logistical needs and diversity in the country of how we should do this.

So what we have done today was create a real framework for our kids to come back home, to let the Iraqis stand up, and put these benchmarks. I just want to talk for a minute about what these benchmarks are. Some people say, well, you are tying the President's hands, you are trying to micromanage more. We are not. That is not true.

The facts of the matter are these, the President and the Pentagon have benchmarks. So how many Iraqi troops need to be trained, what does the political situation need to look like? Have they achieved their political and military benchmarks that have been set by the President? All we are saying is that you have to show some progress towards those benchmarks by July.

Now, granted, we have already been in this war longer than we were in World War II. So by July you better show some progress as to meeting the benchmarks. If you are not showing progress, we will begin to redeploy out.

But if by July you are showing some progress, you will then have until October to actually meet the benchmarks. If you don't meet them by October, we redeploy. If you do meet them by October, we redeploy, because you have met the benchmarks.

This is just bringing this war to a reasonable end. What we have done today, I think the end is in sight.

Ms. WASSERMAN SCHULTZ. I am so glad that you went through those benchmarks and stressed that these were the President's benchmarks that we used. The President, on January 10, outlined the benchmarks for success, that he felt were imperative that we need.

Those were that we must give the United States the authority to pursue all extremists, we must rein in the militias and have Iraqis step up to the plate to enforce security. They have to decide how their oil revenues are going to be distributed. That is a very important benchmark that has to be accom-

plished, and they have to pass reconciliation initiatives to keep their country together. Their country is essentially about to fall apart. They are in the midst of civil war and are absolutely at the breaking point.

Besides those benchmarks that we had in that supplemental that we passed out of the Appropriations Committee today, and besides the incredibly necessary emergency funding that the troops need and that our veterans need, we also put provisions in that legislation to make sure that our troops can catch their breath.

I referred to that soldier who I met in Walter Reed, whose little boy just wanted him to come home, and who had missed half his little boy's life. We have soldiers, many, many soldiers, who have completed three tours of duty, are about to go on their fourth, who are deployed for 365 days and then that deployment is extended.

The language we put in that bill ensures and says to the Army that they need to make sure that those deployments are not beyond 365 days.

□ 1630

The President can waive that provision by submitting a report to Congress detailing why that unit's deployment is in the interest of national security. But that is the kind of accountability that we are inserting to protect our troops, to make sure that the President certifies that that deployment, that extension is absolutely essential to protect national security, despite the assessment that the unit is not fully mission capable.

Our readiness is shot. We are spread so incredibly thin, and we are talking about the impact on human beings' lives.

How about the length of deployment? The language in our bill requires the Defense Department to abide by its current policy and avoid extending the deployment of units in Iraq in excess of the 365 days. We have to make sure that those units are fully mission capable, and the time between deployments is essential as well.

The Defense Department would be required to abide by, again, its current policy and avoid sending units back into Iraq before troops get the required time out of the combat zone and training time, 365 days for the Army, and 210 days for the Marines. And the President can also waive that provision in the interest of national security. He just has to certify to Congress that that is the case.

And that is the kind of accountability that the American people insisted upon on November 7. They asked us for a new direction, in the 6 in 2006 items of our agenda that we have already passed, and they insisted that we move this war in a new direction so that there would be an end in sight, so that the President would no longer have a blank check, and so that we could make sure we could protect our men and women in uniform who are

protecting us. And I would be happy to yield to the gentleman. And I am going to have to take my leave of the gentleman because I have constituents that are in town that I need to speak with. I look forward to you carrying on.

Mr. RYAN of Ohio. I look forward to the old team being back down here. And I just want to continue as to what we are doing to try to fix this problem.

As I said, with the benchmarks and making sure the Iraqi soldiers stand up, but a key component of this, as Ms. WASSERMAN SCHULTZ has just mentioned is that we are saying that our troops can't leave here, the United States, and go to Iraq if they don't have the requisite level of equipment and training. And I don't think there is anybody in the country who would want to send one of our soldiers or lots of our soldiers off to war knowing, and the legal term is *mense rea*, you know, with intent, send kids that don't have the proper equipment and training.

And the training part is something that Ms. WASSERMAN SCHULTZ was just talking about. We have a readiness crisis in the Army. We are not capable now of handling another situation, military situation.

Now, I think if you would ask the American people are we overstretched, they would all say yes. And if you talk to the military families, they say, yes, we are overstretched to the point where we have kids in battle who don't have everything that they need. And that is unacceptable. And so in our supplemental bill, we are saying that if you don't have the training and the equipment and the proper amount of rest, you are not going.

Now, we put a waiver in there so that the President could waive it if there is a national security interest involved. But we don't like it. I know I don't like it. I shouldn't speak on behalf of everybody.

But the bottom line is, the President is the President. He is the Commander in Chief. He won the election in 2004. So we are left to deal with the situation.

And if you look at some of the polling in the country, 76 percent of Americans favor requiring U.S. troops returning from Iraq to have at least 1 year in the U.S. before being redeployed. That is a Gallup poll. Seventy-seven percent favor requiring U.S. troops to come home from Iraq if Iraq's leaders fail to meet promises to reduce violence there. And 76 percent of the American people don't think the Bush administration has done everything they could reasonably be expected to do to care for the needs and problems of veterans.

But the bottom line is the American people want accountability, and the American people want to change course. You don't see the kind of tidal wave election that we had in November without a message that comes with it. And the message is, we need to change direction. And the Iraq supplemental bill that passed out of the Appropriations Committee today and will pass

off the floor next week is that change in direction.

Is it everything all of us want? No. Are there things in there that we don't like? Yes. But we have to change direction in this war. It is not going well.

And you talk to the families and, you know, as a Member of Congress, I have made the phone calls, other Members of Congress have made the phone calls to parents. We have been to the funerals, and it is not good. And quite frankly, I don't want to go to any more. But I found out yesterday that I have got to go to another one.

This war has got to end, and it has got to stop. And what we are doing is the quickest way for us to go about bringing a reasonable, thoughtful end to this war, and that means getting our troops out of the middle of a civil war in Iraq.

There are only 2,000 al Qaeda members in Iraq. The war on terrorism needs to move back to Afghanistan, the country that harbored Osama bin Laden. And in this bill there is 1.2 billion additional dollars from the President's request to focus back on Afghanistan, because now Afghanistan, we are starting to lose our way in Afghanistan now because of the lack of focus.

So I think it is very important that the American people recognize what is in this bill. There are benchmarks there that the Iraqis need to meet. And if they don't begin to meet them and show some progress, we start moving out.

We have had 4 years for them to get their stuff together. And for whatever reason, they haven't. And I think, contrary to what some of my friends on the other side have been saying, and the President has said, and people who have kids and everything realize this, this is very basic, that the President is saying, well, if you give them a benchmark, then they are just going to wait us out, and then we leave, and then they will take over, like everything is great right now, and then it will get bad. But it is bad right now.

What we are saying is if we communicate to the Iraqis that we are going to stay there indefinitely, then they will never get their stuff together because they are always relying on us. And what we are saying is, we are not going to be there indefinitely; you better start getting along with each other.

And I hate even saying that because I didn't want this war to happen in the first place. Now we broke them and now we are saying, get your stuff together.

But the bottom line is this, we are where we are, and they need to get together. And the political and religious factions need to get together. And if they don't, we need to leave. And if they do, we need to leave.

I think we have spent enough money, 400, going to be \$500 billion in Iraq. \$500 billion. And 3,100-plus lives, 20-some thousand soldiers who have been amputees, brain injuries, post-traumatic stress disorder. Enough is enough.

Enough is enough. It is time to bring this war to an end. And that is what our supplemental ultimately does.

And so, in closing, I would just like to say, Madam Speaker, that the last 3 weeks we have had hearings in our Labor, Health and Education Subcommittee, and we have had great people testifying on health care in the United States, education in the United States, very interesting stuff. But there are two things that have really hit home to me as I was sitting through these committees with all these experts.

And we had the education experts saying to us that this may be the first generation of Americans who will not have the standard of living or improved standard of living, compared to that of their parents. That was one hearing.

And then the next hearing came in and it was the health care experts. And the health care experts were saying that this generation may be the first generation of Americans that do not exceed the life expectancy level of their parents because of the crisis that we are having in health and obesity in the United States. Literally, your parents may, if you are a kid, your parents may live longer than you live. First time.

And when you look at the money that we are spending to destroy and to kill, as opposed to the money that we spend to create and to build up, it is tragic. It is tragic. And I hate voting for this stuff, but we have to because we have got to get out of there.

But the bottom line is this, we are spending hundreds and hundreds and hundreds of billions of dollars, and the Head Start program that helps kids get off the ground is being cut by \$100 million in the President's budget. We are going to fix that. That is not going to end up that way.

But when you look at we are spending hundreds and hundreds of billions of dollars and flatlining funding on programs like Gear Up and TRIO that help young kids get into colleges and that we are not covering enough kids with children's health care, I hope we all remember this when we get through this war and it is time to make the proper investments in our country.

We only have 300 million people in this country. China has 1.3 billion. India has 1 billion. We need everybody on the field playing for us.

Let's put this war to an end. Let's bring our kids home with dignity, and make sure that when they get home these veterans have the proper health care that they need and that they deserve, and then let's start making some investments into this country so that we can be the best that we can possibly be.

Madam Speaker, you can e-mail us at 30somethingdems@ mail.house.gov, or visit us at www.speaker.gov/ 30something and comment. All of the charts that were seen here are on display on the Web site.

And with that, we conclude our 30-something for the week, and we will see you next week.

VACATING SPECIAL ORDER OF MR. POE

The SPEAKER pro tempore (Mrs. BOYDA of Kansas). Without objection, the 5-minute speech of the gentleman from Texas (Mr. POE) is hereby vacated.

There was no objection.

PROSECUTION OF BORDER PATROL AGENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. POE) is recognized for 60 minutes.

Mr. POE. Madam Speaker, this afternoon I want to discuss criminal cases, three criminal cases that have occurred in these United States. All three of these criminal cases have to do with law enforcement officers that were prosecuted by the Federal Government for alleged crimes that they committed on the southern border with Mexico. And I want to discuss the facts of each of these cases so that we have a clear understanding on what has occurred on the border and the border war with Mexico, and how our Federal Government is so relentless in prosecuting the border protectors and not prosecuting those who come across the border illegally.

The first case has to do with the Border Patrol by the name of David Sipe. David Sipe patrolled the Texas/Mexico border down in what is called the McAllen area. Pinedas, Texas, is exactly where it occurred. That is on the tip of Texas, on the Gulf of Mexico that borders Mexico.

In April of 2000, he was on patrol, as he did for many years, as a Border Patrol agent. And a sensor goes off on the border. What that means is that people are coming across the border without permission, illegals, if we can use that phrase.

David Sipe goes to the area where the sensor goes off and he sees 12 to 15 illegals coming across the border. Agent Sipe orders them to stop.

Now, first of all, Madam Speaker, we have one patrolman and 15 illegals. It takes quite a law enforcement officer to have the courage to stop that many people coming into the United States. But he did so because that was his responsibility.

Three of those illegals, however, ignored Agent Sipe and ran into a brushy area there on the Texas/Mexico border. He caught those three individuals. And one of those individuals who was illegally in the country, a Jose Guevara, attacked Border Agent Sipe. And according to Border Agent Sipe, Guevara was going for the agent's weapon while he was being attacked by this illegal.

So Agent Sipe pulled out a flashlight. It is not just a little flashlight that we

normally get over at Wal-Mart. It is one of those long flashlights, and he hit Guevara in the head defending himself. And the wound on Guevara's head required about five stitches later.

□ 1645

Now, instead of prosecuting Guevara for assaulting the border agent, instead of prosecuting Guevara for being in the country illegally, our U.S. Federal Government swoops on the scene and charges Agent Sipe with using excessive force in the arrest of this illegal.

The government then gave Guevara, the illegal, and two other illegals what I call "get out of jail free" cards. In other words, their crime, illegally coming to the United States, their crime in my opinion of assaulting a border agent, was forgiven with some kind of backroom deal with the promise of those individuals to testify against Agent Sipe in Federal Court for using excessive force against these individuals.

But that is not all your Federal Government did for these illegals. Giving them get out of jail free cards also gave them Social Security cards, witness fees, and permits allowing them travel back and forth across the border to Mexico without any type of intervention, and further gave them living expenses or money, and, finally, gave them free government phones to use while they were waiting to testify against Sipe. So this is the deal they got to testify against the border agent.

Now, it has been my experience as a judge in Texas for over 22 years, trying only criminal cases, only serious felony cases, that when the prosecution starts making deals with witnesses or law violators and giving them some benefit for testimony, they usually get the testimony that the government wants.

And so what happened in this case? The agent was tried, he was convicted, and the three illegals who got immunity testified against him. He was convicted in the year 2006. During the trial, the Mexican Government was involved in this case, pursuing and demanding prosecution of Agent Sipe.

Now, let's talk about the rest of the story. He is convicted and his case is on appeal. But it turns out, while his case is on appeal, he files a motion for a new trial with the trial judge, telling the trial judge that at his own trial the jury should have heard about the deal made to the illegals. You see, the jury was never told about this backroom deal made with these witnesses. The Federal judge agreed and ordered a new trial.

During these hearings, the U.S. Attorney's Office of course never told the defense that they had given the illegals money or U.S. documents or immunity or green cards or Social Security or cell phones. See, the government never told the defense that during the trial, and they didn't know this deal was made with these illegals, and it is found out after the trial. And once this is found out, brought to the attention

of the Federal judge, the defense saying the jury should have known about this so they could hear and judge the credibility of these illegals, a new trial was ordered. And sure enough, he was tried again, the second jury hearing all the truth, the second jury hearing the evidence that the prosecution suppressed in the first trial, and the second jury found Agent Sipe not guilty of any wrongdoing in January of this year.

So the facts of this case: Federal Government prosecutes the border agent for using force; the Federal Government hides evidence in the trial; they are caught hiding evidence; a new trial is ordered; the new trial occurs. The jury hears about the deals made with the illegals, and the second jury finds the agent not guilty, and properly so. Agent Sipe is trying to get his job back as a border agent, but of course our Federal Government is fighting that situation as well.

It makes you wonder, Madam Speaker, why our Federal Government is so relentless in prosecuting border agents, especially in a case like this where the person was found not guilty. And why must our Federal Government withhold and hide evidence that is favorable to the defense in a criminal case? Is it just so they can have convictions of border agents? It makes one wonder, does it not, Madam Speaker?

The second case involves one that most Americans have heard about, two border agents once again on the Texas/Mexico border. Their names are Ramos and Compean. Both of these individuals I have met. I have met their families. They are wonderful people. And both of them, all they ever wanted to be was a law officer protecting the U.S. border from people illegally coming into the United States.

So while these two individuals are on patrol as border agents on the southern border with Mexico, Agent Ramos responded to a call for backup from Agent Compean along the Texas/Mexico border. He had noticed a suspicious van coming into the United States, Texas, if we will, and it looked funny. And based upon his experience as a border agent, a van coming across the river at this desolate area only means one thing to most people: that means it is a drug dealer bringing in drugs.

In the van was an individual by the name of Aldrete-Davila. He was a drug smuggler. And when he comes across the river, he notices the border agents see him. He tries to turn the van around and head back to Mexico. He abandons the van, takes off running. He gets in a scuffle with one of the border agents right there in the Rio Grande riverbed. He runs on back across the Rio Grande river. Shots are fired by both border agents. And Davila, as he is going into Mexico, is shot in I believe the left cheek and the bullet coming out the right cheek. Of course, no one at the scene neither, Ramos or Compean, the border agents, knew that they had hit this individual because he disappears. He already had

somebody waiting for him on the Mexican side to pick him up and take him back into Mexico someplace.

They go to the van, and in the van, sure enough, 800 pounds of marijuana. Now, that doesn't mean much to most of us; but if we give you a money figure, it will be relevant. The marijuana in the van was worth approximately \$1 million. And it is recovered. And then the border agents, after other border agents appear on the scene, are eventually charged with using excessive force against the drug dealer.

How did this all occur, since no one even knew the drug dealer was hurt? Well, it turns out, once again, our Federal Government gets involved in this case, goes to Mexico, finds the drug smuggler Aldrete, brings him back to the United States, takes him to a hospital in El Paso, Texas, and pays for his recovery and his surgery. Paid for it, that means American taxpayers paid for his surgery and paid for his treatment. And while there, he decided he is going to sue the Federal Government, that means us, the taxpayers, for \$5 million for being shot by two border agents.

Now, it is true, Ramos and Compean probably did not follow appropriate policy in the way they handled the reporting of this incident, and so they were suspended. They are tried, but they are not tried for violating Border Patrol policy. They are tried for using excessive force in firing their weapon at this drug dealer as he is fleeing back to Mexico. Part of the reason that they were prosecuted was because, like in the first case with Sipe, the Mexican Government in its self-righteous arrogance demanded prosecution of these two border agents, and that is exactly what happened.

They were prosecuted. They were tried in Federal Government court. It took forever for us in Congress to receive the trial transcript of that trial. And they were sentenced to 11 and 12 years in the Federal penitentiary for alleged civil rights violations.

Now, the Federal Government, the prosecutors, in this case made another deal, a backroom deal with the drug smuggler. They forgave him of his sins of bringing in \$1 million worth of drugs if he would testify against the border agents in this trial. And he did what was expected of him: he testified just exactly the way the Federal Government wanted him to testify in this case.

But now there is more to the story. It turns out that the drug dealer, while waiting to testify after picking up the first case, getting immunity from being prosecuted, and before the trial it seems as though that our little friendly drug dealer from Mexico brings in another 750 pounds of marijuana. And the Federal Government knew about this case, the DEA investigated the case, they made a report. I have that report; I have seen the report. That case is simple to be made. In

other words, it could be a simple prosecution. A third-year law student could prosecute that case.

But the Federal Government doesn't prosecute the drug dealer on the second case. They just ignore the second case. He is never charged; he is never arrested. Nothing ever happens in the second case. And more importantly, the jury never heard about the second case and the second deal that our Federal Government implicitly made for the drug dealer.

Now, why is that important? First of all, it is withholding evidence from the jury. And as we discussed, it is basic American law that the prosecution may not withhold evidence favorable to the defense. They may not withhold it on purpose, they may not withhold it because of their negligence, and they may not withhold it because of their incompetence. If you withhold evidence from the jury that is beneficial to the defense, normally the defense is entitled to a new trial.

Also in the trial the drug dealer was made out to be, by the prosecution, as he testified, just a mule and that he was bringing drugs in the United States to get a little money to help his poor sick mama down there in Mexico. Well, we understand of course that wasn't the truth. He was more than a mule. He brought over at least two different times drugs into the United States. It kind of puts him up on the ladder a little bit, each time the drugs, around \$1 million of drugs, going into our streets and our highways and byways. And the prosecution ignored the second case, and the jury should have heard about the second case to judge the credibility of the witness. And what do I mean by judge the credibility of the witness?

You see, when the witness comes in and testifies, the jury needs to know what deal the prosecution made with the witness to get him to testify because, as I mentioned earlier, you usually get the testimony you want when you make a deal with some criminal. And in this case, the prosecution obviously got the testimony they wanted because Ramos and Compean were convicted.

And so the question is, why did our Federal Government in this case choose not to prosecute the drug dealer?

Assume, if you will, that the border agents violated some policy. They probably should have been suspended, given some days off for not filling out the forms correctly or reporting it correctly. But here, on the other hand, you have got a drug smuggler bringing in \$1 million worth of drugs.

Now, why did our Federal Government choose to prosecute border agents and not prosecute drug smugglers? We don't know the answer to that question. We may never know the answer to that question. But we do know the Mexican Government in this case as well was involved in relentlessly wanting these two border agents prosecuted.

They are both now in Federal penitentiary serving their 11- and 12-year sentences. One of them, shortly after he went into custody, was beat up by people in the local prison because of the fact that he was a Border Patrol agent and arrested many drug dealers in the past.

And let me give you a little more information on this particular case. When this all came to public light about these two border agents, myself and other Members of Congress wanted to know the facts because the trial transcript had not been produced yet.

So we met with members of the Office of Inspector General to try to get a briefing, if you will, on what happened down there on the border; and during that briefing we were told certain things that did not occur. We were told that Ramos and Compean had decided that day they were going to shoot a Mexican national. At the trial, there is no evidence that that ever occurred or any statement was ever made. Is that misleading Members of Congress, misleading the American public?

We were also told that Ramos and Compean did not think the drug dealer had a gun. Not so. During the trial, both agents testified they had thought the drug dealer had a gun, thus the way the angle of the bullet went through one buttocks and came out the other side as if somebody is pointing a weapon at you. That was a falsehood as well.

It makes us wonder as elected officials why our Federal Government is not candid with Members of Congress about the truth of this particular case. So in this particular matter, the jury didn't hear about the second case. And now they are both in prison while their case is on appeal. And, hopefully, the appellate courts will review the entire matter, reverse the case, order a new trial, and let the jury hear all the truth in the second trial, like the jury did in the David Sipe case.

Now the third criminal case, which is even more recent than Agents Ramos and Compean. It also occurs in Texas, it also occurs near the Texas/Mexico border. It occurs in a place called Edwards County, Texas. Probably most Americans haven't been there. Edwards County is about the size of Delaware, and on any given day there are three deputy sheriffs on patrol. That is all.

□ 1700

And one of those deputy sheriffs is a person by the name of Gilmer Hernandez. Gilmer Hernandez was on routine patrol by himself. Of course, they don't have enough manpower to put two people in a patrol car. And in the middle of the night, he is in the small town of Rock Springs, Texas, and he notices a truck, a Suburban, runs a red light. Deputy Hernandez pulls over the vehicle. He approaches the vehicle, and he notices a bunch of people are laying down on the floorboard of this vehicle. As he approaches the vehicle, accord-

ing to Deputy Hernandez, the driver takes off, swerves around, and tries to hit and run over Deputy Hernandez. So what does he do? Well, he pulls out his pistol and he starts shooting. And what is he shooting at? The tires. Just like in the movies, I guess. Deputy Hernandez not only shot at the tires, he hit them, and he blew out at least one, maybe two tires. The vehicle stops. Seven or eight illegals jump out and take off running.

Deputy Hernandez calls the sheriff, tells him exactly what happened, what he did. The sheriff arrives on the scene. The sheriff calls for an independent review or investigation of this entire thing since a shooting was involved, and in come the Texas Rangers.

Many people aren't too familiar with the Texas Rangers, but they are, in my opinion, as fine a law enforcement agency as there is anywhere in the world. They work independently of everybody. The Texas Rangers investigate this case, and they find that Deputy Hernandez acted properly throughout the entire matter.

Now, one thing I must mention is that while he was firing his weapon at the vehicle, one of the bullets ricocheted and hit a passenger in the lip, causing minor injuries, and that passenger stayed in the vehicle when the others fled.

But then here comes the Mexican Consulate with another demand letter to our Federal Government demanding prosecution of Gilmer Hernandez for firing his weapon, even to protect himself.

And then the Federal Government, our Federal Government, even though an investigation had already been done by local law enforcement, like the cavalry they show up to save the day, and Gilmer Hernandez is prosecuted for unlawfully discharging his firearm even though, in my opinion and the opinion of the other law enforcement agencies, he did exactly what he was supposed to do.

Now, Gilmer Hernandez was tried and he was convicted. And on Monday he is going to be sentenced by a Federal court for firing his weapon.

Let me tell you a little bit about Gilmer Hernandez. He is a deputy sheriff. He is 25. He is married and has a child. And patrolling the West Texas sands between Mexico and Texas earns him \$21,000 a year. He has always wanted to be a lawman. He is proud of his service. And now he is in jail for enforcing the law.

So what do we know about the illegals in this case? Remember they are illegally in the country just like the drug dealer was illegally in the country, just like the other three individuals in the Sipe case were illegally in the country. Well, our Federal Government doesn't deport them back to Mexico. Our Federal Government makes a deal with these illegals and gives those seven or eight illegals green cards so they can stay in the United States and testify against Deputy Hernandez.

So it is interesting that these three cases are so similar. It is interesting how our Federal Government has such zeal to prosecute border protectors. And why does our Federal Government immediately take the side of the person that is illegally in the country whether they are an illegal or whether they are a drug dealer or whether somebody assaulted one of our Border Patrol agents? I don't know the answer to that question, but they do. And what has the effect of that been on our border protectors? What effect do you think it is on our border protectors? Border Patrol agents and deputy sheriffs that patrol the southern border with Mexico, when in doubt, they back off. Why? Because if they do their job and protect the border as we expect them to do, the Federal Government doesn't back them up. The Federal Government backs up the illegals that come into this country. All the while we have got the Mexican government back here demanding prosecution of our border protectors.

It is very disturbing to see this trend. And, Madam Speaker, as I mentioned before, I was a judge in Texas for 22 years. I heard about 25,000 felony cases, everything from stealing to killing. And I heard every kind of defense, every kind of story, and every kind of accusation against individuals. And before that I was a prosecutor in Houston, Texas, for 8 years. And I don't have any sympathy for criminals. I don't care if they are what we consider regular criminals or peace officers that violate the law. I even prosecuted five Houston police officers one time for beating up an individual of Hispanic descent and throwing him in one of our bayous where he later drowned. I have no sympathy for criminals whether they wear the badge or don't wear the badge. But looking at these three cases makes me wonder why our government is making the choices that it is making. I guess as long as we will continue to pursue these three matters, we may find the answer.

Now, many Members of Congress on both sides of the aisle have asked the President to pardon Ramos and Compean. That is the President's decision. He hasn't said one way or the other what he is going to do. He has the authority under the Constitution to pardon people. That is his authority, and whatever choice he makes, I respect that choice.

But we are also asking for there to be congressional investigations into this entire matter of the prosecution of these cases, especially in light of the fact that we now find out that the Office of Inspector General misled several Members of Congress, like myself, of what the facts were on the border between Mexico and Texas and in the Ramos and Compean case, because we just want to get to the bottom of it and find the truth in these matters and especially why our government makes the choices that it does.

You know, Madam Speaker, last year and this year we are hearing a word

tossed around. The word is "amnesty." I am personally opposed to granting amnesty to people who are illegally in the country, rewarding them for illegal conduct. But we hear about that amnesty all the time. But before we start talking about giving amnesty to 15 to 20 million people that are illegally in the country, why don't we just give amnesty to about three people, two border agents and a deputy sheriff that are behind bars that happen to be American citizens? Give them amnesty because, in my opinion, what they have done deserves either a pardon or some form of amnesty. And it appears to me that besides really telling our law enforcement officers to back off on protecting the borders, this sends a message to other people, and those are people who want to come into the United States illegally.

Now, we hear all of that about people coming over here and looking for a better life and that sort of thing. That may be true with some people. But not everybody coming over here is looking for a better life. People like Aldrete are coming over here to make a little money selling dope, over a million dollars worth of it in two cases. And failure to protect the border encourages those people to come across the border illegally as well.

And then there is that other group we haven't even talked about, those people that we still use the phrase of terrorists. But since the border is unprotected, it is much easier to just come right into the United States that way instead of fly into Reagan International Airport right down the street. So when we have lawlessness on the border that breeds more lawlessness. And failure to protect the borders increases illegal activity. Failure to support law enforcement agents that are doing their legal job encourages illegal activity into the United States.

I think all of this is telling us that, it appears to me, the Federal Government doesn't have the moral will to protect the borders. Why do I say that? Because this is the most powerful country that has ever existed but yet we cannot protect our borders. Why not? Because we don't have the moral will to do so. The United States defends the borders of other nations. We send our troops all over the world to defend the borders of other nations: Korea. We have got troops in Iraq, Afghanistan, Bosnia, all over the world. But yet we don't protect our own borders. Why not? Because maybe we don't have the moral will to do so. If we did, we could close the borders to any illegals coming into the United States.

So our Federal Government needs to get on the right side of the border conflict, and that is the American side and what is best for the United States. Not what is best for illegals, not what is best for some foreign country, not what is best for drug dealers coming into the United States, but what is best for the United States. And our Federal Government needs to get on the right side of the border conflict.

Madam Speaker, when I was a judge, I always wanted to make sure that in that particular case that justice occurred. To quote Willie Nelson, not that he was a great legal mind, but he made the comment that justice is the one thing we should always find. And that is true. Justice is the one thing we should always find. And, hopefully, if we bring more light to these law enforcement cases where law enforcement officers are prosecuted for doing their job, bring light to the American public that justice will prevail because I do believe in our system. I believe in our system of the trial court and the jury and the appellate courts, but I also believe in openness and that the prosecution cannot and should not ever hide evidence that is favorable to the defense. And down the road, hopefully, we will see justice occur, that these wrongs will be righted, that the innocent will be set free, and that the guilty will be prosecuted for their crimes against the United States and against law enforcement officers that protect our border day in and day out.

Now, I have been down to the Texas-Mexico border seven or eight times. I have been to the California-Mexico border. I hope all Members of Congress, especially those that live in other parts of the country, go to the border to see what it is like. It is a volatile area of our country, and all you need to do is go down there and see it.

When I was down at the Nuevo Laredo sector, where there is a high volume of crossings into the United States, both legal and illegal, I asked a former Texas Ranger, I said, What is it like down here? Give me your opinion.

And he said, Well, Congressman POE, after dark on the Texas-Mexico border, it gets western. It gets western.

What he meant by that is it gets violent. It gets violent. Sheriff Rick Flores of Webb County, Texas, and Webb County is also on the Texas-Mexico border, stated not too long ago that it is not unusual to be down on the Texas border on the American side and get gunfire from the Mexican side coming across shooting at his deputies. Whom is that from? Drug cartels fighting over turf. It gets western.

And the people we have asked that have sworn an oath to protect our border are the peace officers. They wear the badge. They are all that stands between us and the lawless. And we have the duty to make sure they have the equipment to do that job and fulfill that mission, and we have the duty to make sure that when they are in conflict and they have not committed any violation of the law that we totally support them and that we don't give in to the political pressures of other nations.

Madam Speaker, I just want to say that's just the way it is.

□ 1715

USING CONSTRUCTIVE ENGAGEMENT IN THE MIDDLE EAST

The SPEAKER pro tempore (Mrs. BOYDA of Kansas). Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Madam Speaker, you don't negotiate with the barrel of a gun, but that seems to be the President's strategy with respect to Iran. That is why the House must legislate to ensure that the President cannot unilaterally start another war in the Middle East, this time with Iran.

The President has lost all credibility, and the world worries that another war will be waged in Iran in the name of regime change. It has been over a quarter of a century since the U.S. tried constructive engagement instead of destructive isolationism in dealing with Iran.

Foreign policy under this President has played a role in pushing Iran's leaders to the fringe. The Iranian President appears intransigent and willing to use strident rhetoric to drive a wedge between the United States and other nations. What is our response? Showdown and confrontation are the diplomatic skills of this White House, a repeat of the spin cycle to foment a march to war against Iraq. Today it is economic sanctions against Iran, but what about tomorrow?

Presidential advisers like the Vice President continue to encourage a policy of aggression. The President says one thing, but the Vice President says all options are on the table. The Secretary of State says one thing, but then we read what is going on behind the scenes from an investigative reporter, Seymour Hersh. The world is weary over the war in Iraq, and the world is worried about the President's intentions regarding Iran.

The other day the Asia Times raised these concerns in the section entitled "Dispatches From America." The Times published an article by Tom Engelhardt called "A Bombshell That Nobody Heard," and I will enter it in the RECORD. The article considers the troubling information revealed by Seymour Hersh, especially the disclosure of U.S. military planning for a first strike capability targeting Iran, and ready to go on one day's notice.

Despite official denials, we see and hear the Vice President chill the world by saying a military option against Iran has not been ruled out. Having seen it before in this administration, one troubling thought comes to mind: Bullets and bluster are more likely to produce bloodshed than peace.

That is why the House must exert its constitutional duty when it comes to the President's intentions with respect to Iran. We have got to chart a new course in the Middle East, and it has to be based on a commitment to stop the bloodshed, not guarantee the flow of oil. And we cannot hope to achieve

peace or stability in Iraq or Iran without addressing the Palestinian-Israeli issue openly, honestly and urgently.

The issues of the Middle East are inextricably interconnected, and no one understands that better than Speaker PELOSI. At a time when the White House prefers to choose sides, our distinguished leader prefers to pursue peace in the Middle East, demanding diplomacy aimed at achieving peace through social and economic justice for all.

It is the kind of vision the whole world has passionately embraced before when the world believed the United States could stand taller than any problem and person in the region.

So one has to wonder, what were they thinking the other day when some Members of AIPAC, the American Israeli Public Affairs Committee, rudely booed during a keynote address as the Speaker spoke very plainly on this issue. She said the Iraq war has not made America safer, has not made Israel safer, and has not made peace in the Middle East much easier to achieve.

That is the truth. What is wrong with speaking the truth? Leaders speak the truth because they have a deep and abiding faith in the strength of people everywhere to see the truth for what it is and to use it to lay a foundation to build a better world.

Today, America has a Democratic leader willing to see the world as it is, but unwilling to leave it that way. These are difficult times and we face difficult decisions just ahead. We need a strong commitment to get our soldiers out of Iraq and the strength to prevent another military misadventure in Iran.

The path to peace should be littered with pages and pages of negotiation, not booby trapped by inflammatory rhetoric and people unwilling to listen.

Madam Speaker, I include for the RECORD the materials referred to earlier.

[From the Asia Times: Dispatches From America]

A BOMBHELL THAT NOBODY HEARD
(By Tom Engelhardt)

Let me see if I've got this straight. Perhaps two years ago, an "informal" meeting of "veterans" of the 1980s Iran-Contra scandal—holding positions in the Bush administration—was convened by Deputy National Security Adviser Elliott Abrams. Discussed were the "lessons learned" from that labyrinthine, secret and illegal arms-for-money-for-arms deal involving the Israelis, the Iranians, the Saudis, and the Contras of Nicaragua, among others—and meant to evade the Boland Amendment, a congressionally passed attempt to outlaw US administration assistance to the anti-communist Contras.

In terms of getting around Congress, the Iran-Contra vets concluded, the complex operation had been a success—and would have worked far better if the Central Intelligence Agency (CIA) and the military had been kept out of the loop and the whole thing had been run out of the vice president's office.

Subsequently, some of those conspirators, once again with the financial support and help of the Saudis (and probably the Israelis

and the British), began running a similar operation, aimed at avoiding congressional scrutiny or public accountability of any sort, out of Vice President Dick Cheney's office. They dipped into "black pools of money", possibly stolen from the billions of Iraqi oil dollars that have never been accounted for since the US occupation began.

Some of these funds, as well as Saudi ones, were evidently funneled through the embattled, Sunni-dominated Lebanese government of Prime Minister Fouad Siniora to the sort of Sunni jihadist groups ("some sympathetic to al-Qaeda") whose members might normally fear ending up in Guantanamo and to a group, or groups, associated with the fundamentalist Muslim Brotherhood.

All of this was being done as part of a "sea change" in the Bush administration's Middle East policies aimed at rallying friendly Sunni regimes against Shi'ite Iran, as well as Hezbollah, Hamas and the Syrian government—and launching secret operations to undermine, roll back or destroy all of the above. Despite the fact that the administration of President George W. Bush is officially at war with Sunni extremism in Iraq (and in the more general "global war on terror"), despite its support for the largely Shi'ite government, allied to Iran, that it has brought to power in Iraq, and despite its dislike for the Sunni-Shi'ite civil war in that country, some of its top officials may be covertly encouraging a far greater Sunni-Shi'ite rift in the region.

Imagine. All this and much more was revealed, often in remarkable detail, just over a week ago in "The redirection", a Seymour Hersh piece in *The New Yorker*. Other revelations included news of US military border crossings into Iran, new preparations that would allow Bush to order a massive air attack on that land with only 24 hours' notice, and a brief window this spring when the staggering power of four US aircraft-carrier battle groups might be available to Bush in the Persian Gulf.

Hersh, the man who first broke the My Lai story in the Vietnam era, has never been off his game since. In recent years, from the Abu Ghraib prison scandal on, he has consistently released explosive news about the plans and acts of the Bush administration.

Imagine, in addition, that Hersh went on Democracy Now!, Fresh Air, Hardball with Chris Matthews and CNN's Late Edition with Wolf Blitzer and actually elaborated on these claims and revelations, some of which, on the face of it, seem like potentially illegal and impeachable offenses, if they do indeed reach up to the vice president or president.

Now imagine the response: front-page headlines; editorials nationwide calling for answers, congressional hearings, or even the appointment of a special prosecutor to look into some of the claims; a raft of op-ed-page pieces by the nation's leading columnists asking questions, demanding answers, reminding us of the history of Iran-Contra; bold reporters from recently freed media standing up in White House and Defense Department press briefings to demand more information on Hersh's various charges; calls in Congress for hearings and investigations into why the people's representatives were left so totally out of this loop.

Uh . . . All I can say is: if any of this happened, I haven't been able to discover it. As far as I can tell, no one in the mainstream even blinked on the Iran-Contra angle or the possibility that a vast, secret Middle Eastern operation is being run, possibly illegally and based on stolen funds and Saudi money, out of the US vice president's office.

You can certainly find a few pieces on, or reports about, "The redirection"—all focused only on the possible buildup to a war with

Iran—and the odd wire-service mention of it; but nothing major, nothing earth-shaking or eye-popping; not, in fact, a single obvious editorial or op-ed piece in the mainstream; no journalistic questions publicly asked of the administration; no congressional cries of horror; no calls anywhere for investigations or hearings on any of Hersh's revelations, not even an expression of fear somewhere that we might be seeing Iran-Contra, the sequel, in our own moment.

This, it seems to me, adds up to a remarkable non-response to claims that, if true, should gravely concern Congress, the media and the nation.

Let's grant that Hersh's New Yorker pieces generally arrive unsourced and filled with anonymous officials ("a former senior intelligence official", "a US government consultant with close ties to Israel"). Nonetheless, Hersh has long mined his sources in the intelligence community and the military to striking effect. Undoubtedly, the lack of sourcing makes it harder for other reporters to follow up, though when it comes to such papers as the Washington Post and the New York Times, you would think that they might have Washington sources of their own to query on Hersh's claims.

And, of course, editorial pages, columnists, op-ed editors, congressional representatives and reporters at administration news briefings don't need to do any footwork at all to raise these subjects. (Consider, for instance, the White House press briefing last April 10, where a reporter did indeed ask a question based on an earlier Hersh New Yorker piece.) As far as I can tell, there haven't even been denunciations of Hersh's report or suggestions anywhere that it is inaccurate or off-base. Just the equivalent of a giant, collective shrug of the U.S. media's rather scrawny shoulders.

Since the response to Hersh's remarkable piece has been so tepid in places where it should count, let me take up just a few of the many issues his report raises.

"MEDDLING" IN IRAN

For at least a month, the U.S. press and television news have been full to the brim with mile-high headlines and top-of-the-news stories recounting (and, more rarely, disputing) Bush administration claims of Iranian "interference" or "meddling" in Iraq (where U.S. military spokesmen regularly refer to the Iraqi insurgents they are fighting as "anti-Iraq forces").

Since Hersh published "Plan B" in The New Yorker in June 2004 in which he claimed that the Israelis were "running covert operations inside Kurdish areas of Iran and Syria", he has been on the other side of this story.

In "The coming wars" in January 2005, he first reported that the Bush administration, like the Israelis, had been "conducting secret reconnaissance missions inside Iran at least since" the summer of 2004. Last April in "The Iran plans", he reported that the administration was eager to put the "nuclear option" on the table in any future air assault on Iranian nuclear facilities (and that some in the Pentagon, fiercely opposed, had at least temporarily thwarted planning for the possible use of nuclear bunker-busters in Iran).

He also reported that U.S. combat units were "on the ground" in Iran, marking targets for any future air attack, and quoted an unnamed source as claiming that they were also "working with minority groups in Iran, including the Azeris, in the north, the Balochis, in the southeast, and the Kurds, in the northeast. The troops are studying the terrain, and giving away walking-around money to ethnic tribes, and recruiting scouts from local tribes and shepherds," the consult-

ant said. One goal is to get 'eyes on the ground' . . . The broader aim, the consultant said, is to 'encourage ethnic tensions' and undermine the regime."

In "The redirection", he now claims that in search of Iranian rollback and possible regime change, "American military and special-operations teams have escalated their activities in Iran to gather intelligence and, according to a Pentagon consultant on terrorism and the former senior intelligence official, have also crossed the [Iranian] border in pursuit of Iranian operatives from Iraq."

In his Democracy Now! radio interview, he added: "We have been deeply involved with Azeris and Balochis and Iranian Kurds in terror activities inside the country . . . and, of course, the Israelis have been involved in a lot of that through Kurdistan . . . Iran has been having sort of a series of back-door fights, the Iranian government, because . . . they have a significant minority population. Not everybody there is a Persian. If you add up the Azeris and Balochis and Kurds, you're really 30-some [%], maybe even 40% of the country."

In addition, he reported that "a special planning group has been established in the offices of the Joint Chiefs of Staff, charged with creating a contingency bombing plan for Iran that can be implemented, upon orders from the president, within 24 hours" and that its "new assignment" was to identify not just nuclear facilities and possible regime-change targets, but "targets in Iran that may be involved in supplying or aiding militants in Iraq."

Were there nothing else in Hersh's most recent piece, all of this would still have been significant news—if we didn't happen to live on a one-way imperial planet in which Iranian "interference" in (American) Iraq is an outrage, but secret U.S. operations in, and military plans to devastate, Iran are your basic ho-hum issue.

America's mainstream news purveyors don't generally consider the issue of the United States' "interference" in Iran worthy of a great deal of reporting, nor do U.S. pundits consider it a topic worthy of speculation or consideration; nor, in a Congress where leading Democrats have regularly outflanked the Bush administration in hawkish positions on Iran, is this likely to be much of an issue.

You can read abroad about rumored U.S. operations out of Pakistan and Afghanistan aimed at unsettling Iranian minorities such as the Balochs and about possible operations to create strife among Arab minorities in southern Iran near the Iraqi border—the Iranians seem to blame the British, whose troops are in southern Iraq, for some of this (a charge vociferously denied by the British Embassy in Tehran)—but it's not a topic of great interest in the U.S.

In recent months, in fact, several bombs have gone off in minority regions of Iran. These explosions have been reported in the U.S., but you would be hard-pressed to find out what the Iranians had to say about them, and the possibility that any of these might prove part of a U.S. (or Anglo-American) covert campaign to destabilize the Iranian fundamentalist regime basically doesn't concern the news mind, even though history says it should.

After all, many of the United States' present Middle Eastern problems can be indirectly traced back to the successful CIA-British-intelligence plot in 1953 to oust prime minister Mohammad Mossadegh (who had nationalized the Iranian oil industry) and install young Mohammad Reza Pahlavi in power as shah.

After all, in the 1980s, in the anti-Soviet war in Afghanistan, the CIA (with the eager connivance of the Pakistanis and the Saudis)

helped organize, arm and fund the Islamic extremists who would some day turn on the U.S. for terror campaigns on a major scale.

As Steve Coll reported in his superb book *Ghost Wars*, for instance, "Under ISI [Pakistan's Inter-Services Intelligence] direction, the mujahideen received training and malleable explosives to mount car-bomb and even camel-bomb attacks in Soviet-occupied cities, usually designed to kill Soviet soldiers and commanders. [CIA director William] Casey endorsed these despite the qualms of some CIA career officers."

Similarly, in the early 1990s, the Iraq National Accord, an organization run by the CIA's Iraqi exile of choice, Iyad Allawi, evidently planted, under the agency's direction, car bombs and explosive devices in Baghdad (including in a movie theater) in a fruitless attempt to destabilize Saddam Hussein's regime. The New York Times reported this on its front page in June 2004 (to no effect whatsoever), when Allawi was the prime minister of U.S.-occupied Iraq.

Who knows where the funding, training and equipment for the bombings in Iran are coming from—but, at a moment when charges that the Iranians are sending into Iraq advanced improvised explosive devices, or the means to produce them, are the rage, it seems a germane subject.

In the U.S., it's a no-brainer that the Iranians have no right whatsoever to put their people, overtly or covertly, into neighboring Iraq, a country that, back in the 1980s, invaded Iran and fought a bitter eight-year war with it, resulting in perhaps a million casualties; but it's just normal behavior for the Pentagon to have traveled halfway across the planet to dominate the Iraqi military, garrison Iraq with a string of vast permanent bases, build the largest embassy on the planet in Baghdad's Green Zone, and send special-operations teams (and undoubtedly CIA teams as well) across the Iranian border, or to insert them in Iran to do "reconnaissance" or even to foment unrest among its minorities. This is the definition of an imperial world view.

SLEEPLESS NIGHTS

Let's leave Iran now and briefly take up a couple of other matters highlighted in "The redirection" that certainly should have raised the odd red flag and pushed the odd alarm button in the U.S. far more than his Iranian news (which did at least get some attention).

Iran-Contra redux: Does it raise no eyebrows that, under the leadership of Elliott Abrams (who in the Iran-Contra period pleaded guilty to two counts of unlawfully withholding information from Congress and was later pardoned), such a meeting was held? Does no one want to confirm that this happened? Does no one want to know who attended?

Iran-Contra alumni in the Bush administration at one time or another included the late president Ronald Reagan's national security adviser John Poindexter, Otto Reich, John Negroponte (who, Hersh claims, recently left his post as director of national intelligence to avoid the 21st-century version of Iran-Contra—"No way. I'm not going down that road again, with the NSC [National Security Council] running operations off the books, with no [presidential] finding"), Roger Noriega, and Robert Gates.

Did the vice president or president sit in? Was either of them informed about the "lessons drawn"? Were the vice president's right-hand men, I. Lewis "Scooter" Libby and/or David Addington, in any way involved? Who knows?

In the Iran-Contra affair, the Reagan administration drew together the seediest collection of freelance arms dealers, intelligence agents, allies and—in the case of ayatollah Ruhollah Khomeini's Iranian regime—

sworn enemies in what can only be called "amateur hour" at the White House. Now, it looks as if the Bush administration is heading down a similar path and, given its previous "amateur hour" reputation in foreign policy, imagine what this is likely to mean.

Jihadis as proxies: Using jihadis as U.S. proxies in a struggle to roll back Iran—with the help of the Saudis—should have rung a few bells somewhere in U.S. memory as another been-there, done-that moment. In the 1980s—on the theory that my enemy's enemy is my friend—the fundamentalist Catholic CIA director William Casey came to believe that Islamic fundamentalists could prove tight and trustworthy allies in rolling back the Soviet Union.

In Afghanistan, as a result, the CIA, backed by the Saudi royals, who themselves represented an extremist form of Sunni Islam, regularly favored and funded the most extreme of the mujahideen ready to fight the Soviets. Who can forget the results? Today, according to Hersh, the Saudis are reassuring key figures in the Bush administration that this time they have the jihadis to whom funds are flowing under control. No problem. If you believe that, you'll believe anything.

Congress in the dark: Hersh claims that, with the help of Saudi National Security Adviser Prince Bandar bin Sultan (buddy to the Bushes and Cheney's close comrade-in-arms), the people running the black-ops programs out of Cheney's office have managed to run circles around any possibility of congressional oversight, leaving the institution completely "in the dark", which is undoubtedly exactly where Congress wanted to be for the past six years. Is this still true? The non-reaction to the Hersh piece isn't exactly encouraging.

To summarize, if Hersh is to be believed—and as a major journalistic figure for the past near-40 years he certainly deserves to be taken seriously—the Bush administration seems to be repeating the worst mistakes of the Reagan administration and of the anti-Soviet war in Afghanistan, which led inexorably to the greatest acts of blowback in U.S. history.

Given what we already know about the Bush administration, Americans should be up nights worrying about what all this means now as well as down the line. For Congress, the media and Americans in general, this report should have been not just a wake-up call, but a shout for an allnighter with NoDoz.

In my childhood, one of the Philadelphia papers regularly ran cartoon ads for itself in which some poor soul in a perilous situation—say, clinging to the ledge of a tall building—would be screaming for help, while passers-by were so engrossed in the paper that they didn't even look up. Now, we have the opposite situation: a journalist in essence writing bloody murder in a giant media and governmental crowd. In this case, no one in the mainstream evidently cares—not yet, anyway—to pay the slightest attention.

It seems that there's a crime going on and no one gives a damn.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. CLARKE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. SHIMKUS) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 5 minutes, March 22.

Mr. BOOZMAN, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, today.

Mr. PRICE of Georgia, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, March 19, 20, 21, and 22.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on March 14, 2007, she presented to the President of the United States, for his approval, the following bills.

H.R. 342. To designate the United States courthouse located at 555 Independence Street in Cape Girardeau, Missouri, as the "Rush Hudson Limbaugh, Sr. United States Courthouse".

H.R. 544. To designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse".

H.R. 584. To designate the Federal building located at 400 Maryland Avenue Southwest in the District of Columbia as the "Lyndon Baines Johnson Department of Education Building".

ADJOURNMENT

Mr. McDERMOTT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, March 16, 2007, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

866. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — West Virginia Abandoned Mine Lands Reclamation Plan (RIN: WV-111-FOR) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

867. A letter from the Chief, Branch of Bird Conservation, Department of the Interior, transmitting the Department's final rule — Migratory Bird Permits; Take of Migratory Birds by the Armed Forces (RIN: 1018-AI92) received March 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

868. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened

Wildlife and Plants; Withdrawal of Proposed Rule to List *Lepidium papilliferum* (Slickspot Peppergrass) (RIN: 1018-AU99) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

869. A letter from the Principal Deputy Assistant Secretary — Indian Affairs, Department of the Interior, transmitting the Department's final rule — Preparation of Rolls of Indians (RIN: 1076-AE44) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

870. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Interim Rule [Docket No. 061213334-6334-01; I.D. 120806B] (RIN: 0648-AV05) received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

871. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2007 A and B Season Allowances of Pollock in Statistical Area 620 in the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 010807A] received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

872. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2007 Summer Flounder, Scup, and Black Sea Bass Specifications [Docket No. 061020273-6321-02; I.D. 101606A] (RIN: 0648-AT60) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

873. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No. 061003253-7008-02; I.D. 092606A] (RIN: 0638-AU27) received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

874. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 112006C] received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

875. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfers [Docket No. 051104293-5344-02; I.D. 122806A] received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

876. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2006

Red Snapper Commercial Fishery [Docket No. 990506119-9235-02; I.D. 121106C] received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

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. FRANK: Committee on Financial Services. H.R. 835. A bill to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians (Rept. 110-50). 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 Ms. JACKSON-LEE of Texas (for herself, Mr. THOMPSON of Mississippi, Mr. MARKEY, and Mr. LANGEVIN):

H.R. 1530. A bill to provide that no Federal funds may be used by the Secretary of Homeland Security to approve a site security plan for a chemical facility, unless the facility meets or exceeds security standards and requirements established for such a facility by the State or local government for the area where the facility is located, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, 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. UPTON (for himself and Mr. RUSH) (both by request):

H.R. 1531. A bill to prohibit deceptive acts and practices in the content rating and labeling of video games; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas (for himself, Mrs. WILSON of New Mexico, and Ms. BALDWIN):

H.R. 1532. A bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ALLEN:

H.R. 1533. A bill to provide for the establishment of a national mercury monitoring program; to the Committee on Energy and Commerce.

By Mr. ALLEN:

H.R. 1534. A bill to prohibit the sale, distribution, or transfer of mercury, to prohibit the export of mercury, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Ms. DEGETTE, Mr. PALLONE, Mr. WAXMAN, Ms. BALDWIN, Mr. ENGEL, Ms. SCHAKOWSKY, Mr. BOUCHER, Ms. ESHOO, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. GORDON, Mrs. CAPPS, Mr. BUTTERFIELD, Mr. MARKEY, Mr. WEINER, Mr. ALLEN, Mr. WYNN, Mr. MELANCON, Ms. MATSUI, Mr. MCNULTY, Ms. HIRONO, and Mr. ROSS):

H.R. 1535. A bill to amend titles XIX and XXI of the Social Security Act to ensure that every child in the United States has access to affordable, quality health insurance coverage, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOGGETT (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDOZA, Ms. CARSON, Ms. CASTOR, Mr. CHANDLER, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. COHEN, Mr. CONYERS, Mr. COSTELLO, Mr. COURTNEY, Mr. CROWLEY, Mr. CUELLAR, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFazio, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DOYLE, Mr. EDWARDS, Mr. ELLISON, Mr. EMANUEL, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. GORDON, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HARE, Mr. HASTINGS of Florida, Ms. HERSETH, Mr. HIGGINS, Mr. HINCHEY, Mr. HINOJOSA, Ms. HIRONO, Mr. HONDA, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mrs. JONES of Ohio, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY, Mr. KILDEE, Ms. KILPATRICK, Mr. KLEIN of Florida, Mr. KUCINICH, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY of New York, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. ORTIZ, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. RODRIGUEZ, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SHERMAN, Mr. SIREs, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mr. STUPAK, Ms. SUTTON, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Mr. WEINER, Mr. WELCH of Vermont, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, Mr. WYNN, Mr. YARMUTH, and Mr. LOEBACK):

H.R. 1536. A bill to amend part D of title XVIII of the Social Security Act to assist low-income individuals in obtaining subsidized prescription drug coverage under the Medicare prescription drug program by expediting the application and qualification process and by revising the resource standards used to determine eligibility for such subsidies, and for other purposes; to the Committee on Energy and Commerce, and in ad-

dition 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. KANJORSKI (for himself, Mr. ROYCE, Mrs. MALONEY of New York, Mr. LATOURETTE, Mr. SHERMAN, Mr. BURTON of Indiana, Mr. GUTIERREZ, Mr. PAUL, Mrs. NAPOLITANO, Mr. CHABOT, Mr. ORTIZ, and Mr. CALVERT):

H.R. 1537. A bill to modernize credit union net worth standards, advance credit union efforts to promote economic growth, and modify credit union regulatory standards and reduce burdens, and for other purposes; to the Committee on Financial Services.

By Mr. SKELTON (for himself, Mr. HUNTER, Mr. SNYDER, Mr. MCHUGH, and Mr. FILNER):

H.R. 1538. A bill to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA (for himself, Mr.

AKIN, Mr. BARRETT of South Carolina, Mr. BISHOP of Utah, Mr. BLUNT, Mr. CANNON, Mr. CULBERSON, Mr. FEENEY, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOODE, Mr. HENSARLING, Mr. ISSA, Mr. KINGSTON, Mr. LINDER, Mr. MCHENRY, Mrs. MUSGRAVE, Mr. PENCE, Mr. PRICE of Georgia, Mr. RENZI, Mr. ROHR-ABACHER, Mr. SENSENBRENNER, Mr. TANCREDO, Mr. TIAHRT, Mr. WELDON of Florida, Mr. WILSON of South Carolina, Mrs. BACHMANN, Mr. BARTLETT of Maryland, Mrs. BLACKBURN, Mr. CAMPBELL of California, Mr. CANTOR, Mr. DOOLITTLE, Ms. FOX, Mr. FLAKE, Mr. GILCHREST, Mr. GOHMERT, Mr. GOODLATTE, Mr. INGLIS of South Carolina, Mr. JONES of North Carolina, Mr. LEWIS of Kentucky, Mr. MANZULLO, Mr. MORAN of Kansas, Mr. PAUL, Mr. PITTS, Mr. RAMSTAD, Mr. ROGERS of Michigan, Mr. SALI, Mr. SHADEGG, Mr. THORNBERRY, Mr. WALBERG, and Mr. WESTMORELAND):

H.R. 1539. A bill to allow a State to submit a declaration of intent to the Secretary of Education to combine certain funds to improve the academic achievement of students; to the Committee on Education and Labor.

By Mr. LEWIS of Georgia (for himself, Ms. PRYCE of Ohio, Mr. LEVIN, Mr. RAMSTAD, Mr. BECERRA, and Mr. ENGLISH of Pennsylvania):

H.R. 1540. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa (for himself, Mr. LOEBACK, and Mr. BOSWELL):

H.R. 1541. A bill to provide support and assistance for families of members of the National Guard and Reserve who are undergoing deployment, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. GEORGE MILLER of California, Mrs. MCCARTHY of New York, Ms. WOOLSEY, Mr. COHEN, Mr. ALLEN, Mr. DOYLE, Mr. OLIVER, Mr. WAXMAN, Mr. MURPHY of Connecticut, Mr. LYNCH, Mrs. MALONEY of New York, and Ms. MCCOLLUM of Minnesota):

H.R. 1542. A bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMANUEL (for himself, Mr. SHIMKUS, Mr. WEXLER, and Ms. BERKLEY):

H.R. 1543. A bill to expand visa waiver program to countries on a probationary basis, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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. ENGEL (for himself and Mr. FOSSELLA):

H.R. 1544. A bill to establish an Advisory Committee on Gestational Diabetes, to provide grants to better understand and reduce gestational diabetes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FORTUÑO:

H.R. 1545. A bill to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of Fort San Geronimo and other related resources in the Commonwealth of Puerto Rico and the suitability and feasibility of their inclusion in the National Park System as part of the San Juan National Historic Site, and for other purposes; to the Committee on Natural Resources.

By Mr. HALL of New York (for himself, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, Mr. CROWLEY, Mr. HARE, Mr. HIGGINS, Mr. HINCHEY, Mr. HOLT, Ms. HOOLEY, Mrs. MALONEY of New York, Ms. NORTON, Mr. RAHALL, Mr. SPACE, and Mr. WELCH of Vermont):

H.R. 1546. A bill to authorize members of the Armed Forces receiving outpatient care at Walter Reed Army Medical Center to receive such care through the Department of Veterans Affairs, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HARMAN:

H.R. 1547. A bill to prohibit the sale of certain inefficient light bulbs, and require the development of a plan for increasing the use of more efficient light bulbs by consumers and businesses; to the Committee on Energy and Commerce.

By Mr. HODES (for himself, Mr. MICHAUD, Mr. ARCURI, Mr. MCHUGH, Mr. ALLEN, and Mr. WELCH of Vermont):

H.R. 1548. A bill to establish the Northern Border Economic Development Commission, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JINDAL:

H.R. 1549. A bill to use data from school years preceding the Gulf hurricane disasters for purposes of determining allotments under title III of the Higher Education Act of 1965 to institutions impacted by those disasters; to the Committee on Education and Labor.

By Mr. JONES of North Carolina:

H.R. 1550. A bill to reduce the reporting and certification burdens for certain financial institutions of sections 302 and 404 of the Sarbanes-Oxley Act of 2002; to the Committee on Financial Services.

By Mr. KIND (for himself, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BAIRD, Mr. BECERRA, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BRALEY of Iowa, Mrs. CAPPS, Mr. CAPUANO, Mr. CHANDLER, Ms. CLARKE, Mr. CONYERS, Mr. CROWLEY, Mr. DEFazio, Ms. DEGETTE, Mr. DELAHUNT, Mr. DICKS, Mr. DINGELL, Mr. ELLISON, Mr. ENGEL, Mr. ENGLISH of Pennsylvania, Mr. FARR, Mr. FILNER, Mr. FRELINGHUYSEN, Mr. GERLACH, Mr. GILCREST, Mr. HIGGINS, Ms. HIRONO, Mr. HINCHEY, Ms. HOOLEY, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Ms. KAPTAN, Mr. KILDEE, Mr. LANGEVIN, Mr. LATOURETTE, Mr. LOBIONDO, Mr. LYNCH, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. McNULTY, Mr. MEES of New York, Mr. MEEHAN, Mr. MICHAUD, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. OLIVER, Mr. PALLONE, Mr. PAYNE, Mr. PASCRELL, Mr. PERLMUTTER, Mr. PETRI, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. RAMSTAD, Mr. REICHERT, Mr. SAXTON, Mr. SIREs, Mr. SHAYS, Mr. SMITH of Washington, Mr. STUPAK, Mrs. TAUSCHER, Mr. TIERNEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, and Mr. WALSH of New York):

H.R. 1551. A bill to reauthorize Department of Agriculture conservation and energy programs and certain other programs of the Department, to modify the operation and administration of these programs, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Education and Labor, 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. POMEROY (for himself, Mr. RAMSTAD, Ms. BALDWIN, Mr. LEWIS of Kentucky, Mr. TIM MURPHY of Pennsylvania, Mr. ROGERS of Alabama, Mr. CONAWAY, Mr. HINCHEY, Mr. FARR, Mr. MCCOTTER, Mr. CHANDLER, Mr. RUPPERSBERGER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FRANKS of Arizona, Mr. BUTTERFIELD, Mrs. MCMORRIS RODGERS, Mr. GRAVES, Mrs. MALONEY of New York, Mr. NEAL of Massachusetts, Mr. LANGEVIN, Mr. BISHOP of Utah, Mr. ENGLISH of Pennsylvania, Mr. ALLEN, Mr. MCINTYRE, Mr. DAVIS of Alabama, Mr. UDALL of Colorado, Mr. KIRK, Mr. BARTLETT of Maryland, Mr. HIGGINS, Mr. PAUL, Mr. MORAN of Kansas, Mr. SOUDER, Mr. BOSWELL, Mr. PEARCE, Mr. McNULTY, Mr. PITTS, Mr. GERLACH, Ms. SCHWARTZ, Mr. GARY G. MILLER of California, Mr. SHIMKUS, Mr. GRIJALVA, Mr. MICHAUD, Mr. ETHERIDGE, Mr. WELLER, Mr. DAVIS of Kentucky, Mr. EMANUEL, Mrs. MCCARTHY of New York, and Mr. REICHERT):

H.R. 1552. A bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes; 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 Ms. PRYCE of Ohio (for herself, Mr. VAN HOLLEN, Mr. MCCAUL of Texas, Mr. SESTAK, Mr. FERGUSON, Mr. CASTLE, Mr. YARMUTH, Mr. REICHERT, Mr. HASTINGS of Florida, Mr. SCHIFF, Mr. MICA, Mr. RUPPERSBERGER, Mrs. MUSGRAVE, Mr. LARSEN of Washington, Mr. GRAVES, Mr. PLATTS, Mr. CULBERSON, Mr. ENGEL, Mr. HIGGINS, Mr. BOUCHER, Mr. MORAN of Virginia, Mr. REYES, Mr. KILDEE, Mr. DREIER, Mr. CHANDLER, Mr. SESSIONS, Mr. GRIJALVA, Mr. SHUSTER, Mr. AL GREEN of Texas, and Mr. FORBES):

H.R. 1553. A bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers; to the Committee on Energy and Commerce.

By Mr. ROGERS of Alabama:

H.R. 1554. A bill to require the Secretary of Defense to develop and implement a plan to provide chiropractic health care services and benefits for certain new beneficiaries as part of the TRICARE program; to the Committee on Armed Services.

By Mr. ROGERS of Michigan (for himself, Mr. EHLERS, and Mr. ADERHOLT):

H.R. 1555. A bill to impose a two year moratorium on the approval by the Secretary of the Interior of new Tribal-State compacts for gaming under the Indian Gaming Regulatory Act; to the Committee on Natural Resources.

By Mr. TERRY (for himself, Mr. PAUL, Mr. DOOLITTLE, Mr. SESSIONS, Mrs. BONO, Mr. MCCOTTER, Mr. FRANKS of Arizona, Mrs. BLACKBURN, Mr. MCHUGH, Mr. REGULA, Mr. SIMPSON, Mrs. MCMORRIS RODGERS, Mr. GARRETT of New Jersey, Mr. CUELLAR, Mr. FOSSELLA, Mr. GOHMERT, Mrs. MUSGRAVE, Mr. SOUDER, Mr. POE, Mrs. MYRICK, Mr. MCCAUL of Texas, Mr. MARIO DIAZ-BALART of Florida, Mr. WALBERG, Mr. PATRICK MURPHY of Pennsylvania, Mr. JORDAN, and Mr. PEARCE):

H.R. 1556. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty on the deduction for interest on student loans; to the Committee on Ways and Means.

By Ms. HOOLEY (for herself, Mr. BLUMENAUER, and Mr. ORTIZ):

H. Con. Res. 92. Concurrent resolution recognizing and commending Dr. Robert Meaders and all of the volunteers and contributors of Operation Helmet for their efforts in sending out 35,000 helmet upgrade kits to members of the United States Armed Forces deployed in Iraq and Afghanistan; to the Committee on Armed Services.

By Mrs. MCCARTHY of New York (for herself, Mr. ANDREWS, Ms. BERKLEY, Mr. BOREN, Mr. BOSWELL, Mrs. BOYDA of Kansas, Mr. BRADY of Pennsylvania, Mr. BURTON of Indiana, Mr. CARNEY, Mr. COOPER, Mr. COURTNEY, Mrs. DAVIS of California, Ms. GIFFORDS, Mrs. GILLIBRAND, Mr. HARE,

Ms. JACKSON-LEE of Texas, Mr. KING of New York, Mr. LOEBBACH, Mr. MARSHALL, Mr. MEEHAN, Mr. PATRICK MURPHY of Pennsylvania, Mr. ORTIZ, Mr. REYES, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Ms. SHEA-PORTER, Mr. SKELTON, Mr. SMITH of Washington, Mr. SNYDER, Mr. SPRATT, Mrs. TAUSCHER, and Mr. TAYLOR):

H. Con. Res. 93. Concurrent resolution honoring the heroic service and sacrifice of the glider pilots of the United States Army Air Forces during World War II; to the Committee on Armed Services.

By Mr. JOHNSON of Georgia (for himself, Mr. CONYERS, Mr. COHEN, and Ms. LINDA T. SANCHEZ of California):

H. Res. 247. A resolution recognizing the contributions of all United States Attorneys, past and present; to the Committee on the Judiciary.

By Mr. BOUCHER (for himself and Mr. CANNON):

H. Res. 248. A resolution honoring the contributions of patient participants in clinical trials; to the Committee on Energy and Commerce.

By Mr. FLAKE (for himself, Mr. BOEHNER, Mr. SENSENBRENNER, Mr. HERGER, Mr. SHADEGG, Mr. FRANKS of Arizona, Mr. PENCE, Mr. GARRETT of New Jersey, Mr. SAM JOHNSON of Texas, Mr. HENSARLING, Mr. FORTUÑO, Mrs. BLACKBURN, Mrs. BACHMANN, Mr. PITTS, Mr. MARCHANT, Mr. PEARCE, Mr. FORTENBERRY, Mrs. MYRICK, Mr. KING of Iowa, Mr. MCCOTTER, and Mr. SALI):

H. Res. 249. A resolution amending the Rules of the House of Representatives to limit gifts to Members, officers, and employees of the House from State and local governments; to the Committee on Rules.

By Mr. HENSARLING (for himself, Mr. PENCE, Mrs. MYRICK, and Mr. SHADEGG):

H. Res. 250. A resolution honoring Dr. Edwin J. Feulner on the occasion of his 30th anniversary as President of the Heritage Foundation; to the Committee on Oversight and Government Reform.

By Mr. MELANCON:

H. Res. 251. A resolution congratulating St. Bernard Parish Public Schools Superintendent Doris Voitier for her receipt of the 2007 John F. Kennedy Profile in Courage Award; to the Committee on Education and Labor.

By Mr. SPACE (for himself, Ms. KAPTUR, Mr. KUCINICH, Mrs. JONES of Ohio, Mr. RYAN of Ohio, Ms. SUTTON, Mr. WILSON of Ohio, Mr. REGULA, Ms. PRYCE of Ohio, Mr. LATOURETTE, and Mr. JORDAN):

H. Res. 252. A resolution recognizing the 45th anniversary of John Herschel Glenn, Jr.'s historic achievement in becoming the first United States astronaut to orbit the Earth; to the Committee on Science and Technology.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. GUTIERREZ introduced a bill (H.R. 1557) for the relief of Elvira Arellano; 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. 19: Mr. TANCREDO, Mr. MILLER of Florida, and Mr. MCCAUL of Texas.

H.R. 162: Mr. MCCRERY, Mr. JEFFERSON, Mr. BOUSTANY, Mr. ALEXANDER, and Mr. BAKER.

H.R. 217: Mr. FARR.

H.R. 327: Mr. HALL of New York.

H.R. 346: Mr. GILCHREST, Mr. NEAL of Massachusetts, Mr. MORAN of Kansas, Mr. MOORE of Kansas, Mr. BARTLETT of Maryland, Mr. PAUL, Mr. BONNER, Mr. BARRETT of South Carolina, Mr. SMITH of New Jersey, Mr. POE, Mr. DUNCAN, Mr. CAPUANO, and Mr. WALZ of Minnesota.

H.R. 406: Mrs. JONES of Ohio.

H.R. 468: Mr. ELLISON and Ms. HIRONO.

H.R. 503: Mr. ABERCROMBIE, Mr. BARTLETT of Maryland, Mr. MICHAUD, Ms. ESHOO, Mr. FATTAH, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 507: Mr. BRALEY of Iowa and Mr. KAGEN.

H.R. 543: Ms. DEGETTE and Ms. HIRONO.

H.R. 581: Mr. PITTS and Mr. GOODE.

H.R. 620: Mr. GUTIERREZ.

H.R. 625: Mrs. DAVIS of California, Ms. LORETTA SANCHEZ of California, Mr. SHERMAN, Mr. CARDOZA, and Mr. LEWIS of California.

H.R. 643: Mr. ROTHMAN, Mr. SHIMKUS, and Mr. RADANOVICH.

H.R. 694: Mr. REYES.

H.R. 695: Mr. GONZALEZ, Mr. DAVIS of Alabama, Mr. MCNERNEY, Ms. HOOLEY, Mr. PERLMUTTER, and Mr. ALLEN.

H.R. 698: Mr. MILLER of North Carolina, Mr. NEAL of Massachusetts, Mr. TERRY, and Mr. LYNCH.

H.R. 711: Mr. MCNERNEY and Mr. WALBERG.

H.R. 727: Mr. WALDEN of Oregon and Mr. MARCHANT.

H.R. 779: Mr. ENGLISH of Pennsylvania.

H.R. 787: Mr. GILCHREST.

H.R. 797: Mr. BAKER and Mr. KLINE of Minnesota.

H.R. 861: Mr. CONAWAY and Mrs. SCHMIDT.

H.R. 887: Ms. SUTTON.

H.R. 891: Mr. REICHERT, Mr. MCCOTTER, Mrs. NAPOLITANO, Mr. DOYLE, Mr. GORDON, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. HINCHEY.

H.R. 917: Mr. MARIO DIAZ-BALART of Florida and Mr. MCCOTTER.

H.R. 923: Mr. ABERCROMBIE.

H.R. 962: Mr. MCNERNEY.

H.R. 971: Mr. THORNBERRY.

H.R. 988: Ms. MATSUI, Ms. WATSON, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Mr. BACA, Mr. TOM DAVIS of Virginia, and Ms. HARMAN.

H.R. 998: Ms. SUTTON.

H.R. 1009: Mr. ROHRABACHER.

H.R. 1022: Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. SHERMAN, and Mrs. TAUSCHER.

H.R. 1029: Mrs. MYRICK and Mr. ABERCROMBIE.

H.R. 1061: Mr. TOM DAVIS of Virginia.

H.R. 1064: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1093: Mr. KLEIN of Florida and Mr. MACK.

H.R. 1115: Mr. PORTER.

H.R. 1122: Mr. FORBES.

H.R. 1125: Mr. TANCREDO, Mr. CANNON, Mr. FRANK of Massachusetts, and Mr. ADERHOLT.

H.R. 1142: Ms. WOOLSEY, Mr. ALLEN, Mr. HOLDEN, Mr. KAGEN, Mr. WOLF, Mr. COHEN, Mr. BISHOP of New York, Mr. SMITH of New Jersey, Ms. DEGETTE, Mr. CHABOT, Mr. WYNN, Ms. JACKSON-LEE of Texas, Mr. OBERSTAR, Mrs. MCCARTHY of New York, Ms. MATSUI, Mr. VAN HOLLEN, Mr. PLATTS, Ms. SUTTON, Mr. GERLACH, Mr. ABERCROMBIE, Mr. PALLONE, Mr. ETHERIDGE, Mr. FILNER, Mrs. EMERSON, Mr. McDERMOTT, and Mr. RAMSTAD.

H.R. 1176: Ms. LEE and Mr. GUTIERREZ.

H.R. 1216: Mr. ACKERMAN.

H.R. 1238: Mr. STARK.

H.R. 1245: Ms. DEGETTE, Mr. McNULTY, Mr. PITTS, and Ms. HOOLEY.

H.R. 1261: Mr. ENGLISH of Pennsylvania, Mr. CALVERT, Mr. CARTER, and Mr. PITTS.

H.R. 1314: Mrs. CAPITO and Mr. SAM JOHNSON of Texas.

H.R. 1325: Mr. KIND, Mr. ORTIZ, and Mr. WEXLER.

H.R. 1329: Mr. WESTMORELAND, Mr. BOSWELL, Mr. PAUL, Mr. GINGREY, Mr. BURGESS, and Mr. KINGSTON.

H.R. 1354: Mr. HIGGINS, Mr. PATRICK MURPHY of Pennsylvania, and Ms. SCHAKOWSKY.

H.R. 1381: Mrs. NAPOLITANO.

H.R. 1384: Mr. HONDA, Mr. McKEON, Mr. NUNES, Mr. RADANOVICH, Mr. KUHL of New York, and Mr. CALVERT.

H.R. 1398: Mr. NEUGEBAUER, Mr. THORNBERRY, Mr. HENSARLING, Mr. WALBERG, and Mr. JORDAN.

H.R. 1428: Mr. GOODE and Mr. WALZ of Minnesota.

H.R. 1435: Mr. ORTIZ.

H.R. 1456: Mr. ANDREWS.

H.R. 1457: Mrs. JO ANN DAVIS of Virginia.

H.R. 1459: Mr. THORNBERRY.

H.R. 1490: Mr. COBLE, Mr. KIRK, Mr. WALBERG, Mr. LAHOOD, Mr. GILCHREST, Mr. JONES of North Carolina, Mr. PAUL, Mr. ENGLISH of Pennsylvania, Mrs. MILLER of Michigan, Ms. GINNY BROWN-WAITE of Florida, Mr. RAMSTAD, Mr. CAMP of Michigan, Mr. DUNCAN, Mr. DOYLE, Mr. LATOURETTE, Mrs. EMERSON, Mr. KUHL of New York, and Mr. KELLER.

H.R. 1497: Mr. DEFazio.

H.R. 1509: Ms. SCHWARTZ.

H. Con. Res. 71: Mr. ROHRABACHER and Mr. RYAN of Ohio.

H. Res. 37: Mr. MCNERNEY.

H. Res. 95: Ms. SUTTON.

H. Res. 100: Mr. HOBSON, Mr. LARSON of Connecticut, and Mr. ABERCROMBIE.

H. Res. 197: Mr. HARE.

H. Res. 231: Mr. FORBES and Mr. NEUGEBAUER.

H. Res. 232: Mr. SHUSTER and Mr. BURGESS.

H. Res. 237: Ms. CARSON and Mr. WELCH of Vermont.

H. Res. 240: Ms. LINDA T. SANCHEZ of California and Mr. BOREN.

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. Res. 106: Mr. ENGLISH of Pennsylvania.



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153

WASHINGTON, THURSDAY, MARCH 15, 2007

No. 45

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

PRAYER

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

Let us pray.

Lord, it has been said that without a vision for our life, we live without purpose. Help us to find in You a vision and a purpose for ethical living.

Move in the lives of our Senators today, giving them the vision and resilience to perform their work for Your glory. Keep them from putting partisanship ahead of country, and help them to resist the temptation to compromise Your plan. Strengthen them to be open to Your spirit and to receive guidance from You today. Make them faithful to their calling and resolute about fulfilling their God-given responsibility to serve others. Give them wisdom to prepare their minds for action, to be self-controlled, and to trust Your power to keep our Nation strong. Lord, may they persevere so that when they have done Your will, they will receive what You have promised.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 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 ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, today the Senate will be in a period of morning business for 90 minutes, with each side controlling 45 minutes. The first 30 minutes will be under Republican control and the next 30 minutes under majority control. The next 30 minutes will be equally divided, so whoever is recognized will be able to speak for up to 10 minutes.

Yesterday, the Senate voted to invoke cloture on the motion to proceed on S.J. Res. 9. Since that time, the Republican leader and I have been discussing a proposed agreement that would allow votes on various proposals. Late yesterday, we received a proposal from Senator WARNER, and I understand Senator BEN NELSON was involved. We have it here now. It has been rewritten during the night, and we will see if we can include it in some agreement we have. If we can do that, we will go ahead with whatever we can work out to vote on today.

I would say—and the distinguished Republican leader knows this—we are going to do everything we can to put the votes over until a specific time so that people aren't coming back and

forth. That is principally for the Budget Committee, which is meeting as we speak to try to finish that bill as quickly as possible so we can work on it next week.

I know Members were counting on the previous announcement of no votes this Friday. We are going to do everything we can to make sure we have no votes, but until we get an agreement on this Iraq issue and on the U.S. attorneys, we will have to have everyone wait until—we should be able to have something even before morning business is closed. If we can work on it prior to morning business closing, we will come, the Republican leader and I, and announce that agreement. We hope we are close.

Again, I thank everyone for their patience, especially the Republican leader. We have tried to be fair to everyone, and sometimes that is difficult to do, as people have so many different opinions as to how we should proceed. I will keep the Members apprised of the schedule based on the outcome of our negotiations.

RECOGNITION OF THE MINORITY LEADER

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

PROGRESS ON IRAQ RESOLUTION

Mr. McCONNELL. Mr. President, we were making great progress toward getting an agreement yesterday afternoon, and then Senator WARNER at the last minute had a proposal he would like us to consider, and that slowed us down a little bit. But we are now reviewing that, and I share the optimism of the majority leader that we may be able to reach a unanimous consent agreement in the very near future that would allow us to wrap up this matter sometime today.

I yield the floor.

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



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S3149

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 90 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republicans and the second 30 minutes under the control of the majority and the last 30 minutes equally divided between the two leaders or their designees.

The Senator from Georgia is recognized.

IRAQ

Mr. CHAMBLISS. Mr. President, we all know and understand that Americans are deeply concerned about the war in Iraq. We all represent the finest and bravest men and women across this great country who put themselves in harm's way to protect our very way of life. We all want our brave men and women who are serving in Iraq and Afghanistan to come home as soon as possible.

Members of Georgia's military community have given mightily to our efforts in the Middle East. In fact, members of the 3rd Infantry Division, headquartered at Fort Stewart, GA, are heading to Iraq for the third time as we speak, and I wish to underscore how much we appreciate them and their families. These resolutions which the Democrats continue to put forth undermine these men and women. Any attempt to set a timeline for withdrawal of U.S. troops from Iraq, as the latest resolution does, will embolden the enemy and tell them exactly how long they need to wait until they are free to take over and wreak havoc in Iraq.

I understand the desire to have the Iraqis take responsibility for their own country and step up to the plate in terms of taking the political, economic, and military actions necessary to secure Iraq, and I strongly support that goal. However, this resolution is the wrong way to accomplish it.

These resolutions—and I believe there have been about 17 put forth over the course of the last couple of months—simply send the wrong message to our troops, and they send the wrong message to the enemy.

Winston Churchill once said:

Nothing is more dangerous in wartime than to live in the temperamental atmosphere of a Gallup poll, always feeling one's pulse and taking one's temperature.

I think that sums up what is going on here today.

These resolutions only serve to micromanage the war by a political body which simply is unable to do it ef-

fectively. We have a Commander in Chief who is entrusted with managing and leading our military during wartime, and the Commander in Chief's new plan for Iraq deserves a chance to succeed. These resolutions are designed to ensure that the President's plan fails, not that it succeeds.

Also, these resolutions are completely contradictory to the Senate's support for GEN David Petraeus, our new commander of the multinational forces in Iraq. No Senator opposed General Petraeus's nomination. I have not heard anyone criticize him, and rightly so. We need to give General Petraeus and his counterinsurgency campaign in Iraq a chance to succeed. The people of Georgia, myself included, want General Petraeus to succeed. We understand the consequences of failure, and there is no question the latest resolution we are considering in this body will not help him succeed.

This resolution advocates transitioning U.S. forces in Iraq to protecting U.S. coalition personnel, training and equipping Iraqi forces, and conducting counterterrorism operations, and calls for a diplomatic, political, and economic strategy to stabilize Iraq. Many people say the situation in Iraq requires a political and not a military solution. I strongly agree with that position; however, it is not possible to have a political solution or to make political progress if citizens live in an unstable and unsafe society. Some level of order and stability must be in place before a political solution can take hold.

In America, we take order and stability for granted because we live in a country that is extremely safe, secure, and stable. However, Iraq is not the United States. Iraqis do not live in a secure and stable society, and order and stability must be in place before there can be any hope for a long-term political solution. The additional troops we are sending are meant to create that order and stability, particularly in Baghdad. We need to give this effort a chance to succeed, and we need to create stability and order before we can be hopeful about a long-term political solution.

The Reid resolution opposes the President's plan without offering any concrete alternative. It opposes the mission which the Senate has unanimously confirmed General Petraeus to carry out, and it will not serve to help our troops and our commander in Iraq succeed in the mission we have sent them on to accomplish. For these reasons, I urge my colleagues to oppose the resolution.

Mr. President, I yield the floor.

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

Mr. CORNYN. Mr. President, I wish to point out some of the bitter ironies of this debate.

Since roughly January, when the new majority took charge of this Congress, there have been numerous proposals

with regard to how we should conduct ourselves in Iraq. I have tried to keep track of the various resolutions that have been proposed and, as my colleagues can see, there have been, according to my count, at least 17 resolutions. They start with the Biden and Levin resolutions, the Reid-Pelosi resolution, the Murtha resolution, the Biden-Levin resolution, the Conrad funding cut resolution, a waiver plan, a timeline plan, the Feingold resolution, the Obama resolution, the Clinton resolution, the Dodd resolution, the Kennedy resolution, the Feinstein resolution, the Byrd resolution, the Kerry resolution, and then the latest, the Reid resolution we are on today.

Under this current iteration before the Senate, it says: The President shall commence the phased redeployment of U.S. forces from Iraq not later than 120 days after the date of the enactment of this joint resolution, with the goal of redeploying by March 31, 2008, all U.S. combat forces from Iraq, except for a limited number that are essential for the following purposes: protecting U.S. and coalition personnel and infrastructures, training and equipping Iraqi forces, and conducting targeted counterterrorism operations.

The reason I find this list of resolutions—and now with the culmination on March 15—somewhat ironic is we are beginning to see some of the signs of success of the new plan, the Baghdad security plan proposed by Prime Minister Maliki, with the support of the United States.

For example, in the Associated Press yesterday, Robert Reid wrote that bomb deaths have gone down 30 percent in Baghdad since the security crackdown that began a month ago and that execution-style slayings have been cut nearly in half.

I ask unanimous consent that the entire article be printed in the RECORD following my remarks.

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

(See exhibit 1.)

I want to add a few key quotes to highlight what this article says.

... there are encouraging signs. Gone are the "illegal checkpoints," where Shiite and Sunni gunmen stopped cars and hauled away members of the rival sect—often to a gruesome torture and death.

He goes on to say:

The rattle of the automatic weapons fire or the rumble of distant roadside bombs comes less frequently. Traffic is beginning to return to the city's once vacant streets.

Consider this:

In the months before the security operation began, February 14, police were finding dozens of bodies each day in the capital—victims of Sunni and Shiite death squads. Last December, more than 200 bodies were found each week—with the figure spiking above 300 in some weeks, according to police reports compiled by the Associated Press. Since the crackdown began, weekly totals have dropped to about 80—hardly an acceptable figure but clearly a sign that death squads are no longer as active as they were in the final months of last year.

Mr. President, I think it is important to recognize that it has only been since February 14 that this new security plan has been operating and that Iraqi brigades and American surge forces are coming over the period of months and will not finally be deployed there for some time yet. Yet we are seeing some preliminary indications—nobody is claiming success or victory, but there are some preliminary indications that the plan is actually working. The article quotes MG William Caldwell, and I share in the sentiments he expresses when he says:

I would caution everybody about patience, about diligence. This is going to take many months, not weeks, but the indicators are all very positive right now.

We should also be cautious and patient and diligent, but we should also recognize that progress is being made with this new plan proposed by General Petraeus, embraced by the President and his new Secretary of Defense, Robert Gates, and we should give it the chance to work.

That is precisely the reason I think this resolution is so misguided. The idea that we have simply lost and we have to give up, with no constructive alternative plan being suggested to deal with what will occur. In all probability there will be massive ethnic cleansing and a vast humanitarian crisis when the various sects continue to escalate their conflict against one another, which likely will draw in other, for example, Sunni majority nations such as Saudi Arabia to try to protect the Sunni minority in Iraq, and Iran, a Shiite majority nation, seeks to take advantage of the chaos there. Without the stabilizing influence of the U.S. and our Iraqi allies and this new Iraq security plan, it is probable that this troubled area of the world will descend into a vast regional conflagration.

What I don't understand about this resolution is that there is virtually not even a nod of the head or a tip of the hat to the fact that, as Senator LEVIN pointed out, there are about 5,000 to 6,000 al-Qaida foreign fighters in Al Anbar Province. This so-called phased redeployment, which is just Washington-speak for getting out of town as fast as you can, leaves a void, a power vacuum in this area where al-Qaida can basically run wild and continue as they did in Afghanistan before 9/11—to plan, recruit, train, and finance terrorist attacks and launch them against the United States.

I am sure I wasn't the only one who was chilled at the testimony released today in the newspapers of Khalid Shaikh Mohammed, who confessed to beheading Daniel Pearl, the Wall Street Journal reporter, in Iraq and some 30 other terrorist attacks, including the attacks of 9/11. But how anybody in good conscience can advocate simply quitting in Iraq with the threat of 5,000 to 6,000 al-Qaida foreign fighters there, with the risk of a regional conflict, along with the tremendous body blow that would cause to the

American economy, I don't know. I just don't understand it.

I was also surprised to see in today's New York Times some comments by Senator CLINTON, who, of course, is running for the Democratic nomination for President. Notwithstanding this resolution and her stated support for the resolution, she is quoted as saying she foresees a "remaining military as well as political mission" in Iraq. If elected President, she would keep a reduced military force there to fight al-Qaida—I am glad to hear that—deter Iranian aggression, protect the Kurds, and possibly support the Iraqi military.

It is a little troubling. While she says that would be her goal, it appears to be inconsistent with this resolution that she also says she will vote for. This is another quote in the article of March 15 in the New York Times. She said:

So it will be up to me to try to figure out how to protect those national security interests and continue to take our troops out of this urban warfare, which I think is a loser.

This article says:

Asked if her plan was consistent with the resolution, Mrs. CLINTON and her advisers said it was, noting that the resolution also called for "a limited number" of troops to stay in Iraq to protect the American Embassy and other personnel, train and equip Iraqi forces, and conduct "targeted counterterrorism operations."

I don't know how that is consistent with this resolution. I don't know how it is consistent with her other statement that she made on the campaign trail when she said:

If we in Congress don't end this war by January 2009, as President, I will.

It is speculated in this article that what she is proposing is a mirror image of a plan advocated by Dov S. Zakheim, a Pentagon comptroller under Donald Rumsfeld. He estimated that no more than 75,000 troops would be required for the kind of plan she describes, as opposed to the 160,000 troops the United States will have in Iraq once the surge is complete. But I wonder whether it is wise to embrace a plan proposed by the Pentagon's comptroller—in other words, the Pentagon's numbers cruncher, the budget man, as opposed to the plan proposed by GEN David Petraeus, who is an acknowledged expert in counterinsurgency matters, the very kind of plan that is being executed now with the Baghdad security planning—clearing, holding, and building. I cannot understand how you would embrace a plan essentially proposed by the Pentagon's bookkeeper as opposed to the Pentagon's best generals.

I see the distinguished whip on the Senate floor. I will yield the rest of our time to him.

I cannot understand why our friends on the majority side cannot make up their minds. We have 17 resolutions and counting. It seems as if each day brings a different plan but none to address the most urgent needs for our national security in the Middle East.

EXHIBIT 1

SOME PROGRESS MAY MEAN HOPE FOR BAGHDAD

(By Robert H. Reid)

BAGHDAD.—Bomb deaths have gone down 30 percent in Baghdad since the U.S.-led security crack down began a month ago. Execution-style slayings are down by nearly half.

The once frequent sound of weapons has been reduced to episodic, and downtown shoppers have returned to outdoor markets—favored targets of car bombers.

There are signs of progress in the campaign to restore order in Iraq, starting with its capital city.

But while many Iraqis are encouraged, they remain skeptical how long the relative calm will last. Each bombing renews fears that the horror is returning. Shiite militias and Sunni insurgents are still around, perhaps just laying low or hiding outside the city until the operation is over.

U.S. military officials, burned before by overly optimistic forecasts, have been cautious about declaring the operation a success. Another reason it seems premature: only two of the five U.S. brigades earmarked for the mission are in the streets, and the full compliment of American reinforcements is not due until late May.

U.S. officials say that key to the operation's long-term success is the willingness of Iraq's sectarian and ethnic political parties to strike a power- and money-sharing deal. That remains elusive—a proposal for governing the country's main source of income—oil—is bogged down in parliamentary squabbling.

Nevertheless, there are encouraging signs.

Gone are the "illegal checkpoints," where Shiite and Sunni gunmen stopped cars and hauled away members of the rival sect—often to a gruesome torture and death.

The rattle of automatic weapons fire or the rumble of distant roadside bombs comes less frequently. Traffic is beginning to return to the city's once vacant streets.

"People are very optimistic because they sense a development. The level of sectarian violence in streets and areas has decreased," said a 50-year-old Shiite, who gave his name only as Abu Abbas. "The activities of the militias have also decreased. The car bombs and the suicide attacks are the only things left, while other kinds of violence have decreased."

In the months before the security operation began Feb. 14, police were finding dozens of bodies each day in the capital—victims of Sunni and Shiite death squads. Last December, more than 200 bodies were found each week—with the figure spiking above 300 in some weeks, according to police reports compiled by The Associated Press.

Since the crackdown began, weekly totals have dropped to about 80—hardly an acceptable figure but clearly a sign that death squads are no longer as active as they were in the final months of last year.

Bombings too have decreased in the city, presumably due to U.S. and Iraqi success in finding weapons caches and to more government checkpoints in the streets that make it tougher to deliver the bombs.

In the 27 days leading up to the operation, 528 people were killed in bombings around the capital, according to AP figures. In the first 27 days of the operation, the bombing death toll stood at 370—a drop of about 30 percent.

Prime Minister Nouri al-Maliki, a Shiite, made a show of confidence Tuesday by traveling out of Baghdad for meetings with Sunni tribal leaders and government officials in Ramadi, a stronghold for Sunni insurgents.

"I would caution everybody about patience, about diligence," U.S. spokesman

Maj. Gen. William C. Caldwell said Wednesday. "This is going to take many months, not weeks, but the indicators are all very positive right now."

Figures alone won't tell the story. In Vietnam, generals kept pointing to enemy body counts to promote a picture of success even when many U.S. soldiers and civilian officials realized the effort was doomed.

True success will be when Iraqis themselves begin to feel safe and gain confidence in their government and security forces. Only then can the economy, long on its heels and with unemployment estimated between 25 and 40 percent, rebound and start providing jobs and a future for Baghdad's people.

A long-term solution also must deal with the militias that sprang up after the ouster of Saddam Hussein.

Much of the relative calm may be due to a decision by Shiite cleric Muqtada al-Sadr to remove his armed militiamen, known as the Mahdi Army, from the streets. Al-Maliki warned the young cleric that he could not protect them from the Americans during the offensive.

U.S. troops rolled into the Mahdi stronghold of Sadr City on March 4 without firing a shot—a radical change from street battles there in 2004.

Some Mahdi Army fighters may have left the city. But Iraqis who live in Shiite neighborhoods say many others are still around, collecting protection money from shopkeepers and keeping tabs on people—albeit without their guns.

When American patrols pass by, Mahdi members step into shops or disappear into crowds until the U.S. troops are gone. Sunni militants remain in some areas of the city too, although last year's sectarian blood-letting drove many Sunnis from their traditional neighborhoods, depriving extremists of a support network.

Sunni militants, meanwhile, are believed to have withdrawn to surrounding areas such as Diyala province where they have safe haven. The U.S. command sent an extra 700 soldiers Tuesday to protect the highways leading into the capital from there.

If militants from both sects are indeed lying low, that suggests they may have adopted a strategy of waiting until the security operation is over, then reemerging to fight each other for control of the capital.

Conscious of that possibility, new U.S. commander Gen. David Petraeus and other senior generals avoid setting a date for when the operation would end. They insist the extra troops will stay as long as they are needed.

And they say the military will continue to track down key militia and insurgent figures, in hopes of crippling the leadership of insurgent groups before they attempt to reemerge.

"You generally think that if you're going to achieve (the desired results), that it would need to be sustained certainly for some time well beyond summer," Petraeus told reporters last week.

The No. 2 commander in Iraq, Lt. Gen. Ray Odierno, has recommended that the buildup stretch longer, into the early months of 2008—if Congress will provide the money.

But positive trends in Iraq have proven hard to sustain. Hopes for reconciliation are quickly shattered. There have been a series of failed security initiatives. With so many uncertainties, public opinion appears mixed.

"We gain nothing from this government. No change," said Abu Zeinab, a Shiite father of two in Baghdad's Hurriyah district. "Today is like yesterday. What is the difference?"

In eastern Baghdad, one homeowner whose house was seized by the family of a Shiite

militiaman gained enough confidence to tell them to leave or he would turn them in to the Americans—unthinkable only a few weeks ago.

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

THE IRAQ RESOLUTIONS

Mr. LOTT. Mr. President, I have not had a whole lot to say in the Senate about the process, the various proposals, and even the substance of the Iraq resolutions. But it obviously is a very troublesome issue for me.

One of my concerns is the process. How bad could we possibly look as an institution? We can't come to an agreement on how to have a full debate and votes. Everybody says we will agree to this but not that, and it goes back and forth. For the life of me, I cannot understand why we cannot have some clear identification of some different approaches to this issue and have debate and vote on them.

The majority leader has to understand he cannot dictate what amendments the Republicans are going to offer and the substance of those amendments or resolutions, if you will, any more than we can dictate that to the Democrats. It has to be a fair process. I think that can be worked out. I know our leaders are talking—and I wish them the best—so that we can have debate and a vote on different approaches and move on to other issues.

My second problem is, how many iterations is this going to go through? I remind my colleagues that the election is over. It was last year. All we have been doing in the Senate is political partisan positioning, all sound and fury, achieving nothing. What is the score in the Senate? 0 to 0. Democrats haven't gotten anything done. Not one bill of any substance that we have passed has been signed into law, except a continuing resolution, which we acknowledged had to be done to keep the Government operating and, frankly, because we didn't do our work like we should have on that issue last year. That is all. It is all about positioning.

There is one other score that is the worst of all: Democrats, 0; Republicans, 0; American people, 0. We have to figure out a way to quit finding what we can disagree about and find some things we can work together on for the good of the people.

Regarding this Iraq issue, on the one hand, we say we want to succeed. On the other hand, you have the out-of-Iraq caucus saying get out of there, set deadlines, and withdraw the troops. We say we are giving General Petraeus our total confidence with a unanimous approval in confirmation. He is there trying to get the violence calmed down and to do a better job and get an opportunity for their Government to do what it needs to do, have economic development. So while we are saying: Congratulations, we all vote for you and wish you will succeed, we are over

here doing things that could potentially undermine his ability to get them done.

You might say: Oh, well, that is not really what is at stake with the Iraq resolutions. Remember, to show you what positioning is going on, today, let's say we come to the conclusion that we are going to have two or three different votes and we will finish at some point this afternoon on the latest iteration of the Reid positions and we will move on to the budget. Well, the problem with that is we have already been told this will be back on the supplemental appropriations—the emergency appropriations to fund the needs of our men and women in uniform. We are being told: By the way, we are going to put this restrictive language on the funding resolution. So we are going to revisit this issue the week after next.

I think what we are doing is the worst of all worlds. We have had non-binding resolutions to express the sense of the Senate, which is a misnomer in itself. Then, now we finally come to what would be statutory language in a joint resolution by Senator REID, which has deadlines and begins a process of Congress micromanaging a war.

We have tried it before and it didn't work, or it led to what some people consider a disaster. For us to state some opinions is one thing, but it has gone beyond that now. This is going to have an effect. I don't think there is a lot of language or a lot we can do that can positively affect what is going on in Iraq right now, but there is a lot we can do that will negatively affect it.

So I think to start setting deadlines and having the Congress trying to micromanage what is going on in Baghdad—we cannot even manage the process. How are we going to manage a war? Even the New York Times—and I don't usually quote them because most of the time I disagree with everything they have to say—is raising questions about the different resolutions and what would be the effect of what we are trying to do in the Congress about Iraq.

The Economist, I think the world's most respected magazine, said there is actually progress being made. General Petraeus is doing some things that have made a difference. Maliki and the Government there are beginning to make some decisions. We say meet your benchmarks, but as progress is being made, we say: If you don't do it like we have outlined, we are going to begin to just withdraw.

Mr. President, I wish my colleagues—all of us on both sides of the aisle—would think seriously about what we are doing in Iraq.

Then also, of course, we are going to go to the budget resolution next week. I have been through a lot of budget battles. Again, we are going to fuss and we are going to fight and we are going to have lots of amendments and we will have a vote-arama, which is the worst exhibition imaginable. We will vote on

25 amendments in a row probably every 3 minutes and have no idea what we are voting on. We will finish it up, and what effect does it have? None. The President doesn't sign it. We treat our own budgets about the same as we treat the President's budgets: We ignore them. We trash them a while and then throw them out in the street and do what we want to do.

I do think the budget is going to be the beginning of an opportunity for the American people to have buyer's remorse about what they have done with the Congress. This is going to be sort of a typical budget debate. The headline again in the New York Times is: "Senate Democrats offer spending plan but no way to pay for it."

I think in theory you can say Republicans always want to cut taxes, and they don't want to worry a whole lot about the effect that has on the deficit, although I believe if we cut taxes in the right way, we get more revenue.

I also think we all better take a look at what has been the effects of our tax policy and our budgets on the economy. The economy is good. Do we have some problems in the energy area and health care? Yes. We ought to do something about those issues. But overall, we have had economic growth. Revenues are pouring in.

So what is the budget I am looking at going to do? I think Senator CONRAD is a very serious chairman of the Budget Committee. I know he would like to do more than he is going to be able to do. I know he would like to do entitlement reform. We know it has to come. We will not belly up to that bar this year or next year. Maybe something will occur and we will do it in 2009.

This is going to be a budget where there is more domestic spending, less defense spending, and tax increases. That is what is going to happen. That is what always happens. We may not be a whole lot more responsible with a Republican budget, but this is your basic Democratic budget, and we are going to see it next week. We are going to describe it as one of smoke and mirrors. It assumes the tax cuts are going to be extended into the future, but it doesn't come up with any way to pay for them. Under the new rules, we are going to have pay-fors. If you increase spending, you are going to have to pay for it, or if you have tax cuts, you are going to have to pay for them, but it doesn't say how that is going to occur.

I do think we are at a critical juncture. We have gone through the opening, trying to get used to how we run the institution with new management. We haven't done it well. I am going to mark it off as the early phases of a new Congress and feeling our way forward. But when we get through positioning, I hope we are going to find a way to do some things together. We should have immigration reform. We need it. I know "comprehensive immigration reform" has gotten to be a dirty word, but I do think we have to deal with it in a broad way. It has to deal with

legal immigration, illegal immigration, and we are going to have to have a temporary worker program. We have to find some way for people to have a pathway to citizenship.

We have to address health care in America. Health care has become so expensive and, in many cases, not accessible. Why can't we work together on that issue?

Energy—the energy situation in America is a national security risk and an economic risk. Some people say: Oh, we can fix it by raising mileage standards for automobiles, CAFE standards. Some of us—I am in that group—think we don't have to produce less or get along with not having more oil and gas and nuclear power and everything else. I think we can have more of everything. Let's see if we can't find a way to come together and maybe do both in a responsible way.

I appreciate the opportunity to talk about these issues this morning. I hope we can come to an agreement on how to proceed on Iraq, and I hope we can finish it by sundown tonight and then move on to the obligatory vote on the budget, which will be a waste of time, next week, and then maybe we can get serious about what we do in the Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, what is the floor situation?

The PRESIDING OFFICER. The Senate is in a period for morning business. Democrats control the next 30 minutes.

Ms. MIKULSKI. I thank the Chair. Mr. President, I yield myself approximately 10 minutes.

First, I wish to respond for a few minutes to my colleague, the Senator from Mississippi, the Republican whip. We have been in session less than 70 days. We have already been spending more time on legislation than the Congress led by the other party last year. Last year, we were in session less time than the Maryland General Assembly. We only voted 108 days.

Now we have been in session 70 days. We have had a robust work schedule. Our colleagues in the House have passed significant legislation. What takes them 1 day takes us 2 weeks. It takes us 2 weeks not only because parliamentarily and constitutionally we are the more deliberative body, but at the same time it has been the obstructionist tactics of the other party that has prevented us from being able to move our legislation.

Nevertheless, thanks to the determination of our majority leader, the Senator from Nevada, Mr. REID, we have been able to pass ethics reform. The American people wanted us to clean up our own act before we cleaned up Government and, man, have the Republicans left us a lot to clean up: the Walter Reed scandal, the Attorney General scandal, the national security letter scandal—scandal after scandal after scandal. We came saying we

weren't going to be seeking investigations, but now their reckless incompetency is forcing us to do that.

Then we pushed to implement the 9/11 Commission recommendations. It has been 5½ years since the dastardly attack on the World Trade Center, and it has taken us forever to implement these recommendations.

So when the other party criticizes us for not doing the people's business, maybe if they get out of the way with their obstructionist tactics and let us move ahead with an agenda that is bipartisan, we can get the job done.

Too often, when all is said and done within the Senate, more gets said than gets done. So before people throw rocks, remember those who live in a glass house might end up being shattered to bits themselves.

Let us do our work. Every time we turn around, HARRY REID has to file another cloture motion. Why? Because they threaten filibuster. So, hello, don't criticize us.

IRAQ

Ms. MIKULSKI. Mr. President, let's get on with this micromanaging the war business. Maybe if the administration was micromanaging the war, we wouldn't be here today. They said there were weapons of mass destruction in Iraq. Maybe if they had micromanaged the intelligence community, we wouldn't even have gone into Iraq in the first place.

No. 2, they said, We are ready to go. If Mr. Rumsfeld had micromanaged the U.S. military, maybe we would have had enough troops. Maybe if they had micromanaged the war, they would have had enough body armor. Maybe if they had micromanaged the system, we wouldn't have the scandal at Walter Reed. Maybe if they had micromanaged, we wouldn't have this horrific backlog at VA. They are the ones who should have been micromanaging the war, and if they can't do it, they need to get out of the way and let us pass our resolution.

The distinguished whip from the other party said he wants us to finish by sundown. We would like to sunset the war. That is what we would like to do. It is time for our troops to come home, and it is time for us to bring them home swiftly. But we have a moral obligation and a constitutional obligation to bring them home safely. This is why I support the Reid resolution. This resolution states clearly that the Congress and the American people support our troops. Yet, at the same time, we are saying bring the troops home by March 31, 2008. Unlike the reckless incompetency that got us into the war, we are following the guidelines of the Iraq Study Group, wise heads who pondered some of the best ways to a new way forward.

The Reid resolution sets a framework and a time line for doing what needs to be done and assuring our troops that we honor their service, and we are

going to protect them on the battlefield. We are going to make sure they have the resources to do the job, and when they come back home, we want to be sure they have health care and they have jobs and they have job training.

I know the distinguished Presiding Officer has been a leader in making sure that when our troops come home, they have job training, and I thank him for that.

I am not new to this position on the war. I never wanted to go to war in the first place, not because I am a pacifist—and I respect those who are—but I read that national intelligence report; I am on the Intelligence Committee. I had very grave suspicions about the level of weapons of mass destruction Saddam had. But I also believed it was the U.N.'s job to go to Iraq and do the work that the U.N. was supposed to do.

I opposed giving the President unilateral authority to engage in a preemptive attack just because he said we were in imminent danger. I wish he had micromanaged that a bit. Maybe we wouldn't have had to go. I said the United States had to exhaust our diplomatic options, and I encouraged the administration at that time: Please, stick with the U.N. so the U.N. can meet its responsibility to deal with the Saddam threat. I said we shouldn't go on our own and we should work with the U.N. and the international community.

The day of the vote when I spoke, I said I didn't know what lies ahead. I didn't know if our troops would be greeted with flowers or with landmines. Go to Walter Reed and Bethesda Naval Hospital and talk to those coming home from Iraq. You know what we got. When we got there, there were no weapons of mass destruction, but destruction sure happened.

After 4 years of fighting, are we better off in Iraq? The United States went to war with Iraq, now we are at war within Iraq. Saddam is gone, we are still there, and now we are in a civil war. It is time for us to come home, and it is time for us to come home following the Iraq Study Group recommendations.

We need a new way forward in Iraq. The Iraq Study Group gave us 79 recommendations. Surely, we could agree on 50. If the administration wasn't being so isolated and so rigid, they would know it is time to engage in the international community, that it is always better to send in the diplomats before we send in the troops. Let's send in the diplomats so we can bring our troops back home.

The Iraq Study Group calls for enhanced diplomatic and political efforts in Iraq and outside Iraq. It provides a direction for the U.S. Government and the Iraqi Government to follow that would bring our forces home by the first quarter of 2008. That is what the Reid resolution calls for.

The Reid resolution sets a goal of bringing all U.S. combat forces home

by March 31, 2008, except for limited numbers of troops for force protection, training of the Iraqi troops, and targeted counterterrorism operations. It would begin a phased redeployment within 4 months after the passage of this legislation. But it also develops a comprehensive diplomatic, political, and economic strategy. Finally, this resolution requires the President to report to Congress within 60 days.

That is why we support this resolution. Are we micromanaging? No, but I wish the administration, as I said, had micromanaged the war. We wouldn't be in the debate we are in now.

I support the Reid resolution because I believe what the Iraq Study Group said, that the Iraq problems cannot now be solved with a military solution, no matter how brave, no matter how smart. It requires a political solution by the Iraqis and a diplomatic solution with Iraq's neighbors. It says the Congress and the American people will not just support the troops, but protect them.

I want this war to end, and I believe this Reid resolution will do that. Yet, in ending the war, it is my responsibility to ensure our troops are brought home not only swiftly but safely.

Mr. President, I have had sit-ins in my office four times during the last 3 weeks. Four times, people have come to my office to sit in. Some come to protest, some come to get arrested, but all have a right to speak out. They want me to vote against the spending for the war. Well, there is no way a responsible Senator can vote against spending. There is no one line item that says: War, yes or no. That is not the way the supplemental works. That is not the way the defense budget works. That is not the way our entire budget works. There is no vote that says: War, yes or no.

So I won't vote for defunding the war. I say to the protestors—I say to those well-intentioned liberal activists—know that we are on your side, but what are you asking us to vote against? Do you want us to vote against the pay for the soldiers and for their spouses and for their children? I won't vote against their benefits. What do you want us to vote against—the bullets and what they need to fight? I won't vote against that. Do you want us to vote against the body armor and the armored humvees they need for survival? I won't vote against that.

What if they are injured? One of the things that save their lives on the battlefields is the tourniquet. I won't cut off the money for the tourniquets. I want them to have the tourniquets to cut off the hemorrhaging on the battlefields. When they come out of there, there is the jet fuel that gets them on the medevac from Baghdad to Germany to Walter Reed and Bethesda. We will clean up Walter Reed, and we will fix Bethesda Naval Hospital, but they have to get here. When they get here, they need medical care. Hats off to acute medical care.

Now we need outpatient care. Now we need long-term care for the 50 years or so these men and women will have the need for it. We have had 22,000 people receive Purple Hearts in Iraq, and more have been injured than we will ever know or we will know years from now. So I can't vote against funding.

I tell all who are listening that you can sit in every single day, you can follow me throughout my Senate career, you can follow me to my grave—I will not vote to in any way harm the U.S. men and women in the military, nor will I cut off the support for help to their families. If you want to picket, you want to protest, you want to disrupt my life, better my life is disrupted than the lives of these men and women in uniform.

I am going to support this Reid resolution because I believe it helps bring the war to an honorable end, but at the same time, we are going to support our troops. It is time to stop the finger-pointing, and it is time to pinpoint a new way forward.

Mr. President, I yield the floor.

STATE CHILDREN'S HEALTH INSURANCE

Mr. CASEY. Mr. President, some years ago, the distinguished and late great Senator from the State of Minnesota, Hubert H. Humphrey, said the following when he was talking about how we should evaluate budgets in government. He said:

The moral test of a government is how it treats those in the dawn of life, those in the shadows of life, and those in the twilight of life.

I rise today to speak of those in the dawn of their lives—children across America and especially the children of working families, working families who have no health insurance.

Unfortunately, despite good intentions and despite a good program I will be speaking about this morning, there are 9 million American children with no health insurance at all—9 million children. That is a blot on the American conscience—or should be—that there are 9 million children who have no health insurance at all. Justice cannot abide 9 million children in America with no health insurance.

That is the bad news. The good news is that we have a way to bring some relief to those children, to their families, and to the American economy. It is called the State Children's Health Insurance Program, known by the acronym SCHIP. So when I refer to SCHIP by that acronym, I am speaking of that program, the State Children's Health Insurance Program.

Here is what this program does, and it bears repeating because of the broad coverage that important program provides to children across America. It provides comprehensive health insurance coverage to up to 6 million American children. It is financed jointly by State governments and the Federal Government. Currently, that program

costs the Federal Government just over \$5 billion per year—a very small price to pay in a huge Federal budget with all the return you get from that investment for our children. Remember what this program is: It is a program that covers the children of working families, those families whose incomes are too high to be covered by Medicaid and whose incomes are too low to have the coverage that is provided in the private market. That is what we are talking about. We are talking about families who are squeezed in between and who cannot afford coverage in the private market but also don't qualify for Medicaid.

In Pennsylvania, my home State, I am honored and proud to say that my father, Governor Casey, when he was the Governor of Pennsylvania, signed into law one of the first children's health insurance programs in the Nation in 1992. Since that time, not only in Pennsylvania but especially in our State, we have had broad bipartisan support for this program from Republican Governors and Democratic Governors. Currently, Governor Rendell is trying to expand the Children's Health Insurance Program in Pennsylvania. That is a good thing because even though it covers as many as 150,000 Pennsylvania children, there are still over 130,000 children in the State of Pennsylvania who have no coverage. The Governor wants to attack that problem and reduce that number. Unfortunately, this Governor of Pennsylvania, Governor Rendell, as well as Governors across the country, in both parties, are unable to expand their programs if the budget proposal set forth by the President becomes the law.

Here is what the Bush budget does when it comes to the State Children's Health Insurance Program, and I am quoting from a report by the Center on Budget and Policy Priorities: "The Bush budget provides less than half"—less than half—"of the funding needed for States to maintain existing case-loads." What we are talking about there is, going forward in 2008, 2009, 2010, 2011, and 2012, in those budget years, the President's budget provides less than half the money to maintain the coverage for those approximately 6 million children who have coverage. This doesn't even address the problem I started with this morning, the 9 million children who don't have any health care coverage at all.

We have to do two things. We have to make sure we maintain the coverage for the 6 million children who have it in America across the country in almost every State in the country. They are not divided by Democrat and Republican; they are children and their families, and they are part of the family of America. We have to make sure we maintain their coverage. At the same time, we have to expand coverage to begin to cover the 9 million who have no health insurance coverage at all.

What is the effect of this budget on these families? The Bush budget has a

funding shortfall over 5 years of \$7 billion. That is a big number, but let us talk about that in terms of children. That is the most important thing here. That \$7 billion shortfall equates, by 2012, to 1.4 million children losing their coverage. We are still on problem No. 1, those who have coverage who will lose it—1.4 million of them—if this budget goes through. That is what we are talking about when we talk about this budget and this important program. But we have to make sure we do more than just maintain coverage; we have to make sure we expand it for the millions of children who don't have health insurance.

I wish to conclude this morning with a couple of basic questions for the President, for the Senate, and for the House. This is what every elected official in Washington has to answer when they vote on this budget and when they vote on the question of the State Children's Health Insurance Program.

Question No. 1 for the President and for the Congress: Does the administration and the Congress want 1.4 million children to lose their health insurance coverage? You can't have it both ways. If you vote for the President's proposal, you are voting to cut 1.4 million kids from the insurance rolls. That is question No. 1, and it is a "yes" or "no" answer. There is no dodging that question.

Question No. 2: Are tax breaks for millionaires and multimillionaires and billionaires more important than the State Children's Health Insurance Program? Do they have a higher priority? Do their needs come ahead of the children of working parents?

That is another question we have to answer because there will be people in this town who will talk about the cost of expanding health insurance coverage or even maintaining the coverage that is there. They will say: Oh, that is going to cost lots of money. Well, I have to ask them a basic question: Are the millionaires and billionaires who have benefited year after year to the tune of hundreds of billions of dollars—is their tax cut more important than children? It is a "yes" or "no" answer, and that is what the Congress and the President have to answer.

Finally, No. 3, the basic question for today, tomorrow, but especially for many years from now: Do you want the gross domestic product to grow? Do you want the American economy to grow? Because if you answer that question "yes," you cannot oppose the expansion of the State Children's Health Insurance Program. You cannot. We know the benefits of providing health insurance to children. We know they will go to school ready to learn. We know they will be healthier in school, they will get higher test scores, and they will have the benefit of higher education, hopefully, for many of them, and they will go on to achieve their full potential in the job market and help grow the American economy. So if you care about the economy

today, tomorrow, and into the future, and you care about growing jobs, you must vote, in my judgment, to expand the State Children's Health Insurance Program.

Finally, it is about coverage. It is about maintaining that coverage, and it is about making sure 9 million kids have health insurance in the future. It is also making sure we do everything possible to reach every child and make sure that child's family is utilizing the great services of the State Children's Health Insurance Program. If we meet this obligation to cover the kids who are covered now, to make sure their coverage is maintained, and to cover the 9 million children, we will have gone a long way toward meeting Hubert H. Humphrey's moral test of government: to make sure we are taking care and helping children in the dawn of their lives.

Mr. President, I yield the floor.

Mr. PRYOR. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The majority controls 22 minutes in morning business.

Mr. PRYOR. I thank the Chair.

U.S. ATTORNEYS

Mr. PRYOR. Mr. President, I have come here today to talk about the political firings of U.S. attorneys, which I believe raises serious concerns over the administration's encroachment on the Senate's constitutional responsibilities but now I also believe raises serious concerns over the Attorney General's ability to serve. That is why I come here today to call for Attorney General Alberto Gonzales's resignation.

There has been a lot of attention focused on U.S. attorneys over the last couple of weeks, but this is an issue I have been involved with for the last 9 months. I first realized a problem existed in July of 2006. On February 6, 2007, I testified before the Senate Judiciary Committee. I won't repeat that testimony here, but I will focus on five facts today, and these are undisputed facts. First, based on the e-mails produced by the Department of Justice, this administration set out to fire or replace U.S. attorneys, some without cause and in some cases for suspicious reasons.

Second, this is different from anything done in previous administrations and includes putting a provision in the PATRIOT Act to carry out their scheme.

Third, it started with the White House.

Fourth, it was carried out by the Attorney General.

Fifth, the Attorney General crossed a line by putting politics above the pursuit of justice and has seriously damaged his stature and legacy in the process.

The first of these points is proven by e-mails from the Attorney General's Office and the White House. The fifth

point is evidenced by the Attorney General's statements to me, the Senate Judiciary Committee, and his public statements.

Immediately after the 2004 elections, the White House began a scheme to replace all U.S. attorneys. The Attorney General joined in that plan in early 2005 but recommended to limit the number of U.S. attorneys who would be replaced. During this process, the Attorney General identified U.S. attorneys to sacrifice to the White House demands.

In January 2006, the Attorney General sent a memorandum to the White House detailing obstacles that must be overcome before going forward with the plan. One such obstacle was the Senate. So in March 2006 the Attorney General hatched another scheme to get around Senate confirmation. During the PATRIOT Act reauthorization, the Attorney General, with the apparent purpose of replacing U.S. attorneys, had a provision slipped in during the Senate and House conference to allow the Attorney General indefinite appointment authority.

After this plan came to light, the Attorney General responded by misleading the American people. For example, in press interviews he said the Clinton administration had done something similar. That is not true. In an Attorney General memorandum dated January 9, 2006, it clearly says:

In recent memory, during the Reagan and Clinton Administrations, Presidents Reagan and Clinton did not—

And that is underlined, did not—

seek to remove and replace U.S. Attorneys they had appointed whose four-year terms had expired, but instead permitted such U.S. Attorneys to serve indefinitely under the holdover provision.

His own chief of staff has contradicted his public justification. Once the decision became apparent that they were going to push out U.S. attorneys—which, by the way, is the term the Attorney General's Office uses in the September 17, 2006, memo to the White House, that they are going to "push out" U.S. attorneys—there began a clear and precise method to obfuscate and delay the confirmation process by lying to home State Senators, including me. I know this because I have e-mails that lay out the game plan on how to get around Senator BLANCHE LINCOLN from Arkansas and myself.

I have in my hand a plan to replace certain U.S. attorneys, dated November 15, 2006. This memo gives a five-step plan on how to do this and also how to talk about it.

Step No. 1 has specific talking points. Step No. 2 says to call and to contact Republican Senators. This is an important point. Step No. 2 says the U.S. attorney—on step No. 2—should make these calls. The U.S. attorney says, on December 7: very important U.S. calls and Attorney General calls happen simultaneously. Mike Battle contact the following U.S. attorneys.

So they do that, and I'm sorry, in step No. 1 they contact JON KYL, JOHN ENSIGN, PETE DOMENICI. And then it says, "the California political lead, the Michigan political lead, and the Washington political lead."

Please notice, there are no Democrats who were contacted about this; not even a courtesy call from the White House or the Justice Department. Only calls made to Republicans. If there is not a Democratic Senator in that State it just says "to the State's political lead."

Clearly, this was a partisan effort on the part of Justice.

I believe the Attorney General crossed a line when they chose to go the partisan route on U.S. attorneys. Now the Attorney General states that he was unaware of all the details of their plans that were hatched by his chief of staff. I do not believe this for a minute. I know that an e-mail written on December 19, 2006, on how to get around Senator LINCOLN and myself is exactly what Attorney General Alberto Gonzales said to me in a telephone conversation.

In fact, by way of background, I had called the White House and the Attorney General to ask them to please nominate a suitable nominee for U.S. attorney in Arkansas. They had canned or pushed out Bud Cummins. They were going to, or were about to, do an interim appointment for Tim Griffin. I asked them to please not do that and please send someone through the confirmation process. If it was Tim Griffin, send him through. I couldn't say I was going to vote for him, but please send him through.

The December 19, 2006, memo is very enlightening. It is from Kyle Sampson, chief of staff to Alberto Gonzales. It is to Christopher G. Oprison, apparently at the White House. Again, this is from the chief of staff of the Attorney General.

My thoughts: 1. I think we should gum this to death: ask the Senators—

And they are talking about Senator LINCOLN and myself—

ask the Senators to give Tim a chance, meet with him, give him some time in office to see how he performs, etc. If they ultimately say "no, never" (and the longer we can forestall that the better), then we can tell them we'll look for other candidates, ask them for recommendations, evaluate the recommendations, interview their candidates, and otherwise run out the clock.

This is an e-mail from the Attorney General's chief of staff to the White House.

All of this should be done in "good faith" of course.

When they put "good faith" in quotes, that tells me they are going in bad faith. They are not going in good faith, but they are giving the appearance of good faith in order to run out the clock.

No. 2 says:

Officially, Tim is the U.S. Attorney and will identify himself as such on pleadings and other official documents. I think it's fine

for us to refer to him as an "interim U.S. Attorney" in talking points, with the understanding that by "interim U.S. Attorney" we mean [Attorney General] appointed, (as opposed to Presidentially-appointed and Senate confirmed) U.S. Attorney.

No. 3:

Overall, I think we should take the temperature way down—our guy is in there so the status quo is good for us. Ask for them to consider him; note that he is qualified and doing a good job whenever asked . . .

Here, again, they are telling him to tell us that he is doing a good job whenever asked. He hadn't been in office but 1 day when this thing was written. So, again, they are setting up a deception on the front end.

. . . pledge to desire a Senate-confirmed U.S. attorney; and otherwise hunker down.

No. 4:

The only thing really at risk here is a repeal of the AG's appointment authority.

You bet your life that is what is at risk because we are going to have that vote later today or tomorrow or Monday or Tuesday or at some point, and absolutely that is what is at risk because I think the Senate should change that law and should take that provision out of the PATRIOT Act, that they snuck in in the dark hours in a conference.

We intend to have DOJ legislative affairs people on notice to work hard to preserve this (House members won't care about this; all we really need is for one Senator to object to language being added to legislative vehicles that are moving through). There is some risk that we'll lose the authority, but if we don't ever exercise it then what's the point of having it? (I'm not 100 percent sure that Tim was the guy on which to test drive this authority, but know that getting him appointed was important to Harriet, Karl, etc.

I could spend all day talking about this memo. But, basically, in here they say that the Attorney General is going to tell us, Senator LINCOLN and me, about six or seven things, and they did every single one of them. This is the playbook. They say ask the Senators to give him a chance. Attorney General Gonzales did ask me that. Meet with him. He asked me to, and I did. Give him some time in office. He asked for that, even though usually people don't get a little test drive before they get appointed. He asked me—they wanted to delay, just run out the clock.

At one point he said if I am not happy they will interview other candidates that I am interested in. They also mentioned for me to consider him and to look at him in a way that he is doing a good job.

Here, again, every single thing in this memo was done. Again, this is the playbook. This is why I feel lied to. The truth is, I was lied to because I was told that the Attorney General—and he not only said it to me, he said it to the Senate Judiciary Committee and he said it to the world—the Attorney General wanted a Senate-confirmed U.S. attorney in every slot. That is absolutely not true in Arkansas based on this e-mail from the Justice Department.

I assure you when they put "good faith" in quotes that means they are not proceeding in good faith. They didn't proceed in good faith with me, and that is one of the reasons I think Attorney General Gonzales should resign immediately. I do not think he has the credibility to run that department anymore.

Let me tell you this. I was one of six Democratic Senators who supported Attorney General Gonzales' nomination and confirmation. I supported the PATRIOT Act. Not all Democrats did. I have worked closely with this Attorney General. I have always tried to deal with them and reach out to them and have a constructive, positive relationship. I believe that is what the people in Arkansas want me to do, and that is exactly what I have done.

But on this issue, Attorney General Gonzales has broken faith with me, he has broken faith with the Senate, and he has broken faith with the people of Arkansas. When an Attorney General of this country, who I believe should be held to a higher standard—not a political standard but a high standard of integrity because he should be all about justice, not politics; he should be all about justice—when the Attorney General lies to a United States Senator, I think it is time for that Attorney General to go.

Again, he not only lied to me as a person, but when he lied to me, he lied to the Senate, and he lied to the people I represent. For that reason I am asking him and demanding that he resign today.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I come to the floor to speak on a different matter, but I want to compliment my colleague from Arkansas, who is not only a colleague and a true Arkansan but a great leader. I appreciate the passion that he feels and the issue that he deals with and feel very blessed to have him as my colleague from the State of Arkansas.

Mr. PRYOR. I thank the Senator.

Mrs. LINCOLN. Many of us believe that the events at the U.S. Attorney's Office and how they have been handled by the administration have been a real disservice to the people of this country and to the processes that provide the transparency so that our great democracy can work, so that the wheels of this great democracy can turn and the people feel confident and trusting in their Government because these processes have worked and provided that transparency. To have eliminated the processes, or to circumvent the process that provided that transparency, the administration has presented a real disservice to the people of this country and to the justice system and what it represents. So I applaud my colleague for so many of his comments today on that very issue.

THANKING STEVE PATTERSON

Mrs. LINCOLN. Mr. President, I come to the Senate floor this morning with a little bit of sadness but, more importantly, a tremendous amount of joy in my heart to salute an individual who has meant so much to me and to pay tribute and to say thanks to a very dear friend and longtime chief of staff of mine, Steve Patterson. For the better part of 12 years, Steve Patterson, or as we call him in our office, "Patterson," as he is known to me and to my staff, has faithfully served the people of Arkansas, as well as me.

He has been my most trusted adviser in both the House of Representatives and in the Senate. Words cannot fully describe the meaningful impact Steve Patterson has had on both my personal and professional life. When I first decided to run for the Senate, my husband said: We are in, but only if Steve Patterson is in. He has meant so much to our entire family. I know the comfort and counsel he provided my mother.

In so many ways, he has been one of those people who you know from your professional side of life is so critically important, but from your personal side of life now is an unbelievable individual in all he has done and accomplished.

When I think of Steve Patterson, there are a few words that stand out: integrity, solid conviction, justice, fairness. All of the words each and every one of us strives for in our everyday life I see in this individual, who has meant and continues to mean so much to me.

For the past 25 years Steve has been one of the most loyal and hard-working servants in Government. He has been a team player as far as a congressional team is concerned. He is big on team sports. But more importantly, he is incredibly devoted to the team spirit the country has and needs to be the success it is. I consider him a true confidant and will most assuredly miss him in that position.

Steve was born in Oklahoma City in 1950 but grew up in Alva, OK, where he graduated high school. He attended the University of Oklahoma in Norman but eventually transferred to Oklahoma State University where he graduated with a degree in journalism, and I have to say, unfortunately for my colleagues in Oklahoma who have adopted him, he has moved to Arkansas and he is one of our own now.

According to his wife Jean, Steve was always very interested in politics. One of her first memories was when she and Steve were friends at Oklahoma State waiting to vote for the first time in the 1972 Presidential election. To give you an idea of how far we have come in the issue of election reform in the last 35 years, Jean told me they waited in line for what seemed like an eternity to cast their very first ever vote in, of all places, the laundry room of someone's home on the top of a washer and dryer. Before they could even get to the bal-

lot box, they learned their candidate, George McGovern, was in the process of being defeated by Richard Nixon in a landslide. But you know what, they continued to wait in line. They voted despite the outcome they knew was probable because of their true convictions.

The experience of that election crushed a lot of young people and it caused them to turn away from the political process but not Steve Patterson. He has always wanted to make a difference and he has never cowered from any of the challenges that are faced when you have a conviction. He has got that conviction for many reasons, not because he loved this great country, not because he loves his family, not because he loves his fellow man, but for all of those reasons.

Shortly before he moved to Washington, Steve served as political reporter for various newspapers in Oklahoma and was working for the Lawton Constitution when newly elected Congressman Dave McCurdy asked Steve to become his press secretary. They had gone to college together, and there was a group of them, when Dave McCurdy was running for Congress, who all worked together to reach a common dream. The decision was not an easy one, however. When Steve moved to Washington, he was a single father, a very devoted single father. Money was tight in those days and the hours were long. He and my long-time systems administrator, who is still with me, Thirise Brown, were both young single parents and would on occasion have to bring their children to work. It is hard to imagine, or is it? Actually we see a lot of that these days.

Steve's daughter Paige and Thirise's daughter Tiki would often be oblivious to the major hard work that was being accomplished around them, and would have a great time getting into all sorts of trouble, watching as their two single parents worked desperately hard, not only in their conviction to provide for their children but also to make this country great.

Although Steve began as a press secretary, he quickly worked his way up to Chief of Staff. He was the Chief of Staff to my good friend Congressman Dave McCurdy and continued in that capacity until 1994. Shortly after, Steve became my Chief of Staff, joined me in my House times when I was in the House of Representatives. We were there together for 2 short years until I retired from the House to be with my newborn twins. Steve went to work for then Representative Jim Turner as his Chief of Staff. But it was not long until I was back on my feet and decided I was going to run for the Senate.

I begged Steve Patterson to move to Arkansas and to run my Senate campaign. The rest, as they say, is history. During our time together, Steve taught me so much and helped me gain the necessary skills to survive and navigate the tough political environment.

When Steve came on, he quickly proved himself to be one of the most capable and effective managers on Capitol Hill. I think that is certainly in the proof today with the many friends he has, of staffers and consultants and others in this town who have tremendous respect both for his opinion and his judgment.

You would be hard pressed to find a man with a greater drive, a greater competitiveness, or a greater work ethic anywhere. He truly loved working, as he always puts it, to change America and to make it better. One of Steve's greatest assets that continually blessed me is his ability to identify talented young people and give them the confidence and the ability to become outstanding professionals.

He never approached the young staff on Capitol Hill with a condescending attitude. It was always an attitude of empowerment: What is it you can do today with the talent you have, and how is it you can develop the new talents you need to take those next steps you need to take to reach that ultimate goal.

How incredibly important to have people in our lives who empower us to reach our potential and to reach our goals, to reach for the stars, not just for ourselves but for our great country, and for those whom we love. There is no greater blessing than to see someone who gives of himself to make sure others can reach their potential.

Steve has mentored young men and women on my staff who have gone on to become House and Senate Chiefs of Staff, congressional State directors, campaign managers, State party directors, and a multitude of other positions. Steve also encouraged those in my office who showed great aptitude to continually challenge themselves and take on new responsibilities, never to shut a door or an opportunity they may have thought was too big or out of their realm, but encouraged them to do as much as they possibly could and to reach for those stars.

Nearly all of my current senior staff served me in some shape, form, or fashion, whether as an intern, a staff assistant, or a legislative correspondent before being promoted to their current position, and they did so with the recommendations of Steve Patterson, who said: Learn all the jobs in this office so you can talk about and know what it takes to make this office tick and to make it great.

Steve left me in capable hands, and I truly believe Steve's ability to nurture so many of the best and brightest political minds our State has to offer will be one of his lasting legacies.

But what also makes Steve special is he was more than a great boss to my staff; he has been a tremendously great friend to me and to my family.

Steve is a self-described Green Bay Packers and Cincinnati Reds fanatic as well as an Oklahoma Sooner and Oklahoma State Cowboy supporter. Steve was known to be commissioner or at

least participated in fantasy football and baseball leagues with the staff. March was not complete without the famous Patterson annual March Madness pool. We think about it now as we move into those basketball playoffs.

Steve was an avid Senate softball player in his earlier days and took up golf in his later days. He loved getting the staff, both male and female, outside the office for these kinds of great activities of coming together in fellowship and fun and making sure our office was tight, not just in the responsibilities we had to accomplish but in the friendships we could build and things we should share with one another in helping each other to grow in our stature and in our accomplishments.

It was his passion for those things that endeared him to them and built bonds that went between the typical employer-employee relationship. It is what also made our office strong and will continue to make our office strong as we see the quality in all of those attributes we build both professionally as well as the fellowship with our fellow man.

Lastly, I couldn't talk about Steve Patterson if I did not mention what a terrific family man he is. "Punchy," as he is known in his family, was a wonderful son and is an exceptional husband and a father. In 1984 Steve married Jean, and shortly thereafter, they had a daughter together, Megan. Steve was devoted to both Paige, his first daughter, and Megan.

While in Virginia, he was active as a soccer coach for almost 10 years. Many of our staff remember this decked-out van he drove. He loved his van because he loved the time he spent in it traveling the State and the parameters of the State of Virginia with his girls on soccer tournaments. He drove to work in the van, but on the trips his daughters went on with the soccer tournaments, it was transformed. It was a home unto itself and he loved it.

He was more than a loving father, he was also a caring son. I was able to see that. His parents came to live with his family in 1985 when his mother was ill with breast cancer. Steve, Jean, and the girls cared for his mom until she passed away in 1994. I talk oftentimes about my own family, my grandmother living with us when I was growing up and what an incredible experience it brought to me and to our family. I could see Steve saw the value not only in what he could do and the love he could share and provide for his mother and father but also what it meant to his family to be a part of a larger giving in love.

When Steve moved to Little Rock in 2003 to run my Senate reelection bid, his father moved with them and they lived in Little Rock until he passed away in 2004. Steve's father had suffered from diabetes, and his affliction led to Steve's involvement as chairman of the Central Arkansas American Diabetes Association.

Giving back to the community was always a tremendous priority for him.

As can you see, Steve Patterson is one of a kind. We will certainly miss him in the office. But I take comfort in the fact he will not be too far away—always an arm's reach or a phone call away—he has guaranteed me that.

He has now chosen a new career path and has opened a political consulting firm with two of my former staffers in Little Rock. They are doing great things, working hard and enjoying life. In his new tenure he will specialize in fundraising, strategic planning, and grassroots coalition building, which is something he is unbelievably talented at.

Life's journey is a great journey and the road we travel is one, as we look back, that provides us so many opportunities, so many blessings. I cannot think of a greater blessing than to be able to travel that road with a great friend such as Steve Patterson, not only in the past but in the future, in the many years ahead.

I am enormously grateful, Steve. I wish you the best of luck in your new endeavor. I know you will be successful as you embark on your new path. I cannot thank you enough for all you have done for me and so many others throughout your career in service to Government. From the bottom of my heart, thank you for your faithful friendship, your service to me, the great State of Arkansas, and without a doubt your country.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Texas.

IRAQ

Mrs. HUTCHISON. Mr. President, I rise to talk again to the resolution pending on the floor. I look forward to having the debate continue on the other options for the resolution.

I am against the resolution on the floor because I do not see a purpose. I do not see a purpose for a nonbinding resolution that makes America look irresolute. What could we be thinking to try to take something across the floor of the Senate or the House of Representatives that would give any signal to our allies or to our enemies that we cannot finish a job, that the war on terrorism is important but not important enough to see it through?

I think of the young men and women who have died in this war. They are giving their lives, the ultimate sacrifice, as part of their legacy to our country. They are leaving something for our children and grandchildren and their children and grandchildren.

If we pass nonbinding resolutions that undercut the mission and the purpose for which they have given their lives, which is the war on terror, to keep freedom in America, we would be doing a great disservice that is undeserved for those great patriots. Our young men and women throughout the years have been willing to go into the volunteer service. The people who are fighting in this war are volunteers.

We have had volunteers and even people who didn't volunteer in past wars to make sure that America stood strong for freedom. I cannot imagine that the Congress during World War II would have passed a nonbinding resolution to say: We don't think our troops should be in Europe.

We are sinking to new lows. I hope we can resist the political winds that have caused us to get to this point. The only reason we would pass a non-binding resolution is to send a political message. I don't think the Senators who have stood on this floor for decades before us would have passed resolutions that meant nothing except to send a message that would undercut our troops in the field.

Do the people who want to pass a resolution such as this believe this isn't an important war? We are fighting for our children's futures every bit as much as we have in any conflict in which we have been engaged. We are fighting to keep terrorists from coming back to America and threatening our way of life and the opportunity that America offers for our children. If we look irresolute, if we look weak, if we look as if we can't be strong, we will put a blemish on the sacrifice that has been made already by so many of our young men and women, and we will undercut those who are serving right now in the theater in Iraq. I can't imagine, when we think this through, that that would be the course that a deliberative Senate would take.

The President of the United States knows we have not achieved the success we hoped to. For that reason, he is taking a different course. Any one of us in Congress might have done it a different way. There is no question that many in Congress are concerned about the mission. That does not mean we take the step of a nonbinding resolution that says we don't support the Commander in Chief. The Constitution didn't provide for Congress to command our military. The Constitution provides one Commander in Chief, not 535. It would be so wrong for 535 people to second-guess the Commander in Chief, who has announced that the plan he has put forward is one that was made in the military.

Many of us talked to General Petraeus. We asked questions, because there are questions about embedding our troops in the field outside the protected zone. General Petraeus totally defends the plan. He takes the responsibility for the plan. He believes it will work. In fact, there are signs things are getting better. There are signs the Iraqi Government is strengthening its measures to crack down on insurgents, militias, any of the groups that have been killing innocent people. There are signs that there are ways this could succeed.

During one of the Senate Armed Services Committee hearings, Senator LIEBERMAN asked General Petraeus if a resolution such as we are voting on today would give the enemy some en-

couragement, some clear expression that the American people were divided. General Petraeus answered:

That is correct, sir.

We have been talking about this for the 2 months-plus that we have been in this session of Congress. We certainly talked about it all last year. We will continue to talk about it. I hope what we say on the floor is carefully crafted so we can disagree with people who do support this resolution, and we can do it based on the Constitution, on principles of war, on the relationship that Congress should have with the President. All of these are legitimate. There can be disagreements about what is the best approach for finding success, but what we cannot disagree about is that we must win the war on terror, we must show America's commitment, and we will not undercut our troops who are in harm's way today.

I have seen all the iterations of the resolutions that have been proposed by the majority. They have changed many times. Some of those resolutions even set deadlines for us to withdraw troops. What do my colleagues think that does for the troops who are there right now? If our enemy knows we are going to start the withdrawal of troops on a certain deadline, what does that do to their treatment of the people who are on the ground right now? They would consider that we have put a bull's-eye on every one of our young men and women with boots on the ground right now. It would be akin to saying: We are going to leave here so whoever is here now is not going to have the support needed to finish this job. If we are not going to finish the job, why wouldn't they step up their efforts, which is exactly what they would do.

We have to look at the reality. No matter what kind of front we would put on a resolution that shows that we do not have the resolve, the commitment to see this through, it will embolden the terrorists. When the terrorists think we are going to leave or that we can't take it, that we have to start an exit without regard to the success of the mission, then what would keep them from beginning to take over Iraq, make it a terrorist haven, make it the training ground from which they could proliferate weapons of mass destruction and terrorists all over the world? We have already seen that in many specific instances. This would give them a bigger field in which to train, one that is not going to be necessary to hide. It will give them more revenue to produce weapons that could hurt even more.

I have cosponsored S. Res. 70, the McCain resolution, which renews our commitment to defeating the terrorists in Iraq and winning the war. That is a resolution that we should all support. Congress has the right to cut off funds, but I cannot imagine that responsible Members of this body would vote for a resolution that would cut off funds and say we are not going to give the troops who are there the equipment, training,

and protection they need to do the job. That would be unthinkable. That is one of the resolutions also pending for us to address.

Losing this war will not make America safer. This is a war that must be fought. It must be won, not just for the sake of the Iraqi people. It is for the sake of America. It is for the sake of freedom. It is wiping out terrorists where they are so they do not harm innocent people in America again.

I hope cooler heads will prevail. I hope this deliberative body that has a great history for our country and in the world will see we should not be taking the political position. We should not be testing the political winds because what we say has consequences. What we say can be used as propaganda against our troops who are in harm's way. Most certainly, it can be used to embolden those who are training right now to attack America.

I hope, in the end, we will defeat the Reid resolution, that we will take up some of the other resolutions, and we will keep in mind that what we say and the longer we talk about it, the more dangerous it can become for our troops and for the likely success of the mission that is before us. We want the Iraqi Government to take the responsibility for the safety and security of the Iraqi people. What do Senators think the Iraqi Government is going to do to make that happen, if they think America's resolve is wavering, if they think we might set a deadline in which to leave, if they think we might start a graceful exit before they have the ability to achieve security?

We can't let the Iraqi Government think we are going to plan for an exit before we have won the war, secured Iraq, kept the terrorists from having a training ground and revenue to harm more innocent people in the world or we will not be standing for the traditions and the spirit and the commitment to freedom that Americans have made throughout the generations of our country.

That is not a legacy I think any Member of the Senate would want to leave. I certainly do not want to leave that legacy for my children and grandchildren, nor for the children and the next generation of the State I represent and love so much, the State of Texas, nor for the children and grandchildren of Americans, the country I am serving. I hope we will not forget exactly what our legacy will be if we do the political thing rather than the right thing.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I appreciate the remarks of the distinguished Senator from Texas, who is indispensable to the Senate.

Today we are confronted with a struggle that could very well define the world in which our children and their children will live. Many will say this statement is hyperbole or politically

expedient and designed to disguise a troubled policy. I only wish that were so.

Today we are fighting to prevent Iraq and Afghanistan from disintegrating into failed states, where that chaos will be exploited by those who wish to undermine—and even destroy—mainstream Muslim and Western civilization.

In the past, these terrorists used Afghanistan and other developing nations as safe havens from which attacks against Americans were planned and executed throughout the world. One hardly needs to be reminded of the bombings of our Embassies in Kenya and Tanzania or the attack on the USS *Cole* to see this is true, not to mention the events of September 11, 2001.

What would happen if we were to permit these terrorists, and others who wish us ill, to have another such safe haven? Of what would they be capable? Just today we have read in the papers of Khalid Shaikh Mohammed's confession to many of the world's worst acts of terrorism. Remember that from Afghanistan, a country without significant infrastructure or resources, these terrorists were able to orchestrate the greatest attack on American soil since Pearl Harbor. Just imagine what their capabilities would be if they were able to control only a fraction of the oil wealth of Iraq. Is that the world in which we want our children and our grandchildren to live—a world in which uncertainty and fear become a part of everyday life?

As one prominent Democrat stated before he reversed his position and announced his intention to run for President:

... we cannot and will not retreat. We will defend ourselves and defeat the enemies of freedom and progress.

Were mistakes made in the conflict in Iraq?

In a word, yes. I am sad to say important errors were made. Perhaps one of the greatest occurred over the past 30 years right here in our Nation's Capital. Past and present administrations, Congresses, and Department of Defense leaders primarily concentrated on training and equipping our forces to fight what is called in military circles "The Big War."

In such a conflict, large formations of mechanized divisions, corps, and armies seek to fight decisive battles on a conventional battlefield. This is not to say maintaining such a capability is no longer vital to our national security. It remains an absolute necessity.

However, in large part, due to the resolve of many of our military leaders not to fight "another Vietnam," for the bulk of our Armed Forces, the skills necessary to fight a counterinsurgency had withered and atrophied. This is exemplified by the fact that the Army-Marine Corps Doctrine for Counterinsurgency had not been updated for 20 years, until December of 2006.

As General Petraeus, our new commander in Iraq, wrote 1 year ago:

[T]he insurgencies in Iraq and Afghanistan were not in truth the wars for which we were best prepared in 2001; however, they are the wars we are fighting and they clearly are the kind of wars we must master.

Other dire mistakes were made.

Many of those errors can be directly attributed to the decisions made by the Coalition Provisional Authority which originated from or were ratified by the senior civilian leadership at the Pentagon at the time. This includes the decision to disband the Iraqi Army without providing alternative means for the employing and sustaining of its former members. These former Iraqi soldiers went on to become the foundation of the initial insurgency. We might have been able to prevent that had we chosen another route.

Another mistake was the decision to eliminate the first three levels of leadership, not only in Government ministries but hospitals, universities, and Government-run corporations. Managers, no matter how junior, who were members of Saddam Hussein's Baathist Party were removed. The result was those who had the managerial experience best suited to rebuild Iraq's institutions were arbitrarily dismissed, even if they had not played any role in Saddam's atrocities.

In sum, many of the problems we confront today are as a result of our own shortsightedness and the administration's failure to fully and comprehensively develop and execute a plan for stabilization of Iraq after the fall of the Saddam regime.

So how do we go forward? We do have options.

Some, such as the authors and supporters of S.J. Res. 9, argue that we should unilaterally bring the bulk of our forces home from Iraq. Yet we all know what would happen if that were to occur. Iraq would be a failed state offering a safe haven for terrorists, not to mention the thousands and thousands of Iraqis who would be killed. Those who make this argument forget—or perhaps they do not know—that unlike our war in Vietnam, we face an enemy who is religiously committed to bringing the fight here to our shores. If the terrorists know we will withdraw the bulk of our forces in 120 days, as this legislation calls for, all the enemy has to do is husband its resources or "lie low" until that date. Perhaps the terrorists will launch fewer attacks to lull us into a false sense of security that this defeatist strategy is working. Then, with the cold calculation for which these terrorists have become notorious, they will spring on the Iraqi people before their Government's institutions—which were completely destroyed in 2003—can mature and fully take over the reins of fighting and defeating this insurgency.

These are not compelling options. At their core these "solutions" do not have the goal of victory but consist of resignation to an inevitable defeat.

So how do we win? How do we defeat the terrorists and give the Iraqi people

a fighting chance to claim a destiny of their own, a destiny that is based upon peace and the rule of law? The answer is not simple, but what great endeavor ever was?

First, we must learn from our mistakes. Then we must implement a strategy that harnesses the tactics and strategies that have defeated other insurgents in the past and apply those lessons to the conflict in Iraq. That is what our new strategy, called Operation Fard al-Qanun—which is Arabic for "enforcing the law"—sets out to achieve.

So what is this operation's strategic objective? Once again, I believe General Petraeus said it best at his confirmation hearing. He said:

[T]he mission . . . will be modified, making security of the population, particularly in Baghdad and in partnership with the Iraqi force, the focus of the military effort.

I could not agree more. Creating a secure environment is the essential task. This is accomplished not just by conducting operations to clear an area of insurgents but by maintaining an American/Iraqi security force in cleared areas which assists in providing essential services such as clean water and power to the local population and enforcing the rule of law. This, in turn, creates conditions where the Iraqi people can begin to develop a growing economy and where families feel safe to send their children to school. As these goals are achieved, more and more of the population will desire even greater stability and will support and work toward creating Iraqi Government institutions and security services that maintain and enhance this new security environment.

How is this strategy different from past endeavors? Unfortunately, in the past there were far too few American and capable Iraqi forces available to provide adequate security once an area had been cleared and, frankly, there are cases where political impediments prevented us from providing adequate security. That is why the additional forces we are sending to Iraq are so important. It is not more for more's sake but to maintain a secure environment for the Iraqi people.

This does not mean that our forces will be going it alone. Far from it. A key principle of the new strategy is to enhance and strengthen our efforts to advise and train the Iraqi military and police forces so they may eventually take over primary responsibility for the defense of their own nation. We must also remember that training was one of the major recommendations of the Iraq Study Group. Indeed, one of the members of my own party, who has authored legislation disagreeing with this new strategy—despite voting for the nomination of its implementer, General Petraeus—stated that Iraqi forces:

... while they're not fully independently capable of operating, they're excellent and trustworthy and fighting hard with our troops today . . . I would be willing to serve alongside those Iraqi forces.

I believe it is also important to add that, as of last week, three of the four Iraqi battalions that recently entered Baghdad were at above 100 percent troop strength. Another vital element is our new commander in Iraq, General David Petraeus. I can think of no better choice for implementing our new strategy.

General Petraeus has long been a student of counterinsurgency warfare. In the 1980s, when he received his Ph.D. from Princeton, he closely studied counterinsurgency operations.

During the initial race to Baghdad, the General commanded the 101st Airborne Division, and he is largely credited with devising and implementing a strategy that secured the city of Mosul immediately after the initial combat phase.

Later, when he commanded our effort to train the Iraqi Army, General Petraeus implemented the Transition Team concept. A Transition Team is composed of a group of advisers, primarily officers and seasoned non-commissioned officers, who serve with Iraqi units from those units' inception, including basic and advanced training and eventually combat operations. This is an important strategy, since experienced U.S. soldiers learn firsthand the operational characteristics and requirements of Iraqi units and tailor a training program to fit the units' needs. It also provides a detailed analysis of the individual Iraqi units' combat capabilities. General Petraeus was also one of the authors of the updated Army/Marine Corps Field Manual on Counterinsurgency which was published in December of last year.

I do not know of any other officer with the intellect and experience necessary to carry out successfully this new strategy and win the war in Iraq. He has my confidence and apparently the confidence of most everyone in the Senate since 100 percent voted for him and he clearly articulated this new strategy. But what he needs is our support and time to carry out his new strategy.

One must also remember that all of the additional forces needed to fully implement this new strategy will not be in place until early June.

As the General stated in a recent news conference:

We are, in any event, still in the early days of this endeavor, an endeavor that will take months, not days or weeks, to fully implement, and one that will have to be sustained to achieve its desired effect. . . . I have been on occasion bemused by people "Hey, how's it going? Have you won yet?" And the answer is we've just started. Just the second of five brigades [has arrived]. . . . Our soldiers are resolute. They want to see this succeed, as do their Iraqi counterparts, and that is exactly what we're endeavoring to do.

So what do we offer him and the soldiers, sailors, airmen, and coastguardsmen under his command? We offer guaranteed defeat in the form of a joint resolution.

But with great respect for General Petraeus, I believe we have already

seen some preliminary success. For example, Richard Engel, an NBC News reporter who has lived in Iraq for the past few years covering the war, responded just last month about our change in tactics. He said:

Night and day. There's a radically new war plan under way in Baghdad right now. For the past four years, U.S. troops have been on main bases, most of them outside the city center, some of them in Baghdad itself, and then have been effectively commuting to work. Now they live at work, they're living in small forward operating bases. . . . It is a very different strategy. We're seeing foot patrols again that we haven't seen in Baghdad for a long time, more hearts and minds campaign. . . . It's very much a new war. A lot of people say that this feels like '03, that the war is starting again and that this is a new battle plan. The battle plan to end the war in Iraq and finally establish some sort of stability.

I would also like to address a matter that, more than any other, has weighed on my heart over the past few years. That question is, Do we, not just as a nation but as a people, have the will to see our obligations through? This has always been an important question. But now, during an insurgent war, where the side with the greatest will, not technological advantage, will generally emerge victorious, it has become the essential question.

So now we must ask ourselves: Do we have the will to see right triumph? Do we as Americans believe in making sacrifices for the greater good? History provides an answer.

Almost 230 years ago, the Continental Army began a retreat, or more accurately a route, from Brooklyn Heights over the island of Manhattan into New Jersey and then across the Delaware River. General Washington had fewer than 1,000 troops and was confronted by the greatest Army of the day. The Continental's enlistments were up and many soldiers, lacking basic supplies and even food, were making plans to go home. For all intensive purposes, the American experiment in democracy, where all men were to be treated equal, was about to end.

Then something miraculous happened. A writer named Thomas Paine wrote a pamphlet entitled "Crisis." But panic was not his essay's subject. He wrote about commitment and faith that freedom would one day be victorious. His words still echo today:

These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country; but he that stands it now deserves the love and thanks of man and woman.

Shortly, after the Continental Army heard these words, the morale, which had been crushed by the cold winters of New Jersey, was restored enough for General Washington to launch the raids on Trenton and Princeton, thus saving the young Republic.

Commitment and faith had been restored—the faith that freedom is worth fighting for, that it is worth sacrificing for, and that is what we as a Nation must remember now more than ever.

I see the leaders are on the floor, and I will not take any more time, so I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. I appreciate the distinguished Senator from Utah being his usual courteous self.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the motion to proceed to S.J. Res. 9 be agreed to and that the Senate now begin debate en bloc on the following: S.J. Res. 9, S. Res. 107, and S. Con. Res. 20 by Senator GREGG; that there now be 4 hours for debate on the above items equally divided between the two leaders or their designees; that no amendments or motions be in order to any of the above; that at the conclusion or yielding back of that time, the Senate vote on each of the above in the above order; and that the preceding all occur without intervening action or debate; further, that there be 2 minutes for debate equally divided between each vote.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, since a filibuster is any Member's prerogative, I renew my consent with 60 votes required to pass each measure; and that if any measure fails to get 60 votes, the vote on passage be vitiated and the item be returned to its previous status.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, let me also say, when we complete these votes, we are going to move to three judges, one circuit court judge and two district court judges. So Senators should be alerted that we could have six votes.

Mr. President, I note 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 AGREEMENT—S. 214

Mr. REID. Mr. President, I ask unanimous consent that on Monday, March 19, at 2 p.m., the Senate proceed to the consideration of Calendar No. 24, S. 214, a bill to preserve the independence of U.S. attorneys; that when the Senate considers the bill, it be considered under the following limitations: that there be 6 hours of general debate on the bill, with the time equally divided and controlled between Senators LEAHY and SPECTER or their designees; that once the bill is reported, the Committee-reported amendment be agreed

to and the motion to reconsider be laid upon the table; that the only other amendments in order be the following: the Kyl amendment regarding the nomination and confirmation of U.S. attorneys; the Sessions amendment regarding appropriate qualifications for interim U.S. attorneys; that debate on each amendment be limited to 3 hours equally divided and controlled in the usual form; that the amendments have to be offered and debated during Monday's session, except as noted below; that on Tuesday, the Senate resume consideration of the bill immediately after the opening proceedings and there be 90 minutes of additional debate time on the bill and the amendments are to run concurrently with the time equally divided and controlled between the two leaders or their designees; that upon the use or yielding back of time, but not later than 11:30 a.m., without further intervening action or debate, the Senate proceed to vote in relation to the Kyl amendment, to be followed by a vote in relation to the Sessions amendment; that upon disposition of the amendments, the bill be read a third time, and the Senate proceed to vote on passage of the bill, as amended; that the text of these amendments be printed in the RECORD once this consent is granted.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments (Nos. 459 and 460) are as follows:

AMENDMENT NO. 459

(Purpose: To ensure that United States attorneys are promptly nominated by the President, and are appointed by and with the advice and consent of the Senate)

On page 2, strike line 1 and all that follows and insert the following:

SEC. 2. PROMPT NOMINATION AND CONFIRMATION OF UNITED STATES ATTORNEYS.

Section 541 of title 28, United States Code is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

“(b)(1) Not later than 120 days after the date on which a vacancy occurs in the office of United States attorney for a judicial district, the President shall submit an appointment for that office to the Senate.

“(2) Except as provided in paragraph (3), not later than 120 days after the date of the submission of an appointment under paragraph (1), the Senate shall vote on that appointment.

“(3) If the President fails to comply with paragraph (1) with regard to the submission of any appointment for the office of United States attorney, paragraph (2) of this subsection shall have no force or effect with regard to any appointment to the office of United States attorney during the remainder of the term of office of that President.”.

SEC. 3. REPEAL OF INTERIM APPOINTMENT AUTHORITY.

Section 546 of title 28, United States Code, is repealed.

AMENDMENT NO. 460

(Purpose: To require appropriate qualifications for interim United States attorneys)

On page 2, line 23, strike the quotation marks and the second period and insert the following:

“(e)(1) A district court appointing a United States attorney under subsection (d) shall not appoint a candidate—

“(A) unless that candidate is an employee of the Department of Justice or is a Federal law enforcement officer (as that term is defined in section 115 of title 18); or

“(B) if the court learns that candidate is under investigation or has been sanctioned by the Department of Justice or another Federal agency.

“(2) Not less than 7 days before making an appointment under subsection (d), a district court shall confidentially inform the Attorney General of identity of the candidate for that appointment.”.

Mr. REID. Mr. President, in view of the agreement just entered, I now ask unanimous consent that the cloture motion be withdrawn.

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

ORDER OF PROCEDURE

Mr. REID. Mr. President, let me say these few minutes Senator McConnell and I have spent on the floor have been just a brief interlude, but getting to this point has taken hours and hours of people's time. I think we are at a point now where we have had a good debate over the last several days and we will have one today. We are moving into another contentious issue, which will be resolved Tuesday morning. So I think we have made great progress. I think it speaks well of the Senate, in spite of the closeness of the margin between Democrats and Republicans, that we are able to get things done. Sometimes it is a slow process in getting things done, but I am confident this is good for the body and the country.

Mr. President, also it is important that everyone be notified—we were scheduled to have a vote Monday at 5:00 or 5:30—that it is not necessary. We have a lot of work going on. We have the debate on the budget that will take some time. We are going to complete this U.S. attorneys issue and we are going to complete three judges today. So in short, there is no need to have a judge's vote, though we have two remaining on the calendar, and I think we will accomplish what we need to do. So there will be no votes on Monday night.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McConnell. Mr. President, let me echo the remarks of the majority leader with regard to the painstaking process he and I have been through over the last day and a half trying to reach an agreement on the Iraq debate. I think it is an agreement that is satisfactory to both sides. It gives Senators an opportunity to express themselves on what is clearly, arguably, the most important issue on the minds of the American people at this particular juncture in our history, and we look forward to the debate starting shortly. Senator Inhofe will be here to control the time on our side, so let the debate begin.

Mr. Reid. Mr. President, I ask unanimous consent that the final 20 min-

utes of the debate relating to matters regarding the Iraq resolutions, the first 10 minutes of the 20 minutes be for Senator McConnell, the second 10 minutes right before the vote be under my control.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNITES STATES POLICY IN IRAQ RESOLUTION OF 2007—S. J. RES. 9

EXPRESSING THE SENSE OF THE SENATE THAT NO ACTION SHOULD BE TAKEN TO UNDERMINE THE SAFETY OF THE ARMED FORCES OF THE UNITED STATES OR IMPACT THEIR ABILITY TO COMPLETE THEIR ASSIGNED OR FUTURE MISSIONS.—S. RES. 107

EXPRESSING 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.—S. CON. RES. 20

The PRESIDING OFFICER. There will now be 4 hours of debate equally divided between the parties.

Mr. Inhofe. Mr. President, it is my understanding the debate will start with our side. I encourage all Members who wish to be heard on our side on any of these resolutions to come to the floor and be heard.

Let me share some thoughts. This is a rather awkward situation we find ourselves in because we are debating three resolutions concurrently. Frankly, one of the three I have not even seen yet, so it is very difficult to debate something you have never seen. But I do know from the past discussions the type of concerns people have, the differences between, quite frankly, the Republican side and the Democratic side. I know it is not right down party lines, but let me share some concerns I have and some thoughts I have.

We heard from several Senators who expressed their concern over our micro-managing the war from this body and from the body of the other side. Five hundred and thirty-five people cannot be Commanders in Chief. It seems as if that is what is happening. Also, I observe, and I am only speaking for myself, that this thing has become highly politicized. When the war first started,

the whole idea of weapons of mass destruction was the media trying to make us believe that is what it was all about, but that isn't what it was all about.

I was on the Senate Armed Services Committee during that time, both before and after 9/11, and I observed what was going on. I observed what was going on in Iraq for a long period of time. I had the honor back in 1991 of going to Kuwait on what they called at that time the "First Freedom Flight." There were Democrats and Republicans on that flight. We were the first ones to land in Kuwait. The Iraqis didn't even know the war was over at that time, and the oilfields were burning in Kuwait. I remember Tony Coelho was one of the Democrats who was on the trip, and Alexandria Hague was one of the Republicans on the trip.

He also had the Ambassador from Kuwait to the United States and his daughter on the trip, going back for the first time to Kuwait to see what damage was done by Saddam Hussein in Kuwait City. I remember so well—I don't recall the age of the daughter; maybe she was about 8 years old. I remember so well that when we landed, the oil fields were burning, Iraqis were still fighting, not knowing there had been an agreement and fires should have ceased by that time. They were still shooting at each other. When it calmed down, we went to their home.

Keep in mind the Ambassador to the United States from Kuwait was of nobility and he had a daughter with women. They had a mansion on the Persian Gulf, a beautiful place. We got there in time to see that their house had been used as one of the headquarters of Saddam Hussein. His young daughter wanted to see her bedroom, her stuffed animals and things girls want to see. We found out her room had been used for a torture chamber. There were body parts stuck to the walls, human hair and hands, where the torturing had been taking place.

I think sometimes people forget about how bad this guy was. We hear a lot about Adolf Hitler, and this guy was certainly the worst since the brutality of Auschwitz and Hitler and, of course, the Holocaust. If you had been there and looked down and seen the bodies in the open graves, if you heard the testimony from others whose daughters could not get married because they could not have weddings on the streets of Baghdad because, if they did, people would come in, the Iraqis, and Saddam Hussein's sons would come in and mob everybody and they would kill people and take the pretty girls and rape them and bury them alive. These atrocities that took place were inconceivable to people.

You don't hear about this in the media. They say they didn't find weapons of mass destruction. Well, you know, that is a moot point. There were weapons of mass destruction because they used weapons of mass destruction. They used them in the northern parts

of Iraq. Saddam Hussein brutally, painfully murdered his own people, and the types of gases used in these weapons of mass destruction were the most painful kind that would torture people to death, burn them from the inside out. All the time this was happening, we heard testimonials about how Saddam Hussein was treating his people he thought perhaps were his enemies and didn't follow him after the war in 1991, and how they would put people to death, torture them, and drop them into vats of oil. The victims would be praying that they would put them in head first because their life would be over sooner. It was the same with the massive machines—like what we call shredders in this country—where they would shred the live bodies of these individuals. They used the most brutal types of torture imaginable.

I thought once they get Saddam Hussein and once he is disposed of and is dead, people will realize this monster is not coming back. Unfortunately, there are other monsters who would take up the mantle. These things have gone undiscussed, unnoticed. Even if there had not been weapons of mass destruction—which there were, because they used them, either chemical or biological, which is just as cruel as nuclear, and effective, and it kills many people. Even if that had not been the case, America could not stand by and watch that type of thing happening.

I have had the honor of going back more times than any other Member of the Senate. I will be going next week. It will be my 13th trip to the area of responsibility in Iraq. Each time I come back, after seeing the progress that is being made, I read the newspapers, the press accounts, and there is no relationship between reality and the press accounts we get.

I had the honor of being in Fallujah during a couple of the elections. The Iraqi security forces—people are not aware of this, but they allowed them to vote a day in advance of the normal voting that took place. I was purposely at a couple of these elections in Fallujah because that was where the problems were supposed to exist. That is where our marines were. They conducted door to door and they did incredible and great work at that time. The Iraqi security forces were the first to go down and vote. I remember one night having them come back and talk about the threats that had been made on their lives. Some were shot during the process. They were willing to risk their lives to vote and then to help the people vote the next day. The next day, the other Iraqis came to vote. We all heard about the fingerprinting and holding up with pride their stained finger, which would be a death sentence on individuals. In this country, when such a small percentage of the people vote, and we look at those who are willing to risk their lives, I think how dear that privilege is and how we do not appreciate it as we should.

Anyway, they voted and, of course, they knew when they were going to

vote, they would be in harm's way, and many were shot. There are heroic stories of Iraqis going to vote where they would lay down their lives and get in the line of fire to save somebody else. So these were experiences that we had, the real reasons for being there.

As we approach these resolutions—I see my friend from Missouri is here and I will soon yield to him whatever time he asks. As we discuss the resolutions, I want people to keep in mind the one thing those of us who believe the generals are more capable of running this war than are the individuals in this body, the 535 Members of the House and Senate—and of the 535, many of them want to be Commander in Chief; many are running. The generals make these decisions.

At this time, I ask my friend from Missouri how much time he wishes.

Mr. BOND. I would like 15 minutes.

Mr. INHOFE. I yield 15 minutes to Senator BOND.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank my colleague from Oklahoma. I appreciate the opportunity to talk about this very important subject. Some have said we don't want to debate the war in Iraq, but we have been doing that and I am happy to debate it.

We are at war. One of the jobs of this body is to support our troops when we are at war. As such, we should be taking up the supplemental war funding bill that will directly support and aid our service men and women and support the efforts underway in Iraq and Afghanistan.

I regret the Democratic leadership has chosen to delay acting on funds our troops in the field need and must have by the 1st of May. Here we go, talking about resolutions. We are taking up nonbinding resolutions. The key one is nonsensical; it would serve only to undermine the morale of our service men and women and boost the morale of our enemies. S.J. Res. 9 has a clear message, if not to Americans reading the news, certainly to our enemy: America has been defeated. America does not have the will to win. Or we cannot defeat American troops on the streets of Iraq, but we can defeat America in the halls of Congress. That is what they will be saying.

Out of the 17 different resolutions the majority has worked with and introduced, they have decided to debate S.J. Res. 9—one in a litany of defeatist, micromanaging resolutions that have been offered by the other side.

Like so many of the others, it calls for a retreat and it ensures defeat. Such a retreat, in its wake, would create a bastion of instability, violence, regional conflict, and a launching point for future attacks on our allies and this Nation such as that witnessed after 9/11. The intelligence community, in public testimony before our committee in January, publicly stated that the very real three-pronged threat of turning Iraq over to the chaos is a serious challenge we all should consider.

Fortunately, those of us who believe the generals ought to run the war have the Constitution on our side, which specifies that the President—not those of us in the 535 Members of Congress—is Commander in Chief. The proponents of S.J. Res. 9 to set deadlines must now believe they are more equipped, better informed, and have better judgment than the leaders and military commanders they recently and unanimously confirmed.

Is the American public to believe that the legislators in these beautiful halls, 8,000 miles away from the front, are better equipped to develop strategies than General Petraeus, whom this body confirmed unanimously to lead U.S. forces?

I think the Founding Fathers were right at the time and they are right now. We do not fight wars in the Halls of Congress. We cannot win this war by resolutions we pass, but we can lose the war in the Halls of Congress. My colleagues on the other side of the aisle continue to cite public opinion polls about Iraq as well as a reason why we should pull out. What may be perceived to be popular in the short run, regrettably, will in the long run compound into an even bigger problem that will end up costing us and our allies far more blood and treasure.

Further, when it comes to national security, we ought to be governing on principles, not on public opinion polls.

The American people want victory, not defeat. They are demanding progress, which the new security plan was designed to produce. Incidentally, this new plan fits almost exactly with the recommendations of the Baker-Hamilton committee, which so many people on both sides of the aisle said would be the ultimate solution. Well, General Petraeus and the administration are carrying out the details of the Baker-Hamilton plan, and now we are changing our mind. Why? Well, some, I fear, may be inspired by a loathing of President Bush. But even to those of you who do, I appeal to you to recognize the President is not the enemy. The enemy is ruthlessly chopping the heads off innocent civilians in front of cameras, blowing up schoolchildren, blowing up places of worship. One Army officer recently e-mailed me and said:

I proudly served in Iraq. I know who the enemies of America are. I have met them in person. Our President is not the enemy.

This would not be George Bush's defeat or victory. It will be an American defeat or victory, and the sooner we understand that, the sooner perhaps we can be united.

Robert Kagan, a senior associate at the Carnegie Endowment for International Peace and transatlantic fellow at the German Marshall Fund, recently wrote a piece in the Washington Post describing the sad state of current political affairs. It was entitled "Grand Illusion." In the piece he asserted:

Democratic and Republican members of Congress are looking for a different kind of

political solution: the solution to their problems in presidential primaries and elections almost 2 years off.

This is coming, as he indicates in his article, just as "American soldiers are finally beginning the hard job of establishing a measure of peace, security and order in critical sections of Baghdad."

He goes on to say that "they've launched attacks on Sunni insurgent strongholds and begun reining in Moqtada al-Sadr's militia."

This is appropriate advice. He says:

Politicians in both parties should realize that success in this mission is in their interest, as well as the nation's. Here's a wild idea: Forget the political posturing, be responsible, and provide the moral and material support our forces need and expect.

Despite many people's dissatisfaction with the war, I don't think a majority of Americans want us to withdraw, to retreat and admit defeat.

Throughout the debate, we have also heard references and comparisons made to Vietnam, that this is a quagmire, that the war is unjust, poorly managed, it threatens our individual liberties, it is unwinnable, and the only option is to pull out. All of the very same things were said during the campaign against President Lincoln in 1864, with well over one-quarter of a million dead Americans; after the Union suffered 7,000 casualties in 30 short minutes at Cold Harbor; and until Sherman won in Atlanta.

If you look at our history, anybody getting 24-hour television news during the battles Americans fought against the British in 1776, you would have had to say we were in worse shape than we are now.

When you look at the conditions our troops were in before D-Day and all the things that went wrong, 24-hour news coverage would have convinced an overwhelming majority of the American people to forget it, pull the plug, let the Nazis have it. But if somebody used Vietnam as a model—and it should be used completely—I think it reminds people of the image associated with Vietnam that too many ignore.

I suspect this is a historical photo that many of our murderous enemies dream would be superimposed over the rooftops of Baghdad. These are the people left behind. We left behind people. Some 2.5 million were murdered after we pulled out of Vietnam.

This is, of course, the final, classic departure, people trying to get away. Those who didn't were slaughtered.

Our enemies throughout the radical Islamist world are all too familiar with immediate withdrawal and retreat. We withdrew from Vietnam, we withdrew from Beirut, and we withdrew from Mogadishu.

These repeated withdrawals signaled to our enemies all over the world that if they inflict enough damage on our most heroic citizens, the Marines will never surrender but Washington will.

And make no mistake about it, they are watching. They are watching to see what we will do in Iraq.

These repeated withdrawals invited the 1993 World Trade Center attack, the bombings of our embassies in Africa, the USS *Cole*, the Khobar Towers, and eventually 9/11. None of these actions occurred because of our action to liberate Iraq. Five or six of these attacks occurred before President Bush took office, and George Bush did not invent the danger from radical Islam.

Further, the notion of separating al-Qaida from the sectarian killers can only be contemplated from as far away as Washington because al-Qaida is targeting the mixed neighborhoods and has overtly promised sectarian violence to undermine the Iraqi Government and to weaken U.S. Government resolve.

The Democratic resolution before us now is precisely what our enemies want to hear and, sadly, are expecting to hear.

Here are some quotes from one of the people we ought to be reading more frequently, Osama bin Laden. Osama bin Laden said:

We found that out from our brothers who fought the Americans in Somalia. They did not see it as a power worthy of any mention. . . . God gave them and the mujahideen success in Somalia and the United States pulled out, trailing disappointment, defeat and failure behind it. It achieved nothing. It left quicker than people had imagined.

That is what Osama bin Laden said on October 21, 2001.

In addition to that statement, he said on February 14, 2003:

It has been made clear during our defending and fighting against the American enemy that this enemy's combat strategy is heavily dependent on the psychological aspect of war . . . which hides the cowardice and lack of fighting spirit of the American soldier. . . . Likewise, let me remind you of the defeat of the American forces in Beirut in 1982, soon after the Israeli invasion of Lebanon, when the Lebanese resistance was personified by a truck laden with explosives that struck the main military base of the U.S. Marines in Beirut, killing 242 soldiers—towards hell was their destination and what an evil destination that is.

This is what Osama bin Laden thinks of us. He stated many times that Americans don't have the stomach for conflict and this Democratic resolution embodies that very notion.

What Osama bin Laden and the enemies we are fighting against expect to see is Vietnam. Let's give General Petraeus more confidence. General Petraeus was confirmed unanimously. He stated that the effort in Iraq will have to be sustained to achieve its desired effect and that more troops are vital to advancing security. We confirmed him unanimously. Give him a chance.

He reported last week that nine Iraqi reinforcement battalions have entered Baghdad. He pointed to a decrease in sectarian killings, the discovery of numerous weapons caches, and the capture of al-Qaida members. Al-Sadr has fled Sadr City, and al-Baghdadi was recently reported caught.

Associated Press reporter Robert Reid recently reported General

Petraeus walking through the streets of Hit, a Sunni city with a bloody past. Last month in the article, he reported:

Iraqi police backed by U.S. troops swept through the city of about 120,000 people, arresting suspected insurgents and establishing three new police stations in the downtown area. Since then, the number of violent incidents has dropped from an average of 5 per day to 1.3 per day.

Now that a relative level of security has been established, the important political and economic development work must begin.

In the past, the United States had claimed similar victories in Hit, but those gains were lost because of lack of enough troops to sustain the province.

I ask unanimous consent that this article be printed in the RECORD.

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

[From the Associated Press]

WALK DELIVERS A U.S. MESSAGE

(By Robert H. Reid)

HIT, IRAQ.—The top U.S. commander in Iraq strolled Saturday through the streets of a dusty Euphrates River city.

Gen. David Petraeus was snacking on ice cream and promoting cooperation between Americans and Iraqis in a Sunni Arab community where insurgents have been driven out before, only to return.

Petraeus visited Hit, scene of bloody fights with insurgents for the last three years, to affirm U.S. support for a nascent city administration and to deliver a message that U.S. troops will remain here until Iraqi forces are genuinely ready to provide their own security.

To demonstrate his confidence, Petraeus, accompanied by dozens of armed U.S. troops and Iraqi policemen, strolled down the main street, stopping to buy ice cream from a vendor and wandering through the city market, where snipers were taking potshots at U.S. patrols just months ago.

"Iraq presents its own complex set of challenges, and you have to do one city at a time," Petraeus said as he beamed at hesitant crowds and delivered Arabic greetings to small groups of young boys who stared at the entourage from the curb.

Few of the Iraqis returned the greeting and most kept back, perhaps intimidated by the stern-faced, gun-toting Iraqi policemen who appeared keen to make sure nothing went awry during the visit.

Nevertheless, the fact that a senior American general could walk through the public market in a Sunni city with such a bloody past indicated a degree of progress that U.S. commanders are eager to exploit. It is key to the new U.S. strategy of clearing areas of insurgents and then remaining to promote economic and quality-of-life projects. In the past, Iraqi forces have failed to maintain control once the Americans were gone.

Last month, Iraqi police backed by U.S. troops swept through the city of about 120,000 people about 100 miles northwest of Baghdad, arresting suspected insurgents and establishing three new police stations in the downtown area.

Since then, the number of violent incidents—mostly bombings and shootings—has dropped from an average of five per day to about 1.3 a day, the lowest level since March 2006, said Lt. Col. Douglas Crissman, commander of the battalion that took part in the sweep.

The plan is for U.S. and Iraqi checkpoints around the city to turn Hit into a "gated community" free of insurgents.

To convince the locals that better days are ahead, the U.S. plans to fly in \$15 million to float the local bank, which will enable retired government employees and soldiers to start receiving pensions and provide cash to bolster the economy.

The Americans are also encouraging the Shiite-run government in Baghdad to pay more attention to mostly Sunni Anbar province, including authorizing funds to pay for the extra police. But U.S. forces have claimed similar successes in the past in Hit, only to see gains lost because of a lack of enough troops in the province.

Mr. BOND. Mr. President, while it is far too premature to declare that the new strategy has succeeded, it does indicate there is a possibility. As General Abizaid once testified, despair is not a policy. It must be given a chance to succeed, and this resolution would do nothing to achieve victory. The alternative of retreat and defeat would be disastrous.

What are my colleagues who wish to see us leave Iraq thinking will happen once we do? The arguments for retreating before relative security is established because we grow tired of the war, because mistakes were made or because Americans allegedly want us to leave all ignore what the consequences will be if we do leave precipitously on a political withdrawal timetable.

Those who are advocating for retreat and departure from Iraq absolutely must address this very difficult question. In other words, what is "Plan Bravo," plan B, for those mandating retreat? Are we to redeploy forces back home only to have to redeploy them in much larger numbers 3, 4, 5 years from now, once Baghdad has turned into a base of operations and safe haven for al-Qaida? Will we endure the transfer of Islamofascist terrorism and violence occurring in the Middle East back to the homeland?

Mr. President, I ask for an additional 60 seconds.

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

Mr. BOND. Mr. President, are we going to bear witness to a conflict between Sunnis and Shiites that would spread into a regional war throughout the Middle East? Will we sit idly by while a regional conflict ensues that would result in the death of thousands of civilians? What will happen when the price of oil goes up? Will we see radical Islam taking over more parts of the world? Will we hand them Iraq on a silver platter? Will we have to again deploy troops to the Middle East?

To ignore these considerations and questions simply because they are not politically palatable is shortsighted at best and dangerous at the worst. Those who are attempting to end the war don't want to talk about the fact that the war in Iraq will do anything but end. In fact, it will only grow more dangerous.

Mr. President, I suggest that Mr. Kagan had it right. In his article, he also said there ought to be a plan B for the Washington Post and others who

have projected and counted on defeat. What is your plan B if General Petraeus's works and you predicted so successfully it won't work?

We need to put the money behind our troops, give General Petraeus the support for the new plan with money and support that effort underway. Our 130,000 to 150,000 American troops and their families at home are depending on us. They have a direct stake in this historic event, and I believe that fighting is necessary to prevail over evil.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator from Missouri. A lot of people don't know it, but his family has made a personal sacrifice in their efforts in this war. We appreciate that very much. The Senator from Missouri outlined the consequences of surrender in a very articulate way.

Mr. President, I ask unanimous consent that any quorum calls during the debate on the Iraq resolutions be equally divided.

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

Mr. INHOFE. Mr. President, I see no speakers on the other side, so I will elaborate on my remarks. I appreciate the fact that the Senator from Missouri talked about specifically what would be the consequences of timelines or withdrawal. I can speak from personal experience, having spent time in Iraq. As I mentioned before, I plan to take my 13th trip to AOR in a couple of weeks. I believe what is not understood by people who are debating these resolutions is some of the good things about the Iraqi security forces.

I had the honor of being in Iraq when some of the new leadership took office. I remember Dr. Rubaie, who is the National Security Adviser, and Dr. Jassim—I believe he was the Minister of Defense at that time—they articulated in a very effective way that most of the differences between the two major factors over there were Western concepts, were Western ideas. It appeared to me that was the case.

As we debate these resolutions, we need to remember how we got in there in the first place. Remember what happened prior to 1991, remember the monstrous commissions that were made by Saddam Hussein and the number of people, the volumes of people who died tragic, painful deaths.

As far as the Iraqi security forces are concerned, it is pretty obvious to me that these individuals want to be in charge. I get the idea, when I listen to some of the people on the other side, that the Iraqi security forces somehow are inferior, somehow they don't have the knowledge and the capability, the potential to become great fighters. Yet when I talk with them, they are the ones who are anxious to get themselves in a position where they are going to be carrying the load for us.

The whole idea of the embedded training is that we put our people in

the rear to advise the Iraqis on what to do and to train them while they are actually embedded and fighting with them. This has worked very effectively. It has been effective.

I happened to be there at a time when in one of the training areas for Iraqi security forces, there was an explosion. Some 40 were killed.

What the people over here don't understand is the commitment the Iraqis have to their own security. It happens that 40 families of those who were killed in this blast all supplied another member of their family to go in and carry the load for the deceased trainee.

These individuals are committed. They are as anxious as we are to get to the point where they have the capability of offering the security against the terrorists. From time to time, they have gotten that way. There was a time when the entire western one-third of Baghdad was under security control by the Iraqis themselves. They were just not in a position to sustain that control.

We saw the commitment the Iraqis had in Fallujah, when a general who had been the brigade commander for Saddam Hussein—this guy hated Americans; he was a brigade commander for Saddam Hussein, until we went into Fallujah with our Marines and they started the embedded training, the embedded training referred to by my friend from Missouri. It was so successful and they enjoyed each other so much that this man, this general, his name is Mahdi, he looked me in the eyes and said: I hated Americans before all this happened. I certainly hated the Marines. When they came in and started embedded training, I learned to love them so much that when they rotated out, we all got together and we cried.

This is the commitment the Iraqis have. When you get into one of the helicopters and go from place to place, maybe 50 feet off the ground, and you see the commitment of these individuals in the small towns and the kids who are down there—a lot of times the people who are supporting our troops send over candy, cookies, and this type of thing don't realize that when our troops get them, they normally repackage them, and then as they are in these helicopters going across the triangle and other places, you can see the little Iraqi kids out there waving American flags and our troops are throwing them candy and cookies. This is the type of relationship we don't see in this country.

Mr. President, while we are calling to make sure that some of them get down to the floor from both sides, let me suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. 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. SPECTER. Mr. President, the Senate is now engaged in a historic debate about what the United States of America should do with respect to the conflict in Iraq. We are scheduled to vote on three resolutions at 3:45 this afternoon. I was advised early this morning, about 8 a.m., that we would have four resolutions to vote on and that there would be a time agreement of some 6 hours, with votes to occur late this afternoon. Two of the resolutions among the four were not in existence, one of the resolutions has since been dropped, and the fourth resolution was made available less than an hour ago. This kind of a timetable, it seems to me, is not conducive to the kind of deliberation and thought necessary to make intelligent decisions on the momentous questions which we are facing.

We are asking the U.S. military to adopt a timetable to clear out of Iraq no later than a year from now, and we have a tough time establishing even a timetable as to what the Senate will do in the course of a single day.

As I review the proceedings, it seems to me that the Congress is not prepared to act on this subject on this state of the record. It may be that the Congress is not competent to act on this kind of an issue. There is a maxim that you can't manage effectively by committee, and what this concurrent resolution seeks to do is to have management by two committees—that is perhaps twice as bad as trying to manage by one committee—a committee of 435 in the House of Representatives and a committee of 100 here.

Yesterday, I spoke briefly about S. Res. 9, which has been cosponsored by 41 Democrats, no Republicans. I think it is regrettable that there appears to be a partisan divide on this subject. This matter is too important to be determined by party loyalty. Perhaps a more important aspect of noting that the resolution is supported by 41 Democrats is that it is not supported by 9 Democrats, with 50 Democrats in this body. So perhaps it is significant that it is not supported by 9 Democrats.

I would be prepared to cross party lines, as I have done in the past when I thought it warranted, if I agreed with the thrust of the resolution. Seven of us joined with the Democrats in voting for cloture several weeks ago to move ahead with the debate and try to come to a resolution on the Iraqi issue, and I was one of the seven. I would not hesitate to do so again if I agreed, but I cannot agree with the proposal which would require that not later than 120 days after enactment to have phased redeployment of U.S. forces, with the goal of redeploying by March 31, 2008, all U.S. combat forces in Iraq except for three conditions: to protect U.S. and coalition personnel, training and equipping Iraqi forces, and conducting targeted counterterrorism operations.

The thrust, however, is to leave Iraq in about 1 year, and that is to ensure defeat. Setting a timetable simply enables our opponents to wait us out.

I think beyond that, the idea of having the Congress of the United States micromanage the war is simply not realistic, and perhaps it may even be unlawful. As I noted yesterday, in the case of *Fleming v. Page*, in 1850, the Supreme Court said:

As Commander in Chief, he is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy.

That is a fairly forceful statement that it is not up to the Congress to micromanage a war but that it is up to the Commander in Chief, the President of the United States.

That is not to say that the Congress does not have authority in the premises. Yesterday, I put into the RECORD a lengthy letter which I had written calling for additional hearings by the Judiciary Committee on the relative powers, authority of the Congress under the Constitution, with our power of the purse and our power to maintain and direct armies, contrasted with the President's power as Commander in Chief.

I believe, however, it is of questionable legal authority to micromanage, and it is definitely impractical for us to seek to micromanage if the consequences of giving an order to the President would just enable the enemy to wait us out. That is not to say that at some time in the future it may be necessary, and there may be a considered joint judgment by the Congress, to use the extraordinary power of the purse to implement our constitutional authority to maintain armies to effectuate a withdrawal.

Yesterday, I commented on the Senate floor that it would be most helpful to have an update from the Department of Defense and the Department of State as to whether, since General Petraeus went to Iraq, implementing a new strategy as he articulated it to many of us in the Congress in meeting with him, whether there have been improvements, so that there was some realistic prospect of victory, which is what we want. The consequences of defeat are disastrous, but that does not mean that we can be in Iraq forever.

The President, in his State of the Union speech, set two objectives for the Iraqis. One was to end the sectarian violence and, secondly, to secure Baghdad as indispensable prerequisites for maintaining U.S. forces in Iraq. The Iraqis have shown neither the capacity nor the will to carry out those objectives. In evaluating the strategy of General Petraeus, it would be helpful to know if there have been any positive signs or negative signs, giving us some clue as to the prospects of victory.

Through staff, I made an inquiry of the Department of Defense for some updated material, and none was available. Similarly, through staff, I made an inquiry of the Department of State, asking if there had been any results from the change in policy to negotiate

with Iran and Syria, at least on a multilateral basis. One part of the resolution that is supported by 41 Democrats, calling for a comprehensive diplomatic, political, and economic strategy, has been implemented by the Department of State, at least in the incipient stages. Even in the absence of any indication of any progress, it seems to me unwise, on this state of the record, to set a timetable which would just embolden and empower the enemy to win by waiting us out.

The power of the purse is the ultimate constitutional authority of the Congress. Even there, as I noted yesterday in the case of *United States v. Lovett*, in 1946, the Supreme Court held that Congress cannot use its appropriations power indirectly to accomplish an unconstitutional objective. That still leaves substantial parameters to decide what to do.

The second resolution is the one submitted by Senator GREGG, and Senator GREGG articulates a resolution that all of us agree with:

That it is the sense of Congress that Congress should not take any action that will endanger United States military forces in the field. . . .

That would be unthinkable. No one disagrees with that. Then the Gregg resolution goes on to say:

. . . including the elimination or reduction of funds for troops in the field.

That phrase could be interpreted to mean that Congress does not have the authority to stipulate an elimination or reduction of funds for troops in the field so that we couldn't say to the President to reduce the troops by a certain date. Or perhaps it should be read in conjunction with taking no action to endanger to say you have to be down to a certain number by a certain date, as Congress did in legislation in 1974, saying that when the war in Vietnam was winding down, there could be no more than 4,000 troops in the field in 6 months and no more than 3,000 troops in the field in a year. That congressional legislation was signed by President Ford, although he expressed some reservations. So perhaps the Gregg resolution does not purport to totally eliminate the authority of Congress to act by cutting off funding if it can be done in a way which does not endanger the troops in the field. Certainly the thrust, the gravamen of the Gregg resolution is one where there would be no disagreement, we simply could not endanger the troops in the field or take any action which would endanger them.

Then the third resolution—which was filed less than an hour ago by Senator MURRAY—sounds very much like the Gregg resolution. It is intended, I think, to provide an alternative to the Gregg resolution, but it is very close. The Murray resolution provides:

The President and Congress should not take any action that will endanger the Armed Forces of the United States and will provide necessary funds for training, equipment and other support for troops in the

field as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions.

We all agree with that. Then it goes on to say:

The President, Congress and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve.

No one could disagree with that. It is a reference to what has happened at Walter Reed. Then the third clause in the resolution.

Resolved: The President and Congress should continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions.

We can't disagree with that. And then:

. . . review, assess and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

That also is apple pie, motherhood, and milk. There is a little implication, on "review, assess and adjust," perhaps a change in policy, but it does not say anything definitive.

There was supposed to have been a fourth resolution offered by Senator WARNER, who had an earlier resolution which was not taken up by the Senate. Senator WARNER is to be commended for his service to the country, heading the Armed Services Committee, 28 years in this body, Secretary of the Navy, served in World War II. He was searching for some alternative. But in the absence of any resolution having been filed, the inference arises that the search continues. That is where I think we are on this issue.

The electorate spoke last November in disagreeing with United States policy in Iraq. The House of Representatives has spoken, disagreeing with United States policy in Iraq. The Senate is about to speak, but it is highly doubtful—virtually impossible that a forced withdrawal within a year will be approved by 60 Members of this body. The resolutions by Senator GREGG and Senator MURRAY are not twins, but they are first cousins. But we are still groping for what to do.

My own sense of the situation is we need to pursue some preliminary reports that things are improving and find out if in fact that is true. As I look at Iraq—and I used the metaphor yesterday—it is a tunnel and we can't see the end of the tunnel. Certainly there is no indication that there is a light in the end of the tunnel. I don't like being in the tunnel, but I don't know where else to go at the moment.

I am not going to go with a resolution to leave Iraq, micromanage the war, tell the President what to do when we frankly don't know what to do. But we are groping. Just as we are unprepared to deal with these resolutions in a limited time, by 3:45, we are unprepared to tell the military what to do in a year. So I think we need to go back to the drawing boards and I think we

need to find out more facts. It may be General Shinseki was right in 2003, that job required a lot more personnel, into the hundreds of thousands, under the Colin Powell doctrine of overwhelming force. Maybe that was the course which should have been followed. Certainly we don't want to deploy more troops now, in those quantities. For General Shinseki's brilliance, he got himself fired, ridiculed and fired. We are trying to find out what to do.

I had an opportunity to visit the Middle East and talk to President Assad of Syria last December. President Assad advanced the idea of having an international conference before the idea was advanced by Secretary of State Condoleezza Rice. I carried that message back and conveyed Assad's suggestion to Condoleezza Rice. Whether that had any impact on her idea, I don't know. But I do believe—and I said this in a lengthy speech on the Senate floor last June, and in an article which appears in the current issue of the *Washington Quarterly*—that dialog should be undertaken with Iran and Syria. We have seen the multilateral dialog with North Korea, supplemented by direct contracts, bilateral negotiations, produce what appears to be an answer to diffusing North Korea's possession of nuclear weapons. We don't know for sure because that is a very tentative basis, but we made a lot of progress and we appear to have an answer.

I think there is cause for hope that the multilateral talks with Iran and Syria, and perhaps bilateral talks, will produce something there. So I am going to oppose S. Res. 9 and I am going to support the first cousins, the Gregg resolution and the Murray resolution. They say something which is obvious. We are not going to take any action to endanger the American troops. But that does not mean we are without power in the future to use the appropriations power, the power of the purse, to put Congress's imprimatur and decision on what is going on.

The President said for a long time he was the decider. I think he has wisely receded a little from that assertion. It is a joint, shared responsibility between Congress and the President. There has been a lot of talk. I think the American people ought to know there has been a lot of—it is more than talk; there has been a lot of very serious thought which has been undertaken by the Members of the Congress, both the Senate and the House, trying to find a way to have a victory in Iraq. Our statements of disagreement with the President do not mean we ought to tell him what to do when in fact we do not know what to do.

For myself, I think we need to find out more about what is happening now, both militarily and diplomatically; going back to the drawing board and seeing if we can come up with a better answer than the one we are facing at the present time.

I thank the distinguished Senator from Oklahoma, who is managing the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I wish to inquire how much time we have remaining on our side.

The PRESIDING OFFICER. There is 64 minutes 30 seconds.

Mr. INHOFE. Fine. We are next going to hear from the Senator from South Carolina. I wish to say, after the conclusion of the remarks, I am going to be trying to line up, by unanimous consent, several speakers. It is my understanding Senator BYRD wants to come down and speak. But between the next speaker and Senator BYRD, we are going to try to get some lined up for a period of time. That will be our intention.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I think Senator SPECTER, has given a good overview of where the Congress finds itself, where it wants to go, and how to get there. What I wish to do is give my view for people back home and my colleagues about how what we do now, for the moment, could affect the overall war on terror, and throw out this proposition: Do we believe the outcome in Iraq affects the overall war on terror? Is Iraq a central battlefield in the global struggle? I believe the answer is clearly yes. You could debate whether going into Iraq was the right thing. Clearly that is a debate that will be resolved by historians. We are there now. What are the consequences of a failed state in Iraq and how likely is that to occur, based on what we do for the moment?

I would argue very strongly a failed state in Iraq is a tremendous defeat in the overall war on terror on several fronts. No. 1, it means moderate forces in Iraq were overwhelmed by the extremists. There are basically three groups in Iraq trying to kill this infant democracy. There is a Shia extremist group that has as its goal a theocracy for Iraq where the Shias will dominate the Iraqi landscape and they will have an Iranian style theocracy. It may be different in many ways, but it will be a religious state.

The Sunni extremists are trying to seize power and kill this infant democracy and rule by the gun, not by the rule of law. They were in power during the Saddam era and they want to get back in power. These two groups have different views of what to do with a future Iraq, but they both come together believing a democracy hurts their agenda.

Then there is the rest of Iraq, the Sunnis, the Shia, and the Kurds, which I think are the overwhelming majority—and they are struggling to create a new democracy out of the ashes of a dictatorship. I want to associate myself with some understanding of the struggle they are going through be-

cause our country went through this very same struggle. It is hard to create a democracy, but the benefits are enormous if we can pull this off.

The third group is the most dangerous of all. They are in Iraq to kill this infant democracy, not for political power within the border of Iraq as their goal but to create a movement that will sweep the Mideast. This is the al-Qaida organization within Iraq and associated Islamic extremist organizations that have a more regional view of what to do. All three groups, the Shia extremists, the Sunni extremists, and the foreign fighters, namely al-Qaida, are threatened by democracy in different ways.

Shaikh Mohammed has just admitted in open session in a military tribunal that he was in fact the mastermind of 9/11. He went on ad nauseam about all the activity he had been involved in for over a decade. The point of his testimony was he believes he is at war with us. We need to understand we are at war with him. I think for years they were fighting us and we did not quite understand they had declared war upon us. But we all agree now that al-Qaida is a force that needs to be dealt with militarily and that there is a global struggle in which they are involved, and that Shaikh Mohammed is a warrior, an illegal warrior but nonetheless a warrior. He doesn't have a criminal agenda, he has a political agenda and religious agenda, and he considers himself a warrior.

What I hope we can do in Iraq is defeat extremism on all fronts; that we could, in fact, defeat al-Qaida in Iraq, which would be a blow to their overall regional world agenda.

What to do? Senator SPECTER made a good point. Where do we go? Congress is trying to find its footing. Congress doesn't want to cut off funding. There are different reasons people don't want to cut off funding. The polls clearly show that cutting off funding is not popular, by the American people. There are Members in the body who do want to cut off funding. I respect their point of view because they have concluded Iraq is not part of the war on terror in a traditional sense; that our involvement in Iraq is doing more damage in the war than it is helping.

I just disagree. I think a loss in Iraq is a huge event in the war on terror. And they will come and cast a vote. They will vote against Senator GREGG's resolution saying the Congress should cut off funding. I respect them, but I think they are wrong.

Now as to Senator REID. His motion is that we are going to try to send a message to the Maliki Government and other political leaders in Iraq by telling them: At a date certain, we are going to start leaving if certain things are not done. I understand the point, that they are trying to get the moderate forces, the Democratic forces in Iraq, to do better and come together quicker.

My concern is pretty simple. I think Senator SPECTER expressed it very

well: The audience of this resolution is not a single audience, that the world will be listening and watching what the Senate does.

If the Senate did pass a resolution setting a specific date—March of next year—where we will begin to redeploy if certain things are not done in Iraq, then I am convinced that in the Mideast it will be taken as a sign of weakness, not strength.

It will be not a message sent to the moderates alone, it will be a message sent to the enemies of democracy. We would be, no matter how well intentioned, laying out a roadmap as to how to drive the United States out of Iraq. The resolution would have two purposes, one well intended: to get the Iraqi Government to do more to expedite the political decisionmaking that is required to lead to a successful outcome.

The other consequence would be, we would be telling our enemies in great detail: Here is what you have to do to make sure we leave at a date certain and that every benchmark we set as to a date becomes a benchmark for the enemy. If you can achieve this benchmark, the United States will leave. To me, if we ever do that, then we have made a huge mistake.

Senator SPECTER mentioned some of the mistakes. I think General Shinseki was right, we never had enough troops to provide security. We planned for the best, never assumed for the worst. On the economic projections, in terms of the cost of the war, the military understanding of what would happen after the fall of Baghdad, we missed it by a mile. We are paying a heavy price for making those mistakes.

But the biggest mistake is yet to come. If we pass the Reid resolution, it would trump every mistake President Bush's team has made by a factor of many because it would be, in fact, destroying the last best chance we have to salvage democracy in Iraq.

General Petraeus is our best hope. Reinforcements are needed in Iraq: politically, economically, and militarily. Any resolution passed by the Senate declaring this operation lost before it is implemented cuts General Petraeus's legs out from under him. It would be the biggest mistake Congress could make—I would say maybe in American history—to a commander in the field. Eighty-one to zero, we sent the general off to fight in a war anew, and now we are about to send a message to the people he is fighting that on a date certain you win if you do the following things.

This resolution empowers our enemies. It gives them a roadmap of how to drive us out of the Mideast. It weakens the ability of General Petraeus to form coalitions to give the Iraqi politicians what they need to do the things they need to do.

If you want to empower a moderate, which is key to victory in the Mideast in the war on terrorism, the last thing you need to do, in my opinion, is make a public statement that our commitment ends at a certain date if you do

not do certain things, because you are telling the enemy exactly what they have to do to win out over the moderates and the United States. It would be a huge mistake of monumental proportions. I hope this body will not allow that to happen.

What happens if we have a failed state in Iraq? Who is the biggest winner if Iraq breaks apart and democracy fails? Iran wins. In the south, the Shia south, a very oil-rich area, that most likely will become a puppet state of Iran. I cannot say for sure it will, but it is the most likely outcome. Let's start, for a change, planning for the worst.

I wish people who were introducing these resolutions would understand the consequences of a failed state and ask themselves: Does this resolution help create a democracy? Does it empower the enemy? Does it help create a failed State? What are the consequences?

Former Senator Edwards is saying we should draw 50,000 troops down today. They asked him the question: What would that mean for regional stability? I don't know. I am not sure.

Well, I can tell you what it means. It would tell the extremists we are leaving, you are winning. Every moderate in the Mideast would start hedging their bets because what kind of political solution are you going to come up with if you believe the American political and economic aid to your young democracy will vanish? You start hedging your bets.

The stronger we are, the bolder they become. The weaker we are, the bolder the enemy becomes. The stronger America, in a rational way, stands by moderate forces, the more likely they are to make the hard decisions to bring the country together. The weaker we seem, the weaker we portray ourselves, the stronger the enemy of democracy.

That is what I believe this is all about. You cannot kill the terrorists in numbers enough to win the war from an American perspective. This war will never be won by the American military killing terrorists. They are doing a wonderful job, our military. This war will be won when extremism is suppressed within the Mideast by the people who live in the Mideast.

So we have to take sides. This war is a war of religion and origin. The origin of this war is not Palestine-Israel, it is bin Laden, Shaikh Mohammed, and others who have a view of religion that has no place on the planet for the State of Israel or moderate Muslims, Christians, Jews. They have said publicly their goal is to drive us out of the Mideast, topple all moderate governments that do business with the West and essentially destroy Israel. I believe them.

Iraq is a test of us and our will versus their will. I do hope we understand the vote we are about to take will shape the fortunes in Iraq in the coming months one way or the other. The decision we take in Iraq will shape our national security interests for decades, will change the Mideast for the better

or for the worse, and will have monumental consequences on the war on terrorism.

This is not about the political moment. This is about the decades to follow. Leaving Iraq, from a national security perspective, is not the question for the country. We all want to leave sooner rather than later for the good of our own troops, and eventually the stability of the world, to allow the Iraqis to take over their own destiny.

The question for this country is what do we leave behind? I am convinced if we leave behind a failed State, where moderates are overwhelmed by extremists, the problems in Iraq spill out to the Mideast, and the war does not end when you leave Iraq, it just begins.

You need to look at Shaikh Mohammed and what he said a few days ago, and what they are saying now, al-Qaida. Understand that they believe the outcome in Iraq is part of the war on terror. I believe it. These resolutions, in my opinion, do not understand that.

As to General Petraeus, I have a lot of confidence in this new plan. It is not more of the same. It is trying to go at the problems in Iraq new and differently. There are early signs of success. There is a long way to go, but please understand the General and those who are under his command are affected by our actions in Washington. The world is watching. Please do not send a message to the wrong people, no matter how well intended.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. First of all, let me thank the Senator from South Carolina, who has been steadfast all the way through this, and who has made such great contributions. In addition to what he said, I think it is worth observing that this is working.

In this morning's Washington Post, there is an article about the successes that are taking place. The top U.S. military spokesman in Baghdad said the number of sectarian killings has dropped since the operation began in mid-February.

Then on the other side, GEN Qassim al-Mousawi, who is the Iraqi military spokesman, also offered an upbeat assessment of the Baghdad security plan and how well it is working now. So I think, frankly, this is sooner than I thought we would be getting some positive results.

Let me also make one observation before going on to the next speakers. That is, after receiving rather late the resolution by Senator MURRAY, 107, in reading it, unless I misread it, it appears to me she is outlining some things that are pretty consistent with what is in the Gregg resolution. So I do not know—with the three resolutions we have—the order. That is going to be determined, but right now we are not sure of it.

Mr. President, I ask unanimous consent that the Senator from West Vir-

ginia, Mr. BYRD, be recognized for 20 minutes, followed by Senator ENSIGN for 7 minutes, followed by Senator TESTER for 10 minutes, followed by Senator KYL for 7 minutes, then any intervening Democrat, to be followed by Republican Senators BROWNBACK, WARNER, and VITTER for 7 minutes each.

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

Mr. INHOFE. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, along with my Democratic colleagues, I intend to vote for the Reid resolution, S.J. Res. 9. I have some concerns with the approach in this resolution—I firmly believe that the Congress must address the open-ended 2002 authorization to use force in Iraq, which is not dealt with in this resolution—but I certainly agree with the Reid resolution's intent. There is a diversity of views in both parties about our policy in Iraq, but a majority of the American people are united in the firm belief that a change of course is long overdue. Fifty-nine percent of Americans believe that the United States made a mistake in sending troops to Iraq. Sixty percent favor withdrawing all U.S. troops by the end of next year. The American people are speaking, and finally their Representatives in the Congress are listening.

Some of us may disagree about the best way to effect a change of course in Iraq, but this debate shows one thing—it is time for a new plan, time for a real discussion, not more empty rhetoric about “stay the course” versus “cut and run.” This administration is fond of referring to the powers of the Commander in Chief, but surely the most important responsibility of any Commander in Chief is to provide solid leadership. As President Harry Truman said: “The buck stops here.” But we are entering the fifth year of this misbegotten war, and this President has failed time and time again to articulate a plan, a plan to give a clear reason for why we are in Iraq or to outline a strategy for bringing our troops home. Stubbornly denying that Iraq is engaged in a civil war is not leadership. The White House has abdicated its leadership on this issue, so it is left to the Congress—that is us—to speak for the American people.

The hue and cry raised from my colleagues across the aisle and from the White House is that those who do not support this disastrous war do not support the troops. Three thousand one hundred and eighty-nine soldiers have now died in Iraq. Thousands more have been wounded and maimed and have come home to find outrageous and dehumanizing treatment. Truly supporting our troops means not putting them into harm's way without a clear plan for success and unless it is absolutely necessary. It means not asking our sons and daughters, our best and our brightest, to make the ultimate sacrifice without being able to articulate exactly why they are being asked

to do so and exactly what we will accomplish as a result. Supporting our troops means treating our wounded men and women with dignity. It means not sending them to recuperate in mold-filled rooms without supervision and without assistance in a morass of paperwork. It means not sending back to the front lines those too wounded to fight, as this administration is doing.

I continue to receive letters and phone calls from service men and women, troops currently serving in Iraq, thanking me for my stand—yes, my stand—against this war. The troops are not the ones criticizing our attempts to bring them home. The troops are the first to say there is no military solution to the situation in Iraq, only a political solution. The Iraqis will have to assume leadership of their own country and start making political compromises to overcome the ethnic and sectarian divisions that are splitting the country apart. There is no military solution, none, no military solution for Iraq. A national reconciliation is the only solution for that war-torn country, and we do not need another 3,000 young lives lost to learn that.

We were wrong—and I said so at the time—to invade. We were wrong to think that victory would be quick and easy. We are wrong to stay on in an occupation which earns us only hatred with no end, no end, no end in sight. Our young men and our young women now find themselves in the crossfire of a civil war. Nearly every one—nearly every one—except our Commander in Chief realizes that there is no military solution. To continue this ill-advised and demoralizing war only damages our wonderful country in the eyes of the world and chews up lives, both American and Iraqi. I have said it before—yes, I will say it again, yes—democracy cannot be force-fed from the point of a gun.

Let this debate mark the beginning of a way out, out, out of Iraq. Let this Congress begin to understand why the Framers of this Constitution gave the power to declare war to the Congress, the representatives of the people we send to fight and to die for our country. Let us begin to put some sanity—sanity—in our foreign policy again.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Under the previous order, the Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I rise this morning to speak about S.J. Res. 9 and the consequences of failure in Iraq.

I want to begin by reviewing just how Osama bin Laden and al-Qaida see themselves achieving ultimate victory in Iraq.

You don't have to be a serious student of history to realize that as of late, America has not exactly demonstrated the kind of collective will necessary to successfully complete military missions abroad.

As a nation, it seems easy, maybe too easy, to commit ourselves, through our

military, into foreign lands in an attempt to accomplish what we believe is right, either to protect our vital national interests or to free a people from bondage, or in the case of Iraq to try to accomplish both.

Whatever the reason for committing ourselves to a noble cause overseas, America ventures into another country with only the best of intentions, and for a while the American people and her politicians overwhelmingly support our military and its mission.

Then, when we see that victory is not as easy or as immediate as we had initially hoped, we start down a road of self doubt. We convince ourselves that our military mission was probably not all that important in the first place. We somehow twist our values to accommodate an opinion that our military expedition is not worth the effort we need to expend in order to be successful. We recoil once the realization hits us that lives and treasure are the "coin of the realm" when it comes to using our military to ensure our continued national security. And for too long our adversaries have witnessed this reluctance, this lack of will, to finish the task at hand. In 1982, America deployed her military to separate warring factions in Lebanon. We went in with only the best of intentions. People were being killed and it was up to us to "do something" about it.

Then, on October 23, 1983, two truckbombs detonated in buildings housing American forces in downtown Beirut. Two hundred forty-one U.S. marines, sailors, and soldiers lost their lives that day. Six months later, America had had enough and we were out of Beirut.

The Lebanese civil war would rage on for another decade, and during that time countless Lebanese, Palestinians, and Israelis would suffer as a result of our abdication of responsibility.

As had always been the case before, our adversaries did not pursue us back to our shores to do us harm. But they did observe and they did note that the American public, led by her elected officials took the easy way out and departed before completing our intended mission.

In 1993, the United States once again sought to "do something" to end a humanitarian crisis that was taking place on the African continent. In a country with no functioning central government, warlords ruled their individual pieces of territory within Somalia as personal fiefdoms.

The Somali people were fodder as the warlords battled each other for control of land and resources. People were being killed. If they were not being killed by bullets, they were being starved to death.

Although the situation in Somalia did not directly affect our national security, American leaders at that time answered the call to "do something" to alleviate the human suffering Americans were witnessing nightly as part of their television news shows and read-

ing in the daily editorial columns of most big city newspapers.

Our leaders once again answered the call by sending our young men and women in uniform to a foreign land to "fix things." Soon, our military had its mission expanded beyond providing humanitarian assistance.

Part of this new mission involved capturing and/or killing the Somali warlords responsible for the pain inflicted on their fellow citizens. As part of this new mission, Army Rangers conducted an assault on Somali forces in what has come to be known as the "Black Hawk Down" incident.

Here, two Black Hawk helicopters were shot down and 19 of our Rangers killed. In the days following, film footage was broadcast over and over again on television that showed the lifeless bodies of our soldiers being desecrated as they were dragged through the streets.

This footage both shocked and humbled us. The support for our mission to do good things in Somalia quickly evaporated. The costs had become too great to bear. It was no longer that important to do the right thing and we subsequently withdrew our forces from the region.

Once again, our adversaries watched as the world's superpower retreated from the fight. Today, Somalia continues to flounder as a failed state and a haven for Islamic radicalism on the eastern coast of Africa.

In a 1998 interview with ABC's John Miller, Osama bin Laden said that the Clinton administration's decision to withdraw from Somalia had emboldened his burgeoning al-Qaida force and encouraged him to plan new attacks.

"Our people realize[d] more than before that the American soldier is a paper tiger that run[s] in defeat after a few blows," the terror chief recalled. "America forgot all about the hoopla and media propaganda and left dragging their corpses and their shameful defeat."

And those attacks promised by bin Laden did come.

On August 7, 1998, al-Qaida decided to test our mettle by simultaneously bombing our Embassies in Tanzania and Kenya, and in the process killed 257 people and wounded over 4,000.

Our tepid response once again gave Osama bin Laden comfort.

Since the Clinton administration had chosen to treat terrorist attacks as law enforcement matters, America sought to prosecute in our courts those responsible. Osama bin Laden was soon placed atop the FBI's Ten Most Wanted List.

Along with the 1993 World Trade Center bombing, the 1996 Khobar Towers bombing in Saudi Arabia, and the 2000 attack on the USS *Cole* in Yemen, the Embassy bombing were two of the major anti-American terrorist attacks that preceded 9/11.

The United States responded to the Embassy attacks by freezing financial

assets of related parties and by firing some missiles into al-Qaida training camps in Afghanistan.

The attack in Afghanistan destroyed some physical targets. However, the operation did not accomplish the destruction of bin Laden and his operatives and did not lead to any significant changes in the al-Qaida network and leadership.

Al-Qaida grew bolder, stronger, and more capable as we sat on our hands.

And so, here we are today, facing an emboldened enemy bent on our destruction who has convinced himself that he possesses the will to break our spirit. He has done it before and he is convinced he can do it again this time.

The sad part about all this is that Osama bin Laden may very well be right this time.

Today we stand here debating a resolution of appeasement that directly affects our military strategy in Iraq and, by default, our overall national security for years to come.

This resolution calls for imposing an artificial timeline to withdraw our troops from Iraq, regardless of the conditions on the ground or the consequences of defeat; a defeat that will surely be added to what is unfortunately a growing list of American humiliations.

I agree with the President's assessment that this legislation before us would hobble American commanders in the field and substantially endanger America's strategic objective of a unified federal democratic Iraq that can govern, defend, and sustain itself and be an ally in the war against Islamic fascism.

The unintended consequence of this resolution is to bring to reality Osama bin Laden's vision for Iraq; that after 4 years of fighting in Iraq the U.S. Congress loses its will to fight. We precipitously withdraw our forces and leave the fledgling Iraqi government to fend for itself; Sunni and Shia factions rip the nation apart at a scale previously unimaginable. There is a mass exodus of refugees out of Iraq, and no mechanism in place to deal with them. Iran, Syria, Saudi Arabia and other states in the region feel the need to get involved.

This is a terrible scenario, but it is not the worst of scenarios. Bin Laden's nightmare vision also involves a chaotic Iraq with Sunni dominated areas like al-Anbar Province becoming a safe haven from which al-Qaida can launch attacks against the United States.

And we could see the Shiite dominated areas, with the help of Iran, and its own oil wealth, be used as a terrorist breeding ground, as well.

Make no mistake. The Iraqi situation is vastly different from Beirut, different from Somalia, and, different from the bombing of our African Embassies.

Iraq has consequences that will surely be felt here at home and around the world. If we leave Iraq before the job is done, as surely as night follows day, the terrorists will follow us home.

I believe this.

We will be sorry and we will regret having once again left unfinished our national security obligations. But by then it will be too late for regrets.

We will find that as strong and powerful and compassionate as we think we are, we cannot "unring" the bell. The damage will have been done.

Osama bin Laden and his al-Qaida followers are convinced that America is weak and decadent and they can succeed in grinding down our resolve and forcing us to retreat.

Osama bin Laden has openly said: America does not have the stomach to stay in the fight.

He is a murderer. He is a fanatic. He is an Islamic fascist. He is determined to destroy us and our way of life.

Let us resolve today not to also make him a prognosticator of things to come.

I urge my colleagues to reject this misguided legislation. We cannot afford to leave this fight at this time. For the sake of America's future, we cannot afford to fail.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is recognized for 10 minutes.

Mr. TESTER. Mr. President, I doubt I will use it all, but I thank the Presiding Officer very much.

Mr. President, I am here to address S.J. Res. 9. I am glad we have gotten to a point where we can debate this war in Iraq and vote. That is what we are all sent here to do. This war did not start yesterday. We are 4 years into this bloody war, at a cost of \$2 billion a week, monetarily, and nearly \$500 billion since we started 4 years ago. More importantly, we have lost nearly 3,200 of our Nation's best people. Soldiers, sailors, and marines have made the ultimate sacrifice; 17 from my home State of Montana. Twenty-four thousand more have been seriously wounded. An entire generation in this country has been marked by the injuries in this battlefield.

Yesterday, the Pentagon admitted something we have known for a long time: that our troops are caught in the midst of a civil war. The administration has begun to escalate this war with 21,000 more troops. This idea is not a new one. During this war, four previous surges have all failed. It is time for a different direction. It is time for a drawdown of our troops.

As unclear as the President's plan for Iraq has been, our mission for our troops is more blurred. The original mission was to find weapons of mass destruction, to topple Saddam Hussein, to train the Iraqi troops, and to turn Iraq into a model to transform the Middle East.

Our troops have done an incredible job. They and their families have given far more than most of us can imagine. It truly is time now to take a different direction. Our troops need a plan for success and a clear mission. The current plan of "stay the course" has

failed. We now have an open commitment with no end in sight. We need a new direction, and we owe it not only to our troops but we owe it to the people of this country.

I strongly support the legislation put forth by Majority Leader REID. I am proud to be a cosponsor of this measure. It is a good first step—finally—to put an end to this war. Also, it is a good first step to the political and diplomatic solution this war needs to have happen to end this war.

This measure directly addresses my biggest concerns in Iraq. I support the legislation because it is a first step. We can begin redeployment of troops with the goal of removing most of those U.S. troops by March 31, 2008. It requires Iraqis to take an active role in their future, which is critically important. Also, as was pointed out last week, we cannot win every conflict with bullets. This forces Iraq to move forward toward a political and diplomatic solution.

This legislation focuses our mission and responsibly ends the war within 1 year, and after March 31, 2008, remaining American troops will still be there to protect American and coalition interests, to still continue to train these Iraqi forces, and, most importantly, to seek out and bring the terrorists to justice.

The fact is, this war has taken our eye off the war on terror. Osama bin Laden still runs free. We do not know where he is. I wholeheartedly support this legislation and will vote for it. The combined effort of this legislation will allow Iraq to stand on its own two feet. I urge my colleagues to look beyond partisan politics and vote for a long overdue change of course for this 4-year-old war. We cannot afford this war monetarily or from a people standpoint. It is time to pass S.J. Res. 9.

Thank you, Mr. President.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Louisiana is recognized for 7 minutes.

Mr. VITTER. Madam President, I, too, rise to talk about this very important matter we are debating and voting on today, the situation in Iraq.

First, I want to say hallelujah, we are finally having a full, open debate and a range of votes. That is exactly what I have been pushing for, pleading for, asking for, along with so many of my colleagues on the Republican side. I am very glad finally we do have a full and fair and open debate, with the ability to cast votes on measures we deem very important, and specifically the Gregg resolution about supporting our troops in the field.

Secondly, I want to express real reservations about the Reid resolution, which we will also be voting on today.

The situation in Iraq is very tough. We need to make a final push, and certainly the biggest part of that push does need to be strong action by the Iraqi Government. We need benchmarks and pressure on the Iraqis to do the right thing. I specifically talked

about that. But the Reid resolution does some things I believe we absolutely must not do. Specifically, it sets very precise and complicated and cumbersome dates certain. I believe that is much more useful as a message to the enemy and a help to the enemy than a roadmap for us.

In addition, I think the Reid resolution clearly micromanages the war. It clearly oversteps our bounds as a legislative body by taking on the responsibilities and the management and the function of the Commander-in-Chief. Therefore, for that reason, I think that aspect of the Reid resolution is, No. 1, a bad idea, but, No. 2, very possibly unconstitutional.

I will be voting against that Reid resolution. But again, I thank everyone who finally, after weeks and weeks of talk—finally—gave us the opportunity for these votes and for a vote on the Gregg resolution and other important matters.

The third and final point I want to make goes to the path, unfortunately, I think we are headed down with some of this language. I think this is very unfortunate, and I think this path and where it is headed, in my opinion, is something we must all work to avoid. Let me explain what I mean.

Senator REID has made it perfectly clear he will put forward his resolution today with all of those complicated dates and timetables and what-ifs and benchmarks. Again, I have problems with that; I will vote no. But Senator REID has also made clear he will also put forward the exact same substance in the context of the emergency supplemental appropriations bill to fund our men and women in uniform in the field in Iraq.

Now, why is that a problem? Well, it is a problem for the following reasons: that emergency supplemental bill is needed, as I just said, to fund the men and women in uniform in the field right now, under fire, risking their lives in Iraq.

We have all said over and over and over that no matter how we feel about the war, no matter what we put forward as the proper policy on the war effort, we would give our men and women in uniform in the field what they need to do their job and defend themselves. The problem is this Reid language, particularly the threat to put it on the emergency supplemental appropriations bill, threatens to cut that funding off because that language, if it gets on the bill, will, first of all, delay debate and implementation of the bill, and secondly, if it is in the final version of that spending bill, it will absolutely—absolutely—produce a veto by the President of the United States. He cannot agree to that language because of his position on the proper path forward, and no President can agree to that language because of the constitutional power of the President as the Commander in Chief. That will further delay this emergency spending bill and further delay getting

necessary funds and equipment to troops in the field.

The military has said very clearly we need to act by April 15 so those funds and that equipment can get to the field starting in early May. Our troops are counting on it. They are waiting for it. These are men and women in uniform, in the field, under fire right now. But, again, this strategy and this language of Senator REID will make it very likely that won't happen and will make it very likely this whole matter and this whole spending to get to our troops in the field will be significantly delayed. That is not funding men and women in uniform. That is not supporting our troops in the field. What that is doing is refraining from supporting them, slowly bleeding away the resources, the equipment, and the money they need to do their job.

It is one thing to say: New troops, you are not going anywhere. You stay right here. We are having this debate. But it is quite another to slowly bleed and endanger troops in the field. Yet this is the path that I am very afraid we are embarking on with the Reid language, particularly if it is put on the emergency supplemental appropriations bill.

In closing, let me say, we have all said on this floor, virtually to a person in the U.S. Senate, that no matter what we think about the war, no matter what we think about the right path forward in the war, we will not endanger our troops in the field. We better think long and hard about the path some would adopt because they are beginning to do just that. We can't have that. We need to give our brave, smart, courageous men and women in the field already the money, the equipment, the resources they need to do their job. They are literally under fire there. We cannot bleed away what they need in the field, quickly, slowly, or anything inbetween.

Again, I am very concerned that is the path Senator REID and some others would put us on.

So, thankfully, we are having this full and open debate today. We will be having votes today. I believe the most important vote is on the Gregg resolution. I will proudly vote for that in support of our men and women in uniform in the field, and I will do everything I can to avoid slowly, quickly, or anything inbetween bleeding resources, money, and equipment away from what those brave men and women whom we have already put in the field need to defend themselves and to conduct their mission.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, I spoke yesterday in favor of the resolution introduced by Senator REID, S.J. Res. 9. By bringing the current open-ended military mission to a close and requiring the funding of U.S. troops, the Reid resolution takes a significant,

binding step toward ending our involvement in the war in Iraq. I am pleased that the Senate will have the opportunity to vote on that resolution shortly.

The Senate will also be voting, as the Senator from Louisiana just pointed out, on another resolution regarding Iraq sponsored by the senior Senator from New Hampshire. Unfortunately, this resolution is badly flawed, and I strongly oppose it. My chief objection is simple. The resolution rejects the idea of Congress using its power of the purse to safely redeploy our troops from Iraq. Moreover, it does so in a manner that can only be described as inaccurate and almost intellectually dishonest. By warning against "the elimination or reduction of funds for troops in the field," the resolution fully embraces the misleading rhetoric the White House has used to try to prevent serious discussion of Congress ending the war. Those who engage in such rhetoric pretend that cutting off funds for the war is the same as cutting off funds for the troops. They raise the specter of troops somehow being left on the battlefield without the training, equipment, and resources they need.

Obviously, nothing could be further from the truth. Every Member of Congress agrees we must continue to support our troops and give them the resources and support they need. Not a single Member would ever vote for any proposal that would jeopardize the safety of our troops. Using our power of the purse to end our involvement in the war can and would be done without in any way impairing the safety of our brave servicemembers. By setting a date after which funding for the war will be terminated, as I have proposed, Congress can safely bring our troops out of harm's way.

How can I say this with such confidence? There really is plenty of precedent for Congress exercising its constitutional authority to stop U.S. involvement in armed conflict.

I recently chaired a Judiciary Committee hearing entitled "Exercising Congress's Constitutional Power To End a War." Without exception, every witness—those called by the majority and those called by the minority—did not challenge the constitutionality of Congress's authority to end a war. Lou Fisher with the Library of Congress, one of the foremost experts on separation of powers issues, pointed out that Congress does not simply have the power, it has a responsibility, to exercise it when it is needed. He said:

The question to me, always remember, Congress, is the continued use of military force and a military commitment in the Nation's interest? That is the core question. Once you decide that, if you decide it is not in the national interest, you certainly do not want to continue putting U.S. troops in harm's way.

The argument that cutting off funding for a flawed policy would hurt the troops, and that continuing to put U.S.

troops in harm's way supports the troops, makes no sense. By ending funding for the war, we can bring our troops safely out of Iraq.

Walter Dellinger of the Duke Law School made this point when he testified about my proposal:

There would not be one penny less for the salary of the troops. There would not be one penny less for the benefit of the troops. There would not be one penny less for weapons or ammunition. There would not be one penny less for supplies or for support. Those troops would simply be redeployed to other areas where the armed forces are utilized.

So instead of allowing the President's failed policy to continue, Congress can and should use its power of the purse to end our involvement in the Iraq war, safely redeploying the troops while ensuring, as I do in my bill and as the Reid resolution permits, that important counterterrorism and other limited operations are still carried out.

Now, for those who don't believe this has ever been done or for those who say it can't be done, let me cite an example from not that long ago. In October of 1993, Congress enacted an amendment sponsored by the senior Senator from West Virginia cutting off funding—cutting off funding for military operations in Somalia effective March 31, 1994, with limited exceptions. Seventy-six Senators voted for that amendment. Many of them are still in this body, such as Senator COCHRAN, Senator DOMENICI, Senator HUTCHISON, Senator LUGAR, Senator MCCONNELL, Senator SPECTER, Senator STEVENS, and Senator WARNER.

Now, did those eight Senators and many Democratic Senators who joined them act to jeopardize the safety and security of U.S. troops in Somalia? By cutting off funds for a military mission, were they indifferent to the well-being of our brave men and women in uniform? Of course not. All of these Members recognized that Congress had the power and the responsibility to bring our military operations in Somalia to a close by establishing a date after which the funds would be terminated.

Now, on that same day with regard to Somalia, several Senators, myself included, supported an even stronger effort to end funding for operations in Somalia. The amendment offered by Senator McCain on October 15, 1993, would have eliminated funding for Somalia right away, except for funds for withdrawal, or in the case of American POWs, MIAs not being accounted for. Thirty-eight Senators opposed a measure to table that amendment. I was joined by many Republican Senators in supporting the amendment, including none other than the current sponsor of S. Con. Res. 20, Senator GREGG. Senator GREGG suggests in that resolution that eliminating funds for troops would undermine their safety. Was he voting 14 years ago to do that? Obviously, he would not do that. In 1993, was he committing the same egregious offense

that he so strongly opposes in 2007? Could he have been so cavalier about the safety of our troops? Not the Senator I know. He would never have been indifferent to their need for guns or ammunition or food or clothing, nor would I, nor would any other Member of this body. Of course not.

Senator GREGG knew, as did I, that Senator McCain was proposing an appropriate, safe, responsible way to use our power of the purse to bring an ill-conceived military mission to a close without in any way harming our troops.

Unfortunately, the new Gregg resolution seems to have forgotten this point. I hope that my colleagues will think better of efforts such as that proposed by Senator GREGG today. All Senators, including the distinguished senior Senator from New Hampshire, are, of course, entitled to their opinions, and all Senators are certainly entitled to oppose my efforts to end funding for a disastrous war. But by putting forth misleading and baseless arguments, by suggesting that ending funding for the war is tantamount to ending funding for the troops, they are making it that much harder to have the open, honest, and essential debate about the Iraq war that this body and the American people so badly need.

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

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

Mr. REED. Madam President, we are debating a serious proposal with respect to the future of our involvement in Iraq and the future of Iraq and, indeed, that region of the world. I believe the proposal Senator HARRY REID of Nevada advanced is a sensible way to begin to change our policy, so it can be sustained over time and it can lead to a successful termination of our operations in Iraq but, more importantly, give the Iraqis the opportunity to establish a stable government in a very difficult part of the world.

The elements of the proposal that Senator REID has advanced, are right on target. First, to define the mission in a way that they can be fully supported by the United States and also that they are congruent with our best interests in the region and the world. Next, obviously, is force protection. We have to be able to assure our forces that they can protect themselves at all times. Third, to continue to develop the Iraqi security forces—not just to put guns in their hands but to develop their capacity to do other things, such as civil affairs, intelligence operations, those critical military skills that will allow them to be an effective force in their country, to bring not just stability but a sense of competence, co-

herence to the operation of their Government.

The next mission is the constant attention to counterterrorism. This is a mission that I believe transcends every border in the world. Wherever there are those elements that are actively plotting to attack us or our allies, we should be prepared, together with local authorities, if they are cooperative, to take these elements out very dramatically, preemptively. That is essentially what we did in Somalia, without the presence of hundreds of thousands of American troops in Somalia. But we had the special operations capacity, intelligence, and the cooperation of local parties so we could do that.

Those are the three critical missions I believe we have in Iraq that will be longer term. But I think, also, when recognizing those missions, we can begin to recognize and begin to redeploy our combat brigades that are there. They are essentially now engaged in a civil war, a sectarian battle between the Sunnis and Shia in Baghdad, but not just there. These forces we have to begin to redeploy away from Iraq. Initially, they could be redeployed within the country, to adjacent countries, and at some time back to their home stations. I think this is the wisest course.

I hope, as the legislation suggests, we could at least have as a goal March of 2008 for the redeployment of these combat brigades, understanding that these residual missions—force protection, training Iraqi security forces, and counterterrorism—will endure. That is a wise policy that is consistent with our national security objectives and also consistent with our ability and the ability of the American people to sustain these efforts over many months.

The continued course of simply adding more troops and hoping for the best, which is the President's strategy, is not going to work. More importantly, I cannot see it being sustained indefinitely by the American people or supported by a terribly overstretched military force, particularly our Army and Marine Corps.

This whole approach to Iraq, I believe, from the very beginning, was a flawed strategy. It disregarded fundamental aspects of any coherent strategy—identify the most serious threat and apply adequate, very robust resources to the threat. Iraq wasn't the most serious threat in that region. Iran is much more powerful and much more potentially dangerous and, also, at that juncture, the most serious threat, and still lingering are the international terror cells.

But this administration, against my judgment, entered into this conflict in Iraq. Not only did they have a flawed strategy, but the execution has been horrific, incompetent. Today, we are left with very few good choices. One of the most revealing aspects of why the strategic decisions made by the administration were so faulty was given a few weeks ago when I asked Admiral

McConnell, the Director of National Intelligence: What is the most likely source of an attack on the United States, groups in Iraq or groups in Pakistan? His answer, without any delay, immediately, was: "Pakistan, of course." So we have invested billions and billions of dollars, 140,000-plus troops, over 3,000 Americans killed in action, many more seriously wounded, and yesterday, the highest intelligence official in the country says the most serious potential threat to our homeland, an existential attack on the order of 9/11, is from our ally Pakistan. That is because, once we focused on Iraq, we took our focus off Afghanistan and Pakistan. We have allowed the Taliban to rehabilitate itself. The Pakistanis have been unable to deny a safe haven to bin Laden, Zawahiri, and other key elements of al-Qaida's leadership who are not only surviving but beginning to reorganize and reassert themselves as directors or aspirers or at least co-conspirators with other terror groups around the world. That is a stunning indictment of the strategy that this administration has unveiled.

There are other costs to this strategy. You will recall the "axis of evil." The President boldly announced that it was Iraq, North Korea, and Iran. Well, frankly, after ignoring the North Koreans for many years, now the administration is seeking to cut a deal with them with respect to their nuclear weapons. But this is a much worse deal than the administration had when it stepped into office. In 2000, their plutonium was capped by international inspectors on the ground. But through a series of miscues, the administration allowed the North Koreans to take away their plutonium, create up to 10 nuclear devices, we think, test long-range missiles and, in a shocking act, detonate a nuclear device, becoming part of the nuclear club. Now we are offering them essentially the same terms that could have been had, without all this damage, many years ago.

With respect to Iran, we know one of the consequences, one of the costs of our operations in Iraq is that Iran is in a much more secure strategic position today. They have colleagues and cohorts who are integral parts of the Government in Baghdad. The people we rely on, the Maliki Government, has huge support from people who have spent years, who have fought alongside the Iranians against the Iraqis. Yet we are supporting, as we must, the Maliki Government. But we should all recognize the huge influence Iran has today as a result of this strategy.

Now, these costs are strategic costs, but there are some obvious costs in terms of dollars and cents. We are spending in Iraq about \$8.4 billion a month. That level of effort is difficult to sustain. In Afghanistan, we are spending less but still significant dollars. All these costs are being funded from the supplemental. We are borrowing the money from the next generation of Americans to pay for these efforts.

The President already set up another supplemental request that will be pending in a few days. It includes \$93 billion for operations in Iraq and Afghanistan. It will bring the total for this fiscal year—what was in the original budget, together with the supplemental—to \$145 billion. We will likely see totals such as that in succeeding years.

In the 5 years the United States has been engaged in Iraq and Afghanistan—Iraq particularly—we have spent about \$530 billion. That is a huge sum of money. That is very difficult to sustain. We can also see the cost in terms of supplying the Army. We have a situation where units are without equipment. Our National Guard is in disarray. Now we are going to, once again, put a huge demand on our military forces to support this escalation. It has been suggested to me that, shortly, upward of nine brigades of National Guard and Reserve forces will be notified for redeployment to Iraq and Afghanistan. Once again, our citizen soldiers will be taken from their homes and sent overseas. When they go this time, they will not have quite the same equipment as they did the last time because National Guard equipment is in disrepair, even worse than the regular forces. Their training will likely not be as authentic because of the difficulty in getting out to the national training centers. They might do most of the training at their home stations. We are beginning to see this accumulation of costs reflected in many ways.

A few days ago, the Boston Globe published a story in which it showed that because of the retirement and resignations of captains in the Army, senior NCOs in the Army, promotion rates have been going up astronomically to fill these vacancies. That is probably the worst potential trend for any military force, because without those capable company grade leaders, we will not be able to assure the American public we have the same level of professional skill that we have today.

I believe, for all these reasons, the resolution proposed by Senator HARRY REID is the right course of action. But there will be an alternative approach, and that is a proposal by Senator GREGG with respect to funding. A few points can be made about that. The Gregg resolution misinterprets the Constitution by saying the Congress's only role is simply to rubberstamp what the President does—or worst case, they can only take funds away. That is not the case at all.

As I mentioned on the floor yesterday, way back in 1799, the Supreme Court of the United States clearly said that Congress had the right to make decisions with respect to national policy involving foreign affairs. In fact, their decision essentially said the Congress could pass a law that would allow the President to stop ships going into certain ports but not leaving certain ports.

Many of my colleagues on the other side came down and talked about us

micromanaging. That is micromanaging. It is constitutionally permissible, perhaps, but it is not something we will do. It is not something we would want to do. We want to give the President the latter two that he needs but for missions that are consistent with our national security.

Under the Gregg resolution's interpretation of the Constitution, Congress's only responsibility seems to be to fund whatever the President asks.

That I don't think is appropriate constitutionally or with respect to our obligations as thoughtful participants in the policy process along with the President.

Senator MURRAY will offer an alternative, and that alternative strongly supports our troops but also properly interprets the Constitution by stating the President and the Congress have shared responsibilities for the decisions involving our Armed Forces.

I suspect if you took the Gregg logic to the extreme, if the President sent up a funding bill and we thought it was inadequate, then I suspect we couldn't do anything because, after all, all we can do is either agree with the President or cut off the funds. That is not the case at all.

I can recall the President sending up to the Senate budgets that did not have enough resources for armored humvees, body armor, et cetera. It was this Congress that put more money in because we have a role when it comes to funding the operations of the military.

When it comes to Presidential policy, it is not simply accepting it or taking away the money; it is altering that policy if it is wrong, it is redefining missions, and it is fully resourcing those missions which are the product of this interaction between the President and the Congress.

A quote from Senator MURRAY's resolution:

... the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions.

That I think is a much more accurate, appropriate, and sensible approach to the issue of shared responsibility.

In addition, the Murray resolution makes it clear that the Constitution gives Congress the responsibility to take actions that help our troops and our veterans. We have had a lot of talk about not funding the troops. But wait a second, it was the President who sent in forces without a plan. It was the President who sent in forces without adequate armored humvees. It was the President who sent in forces without body armor. It was the President and his Department of Defense who weren't aware of the travesties that were taking place at Walter Reed when it comes to veterans. It is the President's Veterans Administration that refused a

few years ago to ask for adequate money for the Veterans Administration hospitals because of the new demand from veterans.

If anyone over the last several years failed to fund the troops properly, it is the President. So our concerns should be directed at his failures to fund the troops rather than that of Congress.

This is a collaborative process that both the White House and the Congress have to ensure our forces have the resources they need, but we also have to make sure they are performing the missions most important to the United States. By endorsing the Murray resolution, we are sending a clear message of our joint responsibility to fully fund our soldiers in the field, and by supporting Majority Leader REID's resolution, we are sending a signal that the right policy, phased redeployment, carefully defined missions, providing a stable regional approach to Iraq and, in the long term, redeploying troops so we can face with more flexibility the challenges of a North Korea, of an Iran, of places such as Afghanistan, Pakistan, and places perhaps at this moment we are not aware of but will suddenly burst onto the front page because of the presence of terrorists or other destabilizing activities.

I urge strong support of the resolution supported by Majority Leader REID and the resolution supported by Senator MURRAY.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 7 minutes.

Mr. KYL. Madam President, there is an old joke about the definition of retreat, which is a strategic withdrawal. I note that is the phrase used in the resolution, S.J. Res. 9, to describe the process of leaving Iraq. The language effectively is: "The President shall commence the phased redeployment of United States forces from Iraq not later than 120 days," and then says:

... with the goal of redeploying by March 31, 2008, all the United States combat forces from Iraq. . . .

Except for the limited purposes of protecting forces, training Iraqi forces, and conducting targeted counterterrorism operations.

That is a very bad idea. We shouldn't be playing politics with this war, and we shouldn't be trying to micromanage the war from Congress. But setting specific dates by which the commanders are to make certain decisions, including how troops are deployed, is clearly micromanaging the war effort.

The fact there have been 17 resolutions—I believe this is the 17th resolution—on the Democratic side of the Congress, and the fact that none of those other 16 were adopted I think demonstrates the confusion on the other side as to what exactly ought to be done and the differences of opinion by Members on the other side of the aisle.

Thank goodness we didn't adopt any of the other 16, and we shouldn't adopt

this one either. This one is particularly pernicious. It actually begins the withdrawal. It sets a date, "shall commence the phased redeployment . . . not later than 120 days."

Then it uses a goal of completing that withdrawal by March 31, 2008. Some have tried to hide behind the word "goal." I think Senator FEINGOLD said it right, however, on March 8 of this year when he said:

For the first time, it—

"It" meaning the resolution—

has a timetable in place, as I called for in August of 2005. It's not as early as I would like, but is a timetable not only to begin to get the troops out but to get the troops out except for very limited purposes.

It didn't always used to be this way. A lot of our Democratic colleagues understood that setting timetables and deadlines was absolutely the wrong thing to do.

The distinguished majority leader, for example, said:

But as far as setting a timeline, as we learned in the Balkans, that's not a wise decision, because it only empowers those who don't want us there, and it doesn't work well to do that.

Another one of the supporters of the resolution said 2 days ago:

I don't believe it's smart to set a date for withdrawal. I don't think you should ever telegraph your intentions to the enemy so they can await you.

Another cosponsor of the resolution said 3 days ago:

I, for example, am not in support of circling a date on a calendar and saying, "No matter what, we're out on that date."

One of the most thoughtful people in the Senate on matters of foreign policy has spoken a lot on this issue, and I think what he said a couple of years ago makes a lot of sense. This is the distinguished chairman of the Foreign Relations Committee. He was talking about the options. He said:

... we call it quits and withdraw, I think that would be a gigantic mistake for the reasons I stated earlier. Or we can set a deadline for pulling out, which I fear will only encourage our enemies to wait us out, equally a mistake. . . . I mean, the idea of setting a timetable to leave generally means that you have to set and train the process of leaving. It is not an easy process. And I think once that is smelled as the option, then I think you find it will degenerate quickly into sectarian violence, every man for himself. And the conclusion that will be achieved will be, I think, Lebanon in 1985, and God knows where it goes from there.

Recently, the distinguished chairman said this, unfortunately:

We should withdraw our combat troops by early 2008, except for a limited number necessary to keep training Iraqis and to deny terrorists a sanctuary.

As I said, it used to be that most Senators understood that setting a timetable in a war, a date for withdrawal was a very bad idea, not just because it tried to micromanage the conduct of the war from the Congress but because it signaled to the enemy precisely what the enemy had to do, to wait us out and then prevail in the conflict.

That is precisely what this resolution does and is the key reason why every Senator should be voting against this resolution and why those who spoke against a timetable before should remember what they said and the wisdom of those words and follow that same advice today.

This is especially pernicious because at the very time this resolution is being adopted, there continues to be news from Iraq that suggests the new strategy, the Petraeus plan, is actually beginning to work. Nobody is claiming any victory. There are going to be bad days as well as good.

I ask unanimous consent at the close of my remarks to print in the RECORD an article from the Associated Press in my hometown newspaper: "Baghdad's terror death counts are falling."

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

(See exhibit 1.)

Mr. KYL. Madam President, the article points out the fact that the death squad deaths are falling substantially, the militia activity is down substantially. While our commanders there are being cautious about declaring the operation a success, nonetheless, there are many different descriptions of events happening in Iraq that give us a lot of hope.

I was there a couple of weeks ago, and our commanders and Iraqis both were cautiously optimistic this would work.

The point is, at the very time the new plan is underway and it seems to at least show early signs of success, why would we want to declare it a failure and start the process of withdrawing at the very time these additional troops seem to be making a difference?

One of the chairmen of the Baker-Hamilton study commission, former Democratic Congressman Lee Hamilton, was testifying before the Congress about a month ago. He said we should give this plan a chance. We should give it a chance to succeed. That is exactly what we ought to do. We start by rejecting the resolution that is pending because it micromanages the war and sends a horrible signal.

We also try to support the troops by adopting as quickly as possible a supplemental appropriations bill that funds this effort without tying the strings of our commanders and without imposing so many other conditions that the President is constrained to veto it. We have to get that funding to our troops as soon as possible. That is the other message the commanders on the ground, both in Kuwait and Iraq, gave to me when we were there. They said: Please adopt the supplemental appropriations bill without strings.

I urge my colleagues to vote against the resolution when it comes up for a vote later this afternoon.

EXHIBIT 1

[From the Arizona Republic, Mar. 15, 2007]

BAGHDAD'S TERROR DEATH COUNTS ARE FALLING

(By Robert H. Reid)

BAGHDAD.—Bomb deaths have gone down 30 percent in Baghdad since the U.S.-led security crackdown began a month ago. Execution-style slayings are down by nearly half.

The once frequent sound of weapons has been reduced to episodic, and downtown shoppers have returned to outdoor markets, which are favored targets of car bombers.

There are signs of progress in the campaign to restore order in Iraq, starting with its capital city, according to a Pentagon report released Wednesday.

But although many Iraqis are encouraged, they remain skeptical how long the relative calm will last. Each bombing renews fears the horror is returning. Shiite militias and Sunni insurgents are still around, perhaps just lying low or hiding outside the city until the operation is over.

U.S. military officials, burned before by overly optimistic forecasts, have been cautious about declaring the operation a success. Another reason it seems premature: Only two of the five U.S. brigades earmarked for the mission are in the streets, and the full complement of American reinforcements is not due until late May.

The report even used for the first time the term "civil war" to describe some of the violence. But it stressed that the term does not capture Iraq's complex situation, and its assessment was based on the final three months of 2006, which it said was the most violent three-month period since the U.S.-led invasion.

U.S. officials say the key to the security crackdown's long-term success is the willingness of Iraq's sectarian and ethnic political parties to strike a power- and money-sharing deal. That remains elusive: A proposal for governing oil, the country's main source of income, is bogged down in parliamentary squabbling.

Nevertheless, there are encouraging signs.

Gone are the "illegal checkpoints," where Shiite and Sunni gunmen stopped cars and hauled away members of the rival sect, often to a gruesome torture and death.

The rattle of automatic-weapons fire or the rumble of distant roadside bombs comes less frequently. Traffic is beginning to return to the city's once-vacant streets.

"People are very optimistic because they sense a development. The level of sectarian violence in streets and areas has decreased," said a 50-year-old Shiite, who gave his name only as Abu Abbas, or "Father of Abbas." "The activities of the militias have also decreased. The car bombs and the suicide attacks are the only things left while other kinds of violence have decreased."

In the months before the security operation began Feb. 14, police were finding dozens of bodies each day in the capital, all victims of Sunni and Shiite death squads. Last December, more than 200 bodies were found each week, with the figure spiking above 300 in some weeks, according to police reports compiled by the Associated Press.

Since the crackdown began, weekly totals have dropped to about 80, which is hardly an acceptable figure but clearly a sign that death squads are no longer as active as they were in the final months of last year.

Bombings also have decreased in the city, presumably due to U.S. and Iraqi success in finding weapons caches and to more government checkpoints in the streets that make it tougher to deliver the bombs.

Prime Minister Nouri al-Maliki, a Shiite, made a show of confidence Tuesday by traveling out of Baghdad for meetings with

Sunni tribal leaders and government officials in Ramadi, a stronghold for Sunni insurgents.

"I would caution everybody about patience, about diligence," Maj. Gen. William Caldwell, a U.S. spokesman, said Wednesday. "This is going to take many months, not weeks. But the indicators are all very positive right now."

Sunni militants, meanwhile, are believed to have withdrawn to surrounding areas such as Diyala province, where they have safe haven. The U.S. command sent an extra 700 soldiers Tuesday to protect the highways leading into the capital from there.

If militants from both sects are indeed lying low, that suggests they may have adopted a strategy of waiting until the security operation is over, then re-emerging to fight each other for control of the capital.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, in November, the American people sent a clear message to Washington. They said: Change the course in Iraq. A few weeks later, the Iraq Study Group issued its bipartisan report calling for a change of course in Iraq. Even the President's new Secretary of Defense, Robert Gates, during his confirmation hearing, acknowledged that the current course in Iraq was not working. But instead of developing a new strategy, the President has stayed on his failed course, plunging American troops deeper and deeper into a civil war on the streets of Baghdad and relying on the promises of Iraqi politicians who have not delivered on previous promises.

The question for us today is whether we will accept that failing strategy or whether we will change it. The President's deepening military involvement will not lead to a stable Iraq because it has a fundamental flaw. It tries to impose a military solution on a political crisis.

Listen to the assessment of Iraq Prime Minister Maliki of the situation in his country. This is what he said:

The crisis is political, and the ones who can stop the cycle of bloodletting of innocents are the Iraqi politicians.

Outside the White House is a consensus that a political solution among the Iraqis is required, but President Bush persists on a military deepening involvement.

The President claims that Iraqis will meet the political benchmarks that they have put forward, but the track record of Iraqi politicians indicates otherwise. On issue after issue, the Iraqi politicians have failed to keep their word, and Iraq is worse off because of those failures.

The President's course of action—deeper and deeper military involvement—sends a signal that the Iraqi leaders can continue to bicker without consequence. If the Iraqis fail to meet their own benchmarks, the President will presumably continue to bail them out by sending American troops to police an Iraqi civil war. Unless failure to meet benchmarks has consequences, those benchmarks have little meaning. We must change the course if there is going to be any hope of success in Iraq.

The best leverage we have is the presence and mission of American forces. As long as our presence is open-ended, the dynamic in Iraq will remain the same: Insurgents will target our troops, militias will cause mayhem, and the Iraqi politicians will sit in relative safety in the Green Zone, unwilling to make the compromises so essential to reaching a political settlement that can save their country. But if we send a clear message that we are ending the open-ended commitment, that will shift responsibility to the Iraqis, both politically and militarily, for their own future.

By requiring the President to change the mission of American forces to the three missions specified in the Reid resolution, by beginning a phased redeployment of American forces in 4 months, the resolution before us would force the Iraqi leaders to face reality and to understand that their future as a nation is in their own hands, not ours. The Iraqis will finally be forced to decide if they want a civil war or they want a nation. They will then understand we cannot save them from themselves.

The President and his supporters ask for patience. But asking for patience now, after all these years of asking for patience without success, is a little like Lucy asking Charlie Brown to try to kick the football one more time. We ought to be wise enough by now to know that increased military involvement won't achieve the political settlement that is needed.

General Peter Chiarelli, Commanding General of the Multi-National Corps in Iraq, said the following:

We need a commitment by all Iraqis of all the ethno-sectarian groups to commit first to nonviolence and to resolving their differences through the political process. I happen to believe that we have done everything militarily we possibly can.

General Casey made a similar point in early January when he said:

The longer we in 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 take the hard decisions about reconciliation and dealing with the militias.

The real battle for Baghdad is a political battle. Maximizing success in Iraq requires us to change course and to shift responsibility to the Iraqi political leaders for the future of Iraq. To paraphrase British Prime Minister Tony Blair, the next chapter of Iraq's history needs to be written by the Iraqis.

Our vote today will decide whether we will begin changing course to maximize chances of success in Iraq or whether we will remain mired in the status quo of sending more and more American troops into the middle of an Iraqi civil war.

Mr. CRAIG. Madam President, we are brought back to the floor again this week to continue the debate on Iraq and whether the United States should begin to pull our troops out of Iraq. Yet again the majority leader has

brought legislation to the floor of the Senate that will set arbitrary timelines for U.S. withdrawal, sending a signal to the Iraqi people that we are poised to abandon them; while at the same time sending a strong message to our enemies that to defeat the United States, all they need to do is wait us out. That kind of policy will allow our current and future enemies to dictate our foreign policy for us, not the other way around.

General Petraeus has now only had weeks to implement his new strategy for stabilizing Baghdad. After a unanimous vote of confirmation, the majority party now wants to send a signal to General Petraeus that we not only have no confidence in his abilities to stabilize key parts of Iraq but that we have no faith in our soldiers' ability as well. That is not a statement I am willing to send to our soldiers in combat. The majority would rather see 535 generals leading the way towards stability and security in Iraq and the greater Middle East, and I do not see that strategy as an effective way to run a war.

I cannot stress enough that our conflict in Iraq does not stop at the borders. Iraq is a central country in a very dangerous region of the world. Bordered by Iran and Syria, which are both contributing to the violence in Iraq, will clearly see a premature U.S. troop withdrawal in Iraq as a symbol that our resolve is not strong enough to stop their ambitions for regional dominance.

A premature withdrawal from Iraq will almost certainly lead to a massive humanitarian crisis, which would leave hundreds of thousands of Iraqi civilians at the hands of murderous militias. I would ask of my colleagues who favor immediate withdrawal from Iraq, are they willing to stand idly by as hundreds of thousands of Iraqis are raped, beaten and murdered? I would assume the answer would be no, paving the way for an even greater peacekeeping force to be deployed to Iraq, and making the work to stabilize that country infinitely more difficult.

I think it is important for the American people to know that the roadblocks put up in the Senate regarding nonbinding votes on Iraq were not put up by the Republican minority. I have stood on this floor on more than one occasion debating the war this year. We have had, and will continue to have, full debates on the floor of the Senate regarding Iraq, but it is up to the majority leader whether those debates will be fair debates. I was pleased to see that an amendment offered by Senator GREGG will be allowed an up-or-down vote. This resolution clearly states that the Congress will not cut off any funding for soldiers we send into combat. An overwhelming majority of both the House and Senate voted to send these troops into war, and we all the responsibility to ensure that any American soldier in harm's way will have the full support of their government.

The majority party continuously denies planning or calling for defunding this war, and thus the troops, but several Democratic Senators and Congressmen have spoken publicly about their desire to eliminate funding for our soldiers. That is a very dangerous game to play, when Members will allow antiwar politics to convince Members of Congress that they should cut off funding for American troops on the battlefield.

Now, it is very clear that there is no single military operation that can bring stability to Iraq by itself. We need the Iraqi government to stand up on its own two feet and lead their country. We need an Iraqi economy to be strong and viable on its own in order to give the Iraqi people a choice between turning towards insurgent militias and terrorist organization, but instead to start new businesses and make constructive contributions to their society. However, without stability in the capital city, there can be no stable government and there can be no economic stability. The reinforcements called for by General Petraeus, which will assist in stabilizing Baghdad, are working to lower the levels of violence, and will pave the way for economic and government stability.

I, like all of my colleagues, want nothing else but to have our troops home and out of harm's way. That said, we should not be in such a rush to leave Iraq that we leave that country in shambles, creating a haven for terrorism and a humanitarian crisis that could rival or surpass any we have seen before.

We are at a critical juncture in this war. The American people are questioning our policies in Iraq, mistakes have been made over the three plus years we have been in Iraq, and I will readily admit that. But I do not believe that we are at a point of failure. The majority party is frustrated with our progress in Iraq, but I firmly believe that Congress micromanaging this war is the most detrimental policy our country could pursue. The Congress should not be in the business of setting arbitrary withdrawal timetables, setting troop levels, threatening funding for our soldiers, or sending messages to our soldiers that we have no faith in their mission.

The Senate is yet again going to be voting on a series of binding and non-binding resolutions that will send a strong message to our soldiers, the American people, and to our enemies. I hope that my colleagues will speak in a loud voice of support to our soldiers; a resolute voice to the American people that we will not be defeated by radical insurgents and terrorist groups; and a firm voice to our enemies that we will not be defeated. Our national security, and that of our allies, is at stake, and I will not cast a vote to pull our troops out of Iraq prematurely and allow Iraq to become a base of operations for strikes against this country.

Mr. KOHL. Madam President, today the Senate confronts the tragic situa-

tion facing us in Iraq. No Member of the Senate, the administration, or our Armed Forces is happy with where we stand in Iraq. A mission that began with the great success of our men and women in uniform has bogged down through no fault of theirs. With heavy hearts the Congress, after hearing the people speak in November, must now force a change in our policy in Iraq. We can no longer allow an open-ended commitment to Iraq that endangers our forces while allowing Iraqi politicians to delay the difficult choices they must make.

S.J. Res. 9, which I support, calls on the President to begin the redeployment of our troops out of Iraq. After 4 long years they have been stretched to the breaking point. They now referee a bloody civil war that bears no resemblance to the original conflict we authorized them to engage in. The time for military solutions is over, and the difficult work of political compromise lies before the Iraqis with little our soldiers can do to help.

The resolution does not require a rapid pullout, however, but gives time for a measured withdrawal that will protect our troops while providing support to the new Iraqi government. It sets March 2008 as a goal for our combat troops to be gone from Iraq—5 years after they first entered the country—but it provides flexibility if that is not possible. The March withdrawal goal is also in line with what the Iraq Study Group believed was appropriate.

This reasonable goal will give Iraq's politicians time to make the difficult decisions they need to make about power sharing and dividing oil revenues. It will also give our troops time to complete the training and equipping of additional Iraqi police and security forces. Five years is plenty of time to help a new nation toward democracy—or prove that democracy cannot be imposed from the outside. Either way we cannot ask our military to continue their mission indefinitely.

Critics of the resolution believe that withdrawing from Iraq will damage our national security, but I disagree. The ongoing conflict in Iraq is hurting our image in the world, it is hurting our economy, and it is hurting our military. This war is no longer protecting us, but according to our own intelligence community it is encouraging terrorists to take up arms against us. Our presence has kicked off a vicious circle of violence that makes us less secure—not more. We need to close the circle and end this cycle of violence.

We all want a stable and peaceful Iraq, but it is time to recognize that the U.S. alone cannot achieve that goal. We need the help of the Iraqi people and the assistance of Iraq's neighbors. If we work together Iraq can get on its feet and repair the sectarian divide. But if we continue on our current path, bearing the burden by ourselves, the cycle of violence will erode our good efforts. It is time for a change. It is time for us to shift the burden to the Iraqis and help them carry it forward.

Mr. BIDEN. Madam President, there are many statements in the resolution by the Senator from New Hampshire that are true. It is a true statement that the President has the power to "deploy troops and direct military campaigns during wartime." But that presupposes that a war has been properly authorized by Congress because that power exists only in wartime, or in certain emergency circumstances. The President does not, however, have the power under the Constitution to initiate a war.

It is literally true that Congress has the power of the purse, and in that capacity has the moral responsibility to adequately support the troops in the field, once we are at war. This administration has failed in that responsibility in not equipping our soldiers in Iraq with adequate armor, in not having an adequate plan to stabilize Iraq after the initial invasion, and in not caring for our soldiers properly when they return home.

But this resolution is not balanced. It does not set forth a statement about Congress's powers under the Constitution to authorize the use of force under article I. Nor does it say anything about the authority of Congress to change the mission of U.S. forces, once a war has commenced. This silence about Congress's power might be interpreted to suggest that the President's powers as Commander in Chief to initiate war are unlimited, and that Congress's sole responsibility is to fund a war that the President initiates. That is not what the Constitution says, and I cannot vote for anything that might be so read.

Because the Gregg resolution lacks balance, I cannot vote for it. I will vote instead for the resolution by Senator MURRAY, which presents a more complete statement about the allocation of powers under the Constitution.

Mr. BUNNING. Madan President, I rise today to discuss the S.J. Res. 9 dealing with troop withdrawals from Iraq.

While this nonbinding resolution is different from the resolution we debated last month, its purpose is still the same. It will micromanage the war and send a detrimental message to both our troops and our enemies.

That is why I voted against cloture on the motion to proceed to the resolution and why I will vote no on its final passage. I believe that we must give the President's new strategy for Iraq a chance to work before we begin criticizing it.

At this time, we ought to be sending a clear message of support for our troops and for ensuring that they have the necessary supplies and resources to carry out their mission. Unfortunately, we cannot seem to see beyond our political differences to do this and instead want to attack the President's Iraq plan no matter what the consequences of our actions would be.

Just a few weeks ago on January 26, the Senate unanimously—unani-

mously—confirmed GEN David Petraeus to be commander of the multinational forces in Iraq. General Petraeus supports the President's new strategy in Iraq and has embarked on a mission that both the President and the Senate selected him to do.

I would like to point out to my colleagues the irony, as well as the inconsistency, in the choice this resolution is presenting to this body. With the newest Iraq resolution, we are once again being asked to disapprove of the very mission we unanimously confirmed General Petraeus to execute. This resolution asks Senators and not General Petraeus to direct the activities in Iraq. But Congress is not the commander in chief, and we should not be dictating military strategy.

The resolution sets a specific date for the beginning of the withdrawal of our troops from Iraq. This withdrawal would occur even if there is progress on the ground in Iraq or our allies believe our presence is still necessary. This resolution allows politics to be the deciding factor of how we manage a war.

Passage of this resolution would show to the world that our will can easily be stripped by terrorists if they just wait it out.

If General Petraeus, who is a friend of mine, comes back to Congress and tells us that the President's new strategy is not working, then I am prepared to change our course. But we need to give it a chance to work.

We have already begun to see some successes based on recent events and reports from General Petraeus. Sectarian killings have been lower in Baghdad over the past several weeks than in the previous months. There is less sectarian displacement in Baghdad neighborhoods allowing families to return home and Sunni insurgent leaders have renewed talks with top U.S. officials about political accommodation.

I realize these successes are small and it is too early to tell whether they will lead to significant changes in the future, but we now have proof that this strategy could work if given the chance.

We have also begun to see a positive response from the Iraqi people. Just 2 weeks ago, the Iraqi council approved the foundation of a hydrocarbon bill which is a oil revenue-sharing measure with the Iraqi people and the provinces of Iraq. The legislation is soon going to the assembly. For the first time in the history of their country, the people of Iraq are on the doorstep of having equity in oil distribution.

Despite these successes and unanimously confirming our new commander in Iraq, my colleagues on the other side of the aisle would like to declare failure. They would like to tie General Petraeus's hands in a way that would make achieving his mission impossible. I do not believe that pulling the rug out from underneath our top commander in Iraq is a plan for success. Rather, I believe that we should focus the current debate on what we can do

to support General Petraeus and the brave young men and women in Iraq to accomplish this critical mission. I will continue to do whatever I can to ensure that our troops and mission succeeds.

Failure in Iraq is not an option. It would not only jeopardize our own national security but that of the region as a whole.

When this motion to micromanage the war in Iraq comes to vote, I urge my colleagues to oppose it. Remember, we have only one commander in chief, not 535 generals who make war plans from the floor of the Congress.

Mr. ENZI. Madam President, as I begin my comments on the resolutions we have under consideration, I want to first make very clear my strong support for the members of our Armed Forces and the vital work they are doing around the world every day. I have the greatest admiration for them all for their heartfelt commitment to preserving our freedoms and maintaining our national security. They are all true heroes and they are the ones who are doing the heavy lifting and making great sacrifices in our country's name so that we might continue to be the land of the free and the home of the brave.

Over the years, I have been to Iraq and I have met with the members of our Armed Forces there and, later, here in the United States when they have returned home. These remarkable men and women exemplify the best qualities of our Nation. They volunteered to serve in the best trained force in the world and they deserve our complete and unwavering support. If it were possible, I would like to have each and every one of our troops back home with their families and friends immediately. We cannot, however, pull our troops out of Iraq at this point without facing extremely dire consequences for a long time to come. I have spoken at length to our troops about their mission and they understand their mission.

I was thinking about them, and all of the members of our military who are presently serving around the world as I began to prepare my remarks. I thought back to the days, years ago, when I was first elected to serve as the Mayor of Gillette, WY. I made a habit of carrying around a copy of the United States Constitution with me everywhere I went. I kept it in my coat pocket, next to my pen, and whenever I looked at it, it reminded me of two things—the Government I was a part of, and the people I was elected to serve.

Then, when I came here to the Senate, the Constitution took on an even greater, deeper meaning for me. I see it as my job description. That is why I make sure to always keep it handy so it can continue to serve as a reminder of the detailed portrait it contains of our Federal Government and how it was designed to work by our Founding Fathers. Today, it provides us with a

good starting point for our debate and it provides some of the answers to the issues before us.

The relevant parts of the our country's Constitution are quite clear. Congress must be consulted before any large scale military operation is begun. But once that has been done, the Commander in Chief of our Armed Forces, the President, is to direct the effort that we have approved.

The Founding Fathers had a good reason for establishing the President as the Commander in Chief of our Armed Forces and the one who is responsible for making the decisions affecting the actions of our Nation's military.

That does not mean that Congress does not have a play in these decisions. We all have an important role to play when it comes to matters like these. Again, in their great wisdom, the drafters of our Constitution knew that Congress could—and should—influence policy—but they knew it would be impossible for us to have all the information available to the President to debate and assess before making a decision on the viability of every military operation. The process of determining military strategy would be a nightmare if we were to be expected to debate all of the intricacies of every policy and, by so doing, publicly reveal some of the information obtained by our intelligence agencies on the House and Senate floor before reaching a decision. Our procedure on the Senate floor is a good process for debating and considering legislation, but it is a process that does not lend itself well to producing a quick and informed military decision at a time of crisis.

Those thoughts were on my mind when the President put forward a new strategy for us to pursue in Iraq, recognizing that what we are currently doing is not working. General David Petraeus, our U.S. Commander in Iraq, testified before us about that policy. He is consulting with highly educated and trained members of the military, many from universities where criticism of U.S. efforts in Iraq has flourished. It is evident that the President and his advisors are seeking analysis and recommendations from people who recognize the fact that the road ahead will be complicated and difficult.

Listening to the debate, I have heard many of my colleagues sum up the President's new strategy as just increasing the number of American troops in Iraq. I do not believe it is a matter of numbers. The real question should be what the placement of these troops is designed to accomplish. There is no question that there must be a clearly defined mission for them on the ground. By having more forces on the ground, we may be able to decrease the vulnerability of our troops as they move from place to place. That will provide them with the backup and protection they need to more safely pursue their mission.

In the months to come, it is clear that there are several things the new

policy must do if it is to be successful. First and foremost, the new campaign must provide the security the people of Iraq must have to feel safe at home. If they do not feel secure under the protection of the United States, coalition, and Iraqi forces, they will turn toward terrorist organizations that will prey on their fears and provide a false sense of security. America's long-term security interests and the possibility of world peace will be best served by an Iraq that can sustain, govern, and defend itself, while serving as an ally in the war against the terrorists.

Looking long term, I think we would all agree that the future of Iraq will directly affect the balance of power in the Middle East. That is why countries throughout the region are watching to see what action we will take in Iraq. An immediate withdrawal of United States and coalition forces will leave our allies in the region forced to prepare for additional conflicts.

Our mission in Iraq has not been easy, and it will not get easier in the days to come. After all, we are facing centuries-old difficulties as we work with the people of Iraq to help them overcome their religious and ethnic differences to form a nation that will work to benefit and protect all their people.

Ultimately, what the future of Iraq will be is up to the Iraqi people themselves. Iraq must put together a working coalition of its three major groups, the Kurds, Sunnis, and Shia, as well as other ethnic and religious minorities. They must work for national reconciliation through shared responsibilities as well as shared oil revenues that will be used to solve the problems that exist in their own backyard. Such a reconciliation will not only be good for Iraq, but the Middle East as a whole.

We have set forth benchmark requirements for the Iraqis to make. Our first benchmark has been met. Their parliament has approved an equitable split of oil revenues between the three factions. This is progress.

Looking back, the record is clear. Like many Members of the United States Senate, I supported the original decision in 2002 to take action against Saddam Hussein in Iraq. The vote I cast that day was not an easy decision. The tough ones are like that. You make the best decision you can, based on the information you have on hand at the time you have to make it. Those are the decisions that make us all lose sleep for years afterward. Anytime you vote to put our Nation's young men and women in harm's way, it stays with you long after the fighting is over and our troops are on their way back home.

Today, I remain concerned about the safety of the people on the ground: Americans, coalition allies, and the Iraqi people. And there is good reason for my concern. With today's rapid communication made possible by the Internet, cell phones, and other technologies, what we say here can almost

instantaneously find its way around the world and straight to the camps of both friends and foes—and they are both watching. In fact, I do not think it is an exaggeration to say that the whole world is watching to see what we will decide to do.

That leads me to ask, what do we hope to accomplish through this debate? We have already approved the nomination of General Petraeus by a unanimous vote. Now we are considering a resolution condemning a plan he has not had a chance to put into action yet. What sort of message will we send our troops with our vote on that?

As Members of the United States Senate, we have the opportunity to voice our opinions to the President and our constituents. But the fact that we are even going through this debate at this point in time may give those who wish to do us harm hope and embolden them—and once emboldened they will pose an even greater threat to our troops.

As we continue with our consideration of these resolutions, I want to be clear that I do not want to cut funding for the troops. Their safety and their very lives depend on that funding. When you are in a war, you do not do that to the troops.

Looking ahead, in the months to come, Congress must continue to closely monitor the actions of the new Iraqi government, our military leaders, and our civilian leaders. We should continue to express our opinions, and take whatever actions are necessary to ensure our troops are provided the best support possible so that they can come home soon. We should not, however, further endanger the lives of Americans and Iraqis simply to make a statement and take a stand against the President.

Mr. WHITEHOUSE. Madam President, the Senate will vote on whether America is on the right course in Iraq, or the wrong one.

I have spent the past two years traveling all over Rhode Island, listening to people from my state who were angry and frustrated at this President's refusal to see that his policies in Iraq were wrong from the start, and remain wrong today. Last November, they and millions of Americans cast their votes for a new direction.

They sent us here to hold this President accountable: for distorting intelligence to serve his policy goals; for failing to give our troops the equipment they needed to do their jobs overseas, and failing to take adequate care of them when they return home; for telling our country the mission was accomplished when, as we've seen, the war has now stretched on for five long years; for now proposing to send tens of thousands more American soldiers into harm's way, against the wishes of the American people, and without a plan to bring the conflict to an end.

Americans know the truth: escalating the war in Iraq will not make that nation more secure, or bring Iraq

and its people any closer to a lasting peace. It will not make our nation more secure. And it is not the new direction Americans demanded.

There is a way to change course in Iraq. If we announce clearly that the redeployment of American troops will begin, and begin soon, that opens up diplomatic opportunities in Iraq, in the Middle East, and around the world.

When it is evident to the insurgents that America is not an army of occupation, the factions within the Iraqi government will be obliged—and better able—to assume responsibility for the security and governance of their own nation. Iraq's neighbors will be newly motivated to take steps that will encourage a peaceful and secure Gulf region.

This binding resolution makes it clear that the situation in Iraq has changed since Congress authorized the use of force in Iraq in 2002. It states the President must begin the phased redeployment of American combat troops in no later than four months, with that redeployment completed by March 31, 2008.

The President failed to show America a new direction, and so the Senate will step forward to lead where he will not. I will vote yes to a change of course in Iraq, and I hope my colleagues will do the same.

Mr. HATCH. Madam President, I wish to take this opportunity to explain why I will vote against S. Res. 107.

First, I must applaud Senator MURRAY for what I believe was the overall premise of her amendment, to show the entire Congress's resolve in supporting our troops.

I fully agree with the portion of the amendment that reaffirms the Senate's commitment to providing the "necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned duties."

This is a policy to which I have dedicated my entire Senate career.

However, as a lawyer, I believe that it is also my duty to evaluate and work toward ensuring that all legislation which the Senate passes is strictly within the limits of our constitutional powers. As the preamble states, "Under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime."

Unfortunately, S. Res. 107 does not meet that test. While at first glance the passage I just cited may seem innocuous, the phrase "shared responsibilities" raises important separation of powers questions.

As we all know, the Constitution does not speak of shared powers, it speaks of the different branches of government having separate and distinct powers—a point which is at the core of

the debate on our nation's policies toward Iraq.

Under article II, section 2 of the Constitution, the President is the "Commander-in-Chief of the Army and Navy of the United States." However, Congress's role is limited in article I, section 8 which, in part, reads "... The Congress shall have power to ... provide for the common defense and general welfare of the United States. . . . To declare war . . . 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 for governing such part of them as may be employed in the service of the United States . . ."

These are very different powers; they are not shared. The Constitution provides for only one Commander in Chief. Our troops are facing enough challenges in the weeks and months ahead—they do not need to worry if there will be 435 commanders in chief.

It is important that we remember this point now more than ever. And so, it is my analysis that the "shared powers" reference in S. Res. 107 clearly raises constitutional concerns, and that is why I voted against S. Res. 107.

Madam President, I yield the floor.

Mr. INHOFE. Madam President, before the Senator leaves, as it is right now, we have 10 minutes left on this side. There is 1 hour left on the Senator's side. We want very much to get some speakers down here, if we could. I understand we are trying to reserve 20 minutes for leadership time and 10 minutes on each side. If the Senator has speakers, this would be a good time to have them down here.

Mr. LEVIN. Madam President, I believe one Senator is on his way right now, and the Senator's notice should produce some other Senators as well.

I thank the Senator from Oklahoma.

Mr. INHOFE. Madam President, rather than to speak myself, since there is going to be equal time coming off for both sides until a speaker gets down here, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. 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. INHOFE. Madam President, I ask unanimous consent that the last quorum call time be taken from the Democrats' time, and that future quorums come from the Democrat side.

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

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

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BIDEN. Mr. President, what I wish to do at this moment is address one of the arguments I have heard many of my colleagues make over the past 2 days of this debate. The argument I have heard when I was on the floor yesterday, and again I have heard it today, is that the joint resolution we are debating is an effort to micro-manage the war by focusing the mission of U.S. Armed Forces on training Iraqis, denying terrorists a safe haven in Iraq, and force protection.

If you listen to my colleagues who oppose this, you hear them recount that as if somehow that is exceeding the power of the people to speak, through their Congress, as to what role American military forces are permitted to play. Many of my colleagues on the other side go on to argue we are somehow overstepping our constitutional boundaries in defining the purpose for which U.S. forces can be used in Iraq.

Well, that argument, I respectfully suggest, is dead wrong. Defining the overall mission of U.S. troops is entirely within the power of the Congress under the U.S. Constitution. Indeed, not doing so would be an abdication of our fundamental duty under the Constitution, which clearly manifests war power in the hands of the Congress.

Now let me give you a few illustrations, if I may. In 2002, when we voted to authorize the use of force against Iraq, we defined the purpose. We defined the purpose for which the President was permitted to use American forces against Iraq. It was to defend the national security of the United States against the continuing threat posed by Iraq, and, further, to enforce all relevant U.N. Security Council resolutions regarding Iraq.

During the course of the negotiations on that resolution, in which I was deeply involved, Congress made it clear, at least on this side—as one of the several people speaking for the Democrats at the time in the Senate—we specifically and clearly rejected the Bush administration's initial proposal for using force in Iraq. President Bush sought what I believe to be, and the majority of the Senate eventually did, an overly broad authority to use force: to restore international peace and security in the region.

I read that at the time as a grant of authority to the President that far exceeded what arguably was necessary at all in Iraq. The function of our military force was not to restore international peace and security in the region. We struck that and said: The use

of force is to defend the national security of the United States against a continuing threat from Iraq, not the region; not the region.

After the President's attempted overreach here, we narrowed the geographic scope of the authority the Congress, under the Constitution, was willing to grant the President, and we narrowed the purpose for which he was allowed to use force. We did two things. We not only said, Mr. President, this is not about the region. You can only use force, if necessary, dealing with Iraq being a threat to the United States.

I remind everybody what we were being told at the time. We were being told by the Vice President that Iraq had reconstituted its nuclear program. Simply not true. It was not true when he stated it. Our intelligence community not only said he did not reconstitute the nuclear program, it said he had no nuclear program. That is not what we were told.

So we gave him authority, I remind everyone, to negotiate at the United Nations, to keep the pressure of the world on Iraq, to bring back the U.N. people, to determine what nuclear program or weapons of mass destruction he had, to get the inspectors back in, and to negotiate to do that, because at the time the argument taking place in the world was, was the U.S. embargo, was the world embargo, were the U.N. inspectors causing pain for innocent Iraqis?

Do you remember how many times we heard the argument that the reason why there was not enough medicine, the reason why children were dying, the reason why they did not have enough food, was because of this awful thing the United States was leading, the embargo on Iraq, the Food for Oil Program?

So to put this in context so everybody remembers, there were a lot of us on the floor willing to give deference to the President, who we thought was responsible in the exercise of power at the time, because he appeared responsible immediately after 9/11; he proceeded correctly relative to al-Qaida and the Taliban. He did not go off willy-nilly and start bombing people. He built the case. He sent his envoys all over the world. He made a compelling case for the right for us to invade Afghanistan. He even went so far as to worry about whether the Arab street would rise up if we attacked Muslims in Afghanistan. He engaged in public diplomacy. He did a fine job.

That was the context in which we gave him this power. But even then, as much as he had done well relative to Afghanistan at the time, we quite frankly did not trust him or any President to have this broad reach of authority which he asked for, which was to maintain peace, international peace and security in the region.

So we cut back the authority we gave him to negotiate at the U.N. Remember what he tried to do. He came and made the argument: There has to be a

demonstration that all of the Nation support him in that we must keep pressure on Saddam. All Democrats and Republicans support him. That was the argument made to us. He did not come up here and make the argument to the Foreign Relations Committee, the Armed Services Committee: We need to be able to attack. He argued we needed to be able to give him the moral authority to go to the United Nations and keep the pressure on, because the French were wavering, the Europeans were wavering, some Arab countries were wavering. And then as time went on, he built this argument about they reconstituted their nuclear weapons and the like. But even then we did not give him the authority he asked for.

Why am I dwelling on this? Well, we made a clear judgment as a Senate and as a House, as a Congress, that he did not have the geographic scope for the extended purpose he wanted. We said: Here is your writ, Mr. President. Here is the region you are allowed to, if need be, use force—in this constrained area called Iraq. Because you are telling us, Mr. President, it is a threat to the United States of America, not a threat to the region, it is a threat to the United States of America. So you have the authority to deal with that, if necessary.

Secondly, even within Iraq, you can only use the force to enforce all relevant U.N. Security Council resolutions regarding Iraq. If memory serves me, there were 16, including resolutions relating to weapons of mass destruction.

So that was the rationale. We severely limited the authority he wanted because we thought it was an overreach. Now we know there were no weapons of mass destruction. Now we know—I will speak and say what I believe—hopefully the Intelligence Committee will show—not only did we have bad intelligence, but the good intelligence we had was misused by the administration, in my opinion. We will find out whether that turns out to be true.

In 2002, when we offered the authorization to use force, we defined the purpose. So I ask those who argue that we are now overstepping our bounds with this resolution, did we overstep our bounds in 2002 when we authorized the use of force against Iraq, when we limited what the President wanted to do? If, in fact, we do not have the constitutional authority today to limit what the President wants to do, how did we have the authority to do it in 2002? As I said, what is the rationale for the continued authority under the 2002 resolution? There are no weapons of mass destruction. All the U.N. resolutions are in compliance. And nobody argues the Iraqi Government is a threat to the United States of America. Are they going to invade us?

To those who have a problem with the mission we defined in this joint resolution before the Senate, I also say, listen to Prime Minister Tony Blair in

announcing last month the redeployment of British forces from Iraq. Last month the mission the British Government assigned to those Brits who will remain in Iraq is precisely what we prescribed in our resolution. The new mission of the British forces in Iraq is the following: to transfer responsibility to the Iraqis; to train and support Iraqi forces; to help secure the border and supply routes; and to conduct operations against extremist groups, i.e., Al-Qaida. It is not to fight in the Iraqi civil war. It is not to be in the lead role in security operations in Basra, where they had authority, or in Baghdad, where they did not. In short, with the exception of denying terrorists sanctuary and training of Iraqis, the British forces are moving from the driver's seat to the backseat. This resolution proposes that very transition for our forces in Iraq.

So I ask again, rhetorically, does the Vice President think Prime Minister Blair's announcement of a "redeployment," as the Vice President said, "validates the al-Qaida strategy"? That is what he is accusing the Congress of. That is what he accuses me and CARL LEVIN of when we came up with this idea, that is now a leadership amendment; we are validating al-Qaida's strategy.

Are the British validating al-Qaida's strategy? Is he saying Tony Blair is validating Osama bin Laden? It is ridiculous. It is a ridiculous argument. It flies in the face of the facts. It comes down to this: Do we want American troops fighting an Iraqi civil war? Is that what we want these troops for? Is that why we sent them? Do you think, when we voted back in 2002, if we knew there were no weapons of mass destruction, if Saddam were gone, if they were in compliance with other U.N. resolutions, but if there were a raging civil war, do you think we would have voted on the floor of this body to send 150,000, 160,000, 170,000, 180,000 American troops to Iraq to help them settle their civil war? What do you think? I don't think so. We might have sent troops to Jordan. We might have done what we are trying now in Amman and the emirates. We might have beefed up Turkey. We might have accepted to go after al-Qaida sites. But I doubt very much we would vote now to get in the midst of a self-sustaining cycle of sectarian violence, which is what it is. If you want American troops fighting a civil war in Iraq, if you want that, then vote against this resolution, do not vote for it. Do not vote for it.

You say that is not fair; we are not engaged in fighting in a civil war. Has anybody asked themselves the rhetorical question: Why is it that Sadr, who has been responsible for killing a lot of Americans, and his Mahdi army, which has been responsible for killing a lot of Americans, why is it that the Shia-led Mahdi army, particularly in Sadr City, has taken off their uniforms, hidden their weapons, and as of yesterday—I have not checked today—there were rumors that Sadr is no longer in Iraq?

Maybe he is back now. We do not know for sure where he is. Why is it that they took down the blockade? Is it because all of a sudden they turned peace loving?

I respectfully suggest, because inadvertently the 17,500 troops we are surging into the middle of Baghdad, we are surging them into 20-some neighborhoods that are Sunni.

They are bad guys, these former Saddamists, these former Baathists—this insurgency—who were referred to until recently by the Secretary of Defense as “a bunch of dead enders.” I respectfully suggest the reason all of a sudden the Shia in Sadr City are lying low is because they are very happy the United States is doing their job for them, killing their enemy, killing the bad guys who are Sunnis. Does anybody think if we succeed in that mission that all of a sudden we are not going to see all those weapons come out of hiding in Sadr City? Does anybody think that all of a sudden it is going to be safe for Americans in that region? Does anybody think the uniforms aren’t going to come back on and the roadblocks aren’t going to go back up? These folks aren’t dumb. It is not our purpose, but the effect is, we are engaged in this civil war.

The question is, What is the plan to responsibly end our participation in this war without leaving behind chaos, without having traded a dictator for chaos, without having left behind a cycle of self-sustaining sectarian violence that metastasizes in the fragmentation of Iraq and metastasizes in the region—Turkey, Iran, Syria, Saudi Arabia? What is the answer?

So far, I don’t hear a plan. Notice, by the way, now the surge is really getting bumped up, as some of us predicted on this floor when he announced the surge and predicted in our committee, 17,000 people to 22,500, whatever the actual number was initially. Now they are saying they are going to need 30,000 people for the surge. Why? Because it is like squeezing a water balloon. The bad guys have left this area in part, and they have now gone to the province directly outside of Baghdad.

General Keane is a very bright fellow, an honest guy, a former four-star general, who testified before our committee. He came up with the original plan about surging. He said: In order for this to work, you are going to have to surge well beyond Baghdad. You are going to have to go into Anbar Province and beyond. He predicted what would happen.

They said: No, we are only talking about 22,500 troops.

What is the purpose of the surge? The purpose of the surge, we are told—in a humanitarian sense, it makes a lot of sense, except for the humanitarian interest of our troops—is to bring order to Baghdad, stop the killing and the chaos. Why? Because when that happens and they have—I think the phrase used is “breathing room”—when they have that breathing room, what is

going to happen? Then they can negotiate. Then they will sit down and negotiate an agreement among themselves. Has anybody asked the question, What will be the basis of that negotiation? What is the idea? What is the element? What is the political solution?

The President continues to insist on a well-intended but fundamentally flawed strategy. The flawed strategy is, it is possible to have a strong central democratic government. Before we went to war, I believed, and so stated, that there is not going to be a democracy there in any of our lifetimes, including the Presiding Officer, who is considerably younger than most of us. It is not going to happen. It is possible that we could leave behind a country secure within its borders, loosely federated, not a threat to its neighbor and not a haven for terror, but that is as good as it is going to get.

At least one and probably both of my colleagues in the Chamber were here during the Balkan crisis in Bosnia. What does history teach us and what does recent experience teach us? Wherever there is a cycle of self-sustaining genocide, self-sustaining sectarian violence, when in modern history has it ended other than any one of four ways:

One, a victor. They wipe out the other two sides or three sides or one side, and one of the ethnic groups prevails militarily on the battlefield.

Two, occupation by an outside force—the Ottoman Empire, the Persian Empire, the British Empire.

We can’t afford the first to happen because that would have a devastating impact on the region because everybody knows the Sunni states will get more involved. If it goes the other way, the Shia states will be involved in Iran beyond what they are now. That is not a real option. We are not an occupying force. It is not in our DNA. We are not an empire.

The third option historically is a dictator, a strongman. Wouldn’t that be the ultimate irony—us going to Iraq to take down Saddam and restoring a strong man, which, I respectfully suggest, we should consider might happen because eventually we are going to leave and the dysfunctional circumstances in Iraq are as likely to produce a strong military leader to take over as anything else, although there is no individual in sight right now. That is not an option available to us.

What is the fourth historical option? Federation, a federal system, a weak central government within the defined borders of a country that, in fact, gives the warring sectarian parties some control over the fabric of their daily lives, their local police force for their public safety, rules relating to marriage, education. That is the only other option which has ever worked. It doesn’t work perfectly.

What does recent history tell us? Like many here, I was deeply involved in our Balkan policy. As my friend

from Kansas may remember, I, to use the vernacular, beat President Clinton up and about the head to use force in the Balkans. I argued, after encountering Milosevic 2 years before he acted in his office—when he asked me what I thought of him, I said: I think you are a damn war criminal, and I am going to spend my career seeing you tried as one. I came back and wrote report after report, after close to a dozen visits. I saw what was happening in Brcko, in Tuzla, in Sarajevo, in Srebrenica, more sectarian violence in the Balkans from Vlad the Impaler to Milosevic than ever occurred in what is now called Iraq.

So how did we end it? We ended it after they killed several hundred thousand people, mostly women and children. We ended it after we gathered all the neighbors, including Russia, a pro-Serbian force, France, all the nations in the region. We gathered in a room. We brought in the parties who were warring, including Milosevic, Tudjman, Croats, and other leaders representing the Bosniaks. What did we do? We then called the Dayton Peace Accords. What did we do there? We gave much more autonomy to each of those groups than ever was envisioned by what I am proposing.

We set up a thing called the Republic of Serbia in Bosnia with its own President. We had a Bosnian President and we had a Croatian President. For over 10 years, as my friend from Oklahoma can attest, who knows more about force structure than most of us know, there have been over 20,000 on average NATO forces there. To the best of my knowledge, none has been killed in anger with a shot fired.

What is going on in Bosnia today? Was everyone who was ethnically cleansed able to come back to their neighborhoods? No. A lot have. Is there still injustice? Yes. Is genocide continuing? No. What are they doing now? They are debating amending their Constitution to become part of Europe so they can join the EU down the road. We don’t have to go very far for an example.

Let me ask the rhetorical question again: Can anybody name me a time, without empire, dictator or expiring, that self-sustaining sectarian violence within the borders of a country has resulted in a central federal control that is democratic? With all due respect to the President, arguably his dream at the outset made sense. That is why I called 3 years ago for 60,000 to 100,000 additional American forces. That is why I called for the need for at least 5,000 to 6,000 paramilitary police to be sent, because I believed—and I wrote at the time—if the genie ever gets out of the bottle, if we don’t establish order quickly, there is no possibility of stopping a vicious civil war.

Senator HAGEL and I got smuggled across the Turkish border before the war began, and went up to Arbil and met with the Brazani and Talabani clans to discuss with them whether

they would actually be with us if force was used. They had us each speak before the Kurdish Parliament, and they had already written a constitution that was the minimum they would, in fact, insist upon which allowed for significant Kurdish autonomy. They wanted a federal system.

A year ago January, my distinguished colleague from South Carolina and I went to Iraq for what was my sixth time. I have been there since. I don't know how many times it was. We went around and proudly put our fingers in the ink well, demonstrating that this was a free election. We came back and spoke to the President. We were debriefed by the President and his war cabinet. The President said it was a great democratic effort. I presumed to suggest it wasn't a democratic effort, it was a free election. It was a sectarian election. It turns out 92 percent of the vote cast was a sectarian vote. Kurds voted for Kurds. Shia voted for Shia. Sunni voted for Sunni. That is not democracy. Elections do not a democracy make. They are a necessary and ultimate condition to democracy. Democracy is about giving up things, about compromise.

I will never forget what Senator GRAHAM, who has a great facility for words, said as I was trying to explain to the President about the militias—not that he did not know there were militias. After we got finished, the President turned to Senator GRAHAM and Senator GRAHAM said, with a bit of humor: Mr. President, it is kind of like when the recount was taking place in Florida, if the Republicans had their own army and the Democrats had their own army. That is the better analogy.

The genie was out of the bottle, and the genie came roaring out of the bottle when that shrine in the Shia area was devastated and ripped off the Earth.

Let me conclude by saying, it comes down to a simple proposition: Why do we want our troops in Iraq? Is it to fight a civil war or is it to provide a circumstance whereby we do the only thing that can help our interest, to prevent al-Qaida from occupying territory, to train the Iraqi forces, and to protect our troops. To do that we need a lot fewer troops.

Do we want to end this war responsibly? If we do, I respectfully suggest we vote for this resolution. If you prefer the President's plan, which offers no end in sight, I respectfully suggest you should vote against it. But, ultimately, there are a lot of proposals put forward, including the President's, and you have to ask yourself the rhetorical question, I believe: After it is implemented, then what? Then what?

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, it is my understanding on this side we have 18 minutes. I am going to reserve 10 minutes for leadership time. That

leaves 8 minutes I yield to the Senator from Kansas, Mr. BROWNBACK.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, I thank the Senator from Oklahoma for the time for debate.

I thank my colleague from Delaware, whom I enjoyed listening to and with whom I enjoyed serving on the Foreign Relations Committee.

I say at the outset, I have been endorsing and speaking often around the country about this notion of a federated system in Iraq, of the need for a three-state, one-country solution, with Baghdad as a federal city, where we have a Sunni area, a Shia area, and a Kurdish region.

I have been in Irbil as well. In the middle of January, I was there. I agree with his analysis of history. When you look at these situations, and you take a big military apparatus off the top of a place such as the former Yugoslavia, or now in Iraq, and then you have these old, ancient hatreds that sit there, how do you deal with them? That is why I think this is a political solution that is right. I agree with my colleague from Delaware about that.

I wish he had not left the floor yet so we could have some discussion on that point because I think, though, that issue would then bode to voting against this resolution because what we are going to need to have is a period of time to get that political machination in place. We are going to need some time and space for Kurds, Sunnis, and Shias to be able to talk together, to be able to talk in an environment where there are not these mass car bombs and assaults and attacks taking place on a sectarian basis—such as took place in Bosnia—so that you can be able to allow the political system to work.

These are not mutually exclusive objectives of having a military apparatus in operation and in place in Iraq while you are pushing forward a very sensible and probably the only political solution that can take place, having an area for Sunnis, Shias, and a Kurdish region—which already exists. I might add this is in the Iraqi Constitution now. This sort of sectarian division of areas is allowed in the Iraqi Constitution. They have even taken the first steps of implementation. The Kurdish area is being operated by the Kurds. The oil revenues, which are being equally—by the last agreement—divided up around the country, are the glue to hold this system together.

This can and should take place. I urge the administration to push this, and even to bring these leaders together in-country or outside of the country to push this form of political solution. But I would add on top of that, that form of political solution would then say: Do not vote for this resolution that sets a timetable under which this must happen because these are things that are going to take some period of time. As my colleague from Delaware noted, we have been in Bos-

nia for the last 15 years putting this in place and holding this in place.

That is the requirement of this, then, so the passions can calm down, the sectarian passions can cool. You are going to need a force in place to see this political solution on through. That is the long-term objective I think we need to look at, this form he is on track to, but that would be in opposition to this resolution that sets a timetable.

I respect his discourse and I respect my colleagues on the other side of the aisle who may look at it differently, but I think we have to look at recent history to tell us this is a logical way that would take place.

Iraq is more three groups held together by exterior forces at the present time—with pressure from Turkey, with pressure from the Gulf States, with pressure—that is not constructive—from a couple of other neighbors, particularly Iran and Syria.

I think we need to recognize that political solution that is there, the exterior forces, and push this political solution in the environment of a more stable military apparatus and military operation.

This resolution, it seems to me, is clearly not a call for victory. Therefore, it must be seen as a call for retreat. Even its supporters do not contend it is a plan for victory. We need to win. They talk about the problems we face, not the solutions we need. But yet there is a middle road here, even, of engaging the Senator from Delaware, his political solution with this military rationale, the military needs that are going to be there that is still in place in Bosnia and is going to be in place for some time in Iraq. We will need a military presence in Iraq for some time to come even to get to that political solution.

We cannot predict how long that presence will be necessary or exactly what type of presence will be required. At the Dayton Accords, did we predict at that point in time it would be for a period of 5 years and no more? No. We said: We are going to help provide the stability so the political solution can take place. We did not put a set date: OK, in 1 year, we will have this few troops; and in 2 years, we will not have any of these types of troops; and in 3 years we will be out. We did not say that. We said: OK, here is a political solution, and we are going to help stabilize this militarily for whatever time necessary to be able to do that.

These solutions need to be brought together, not to be argued separately. I am not calling for an open-ended commitment to Iraq. I am suggesting that our commitment be driven by the mission. We must complete it. We must get this done. We can express opposition to the surge, which I have certainly done. But after doing so, I think we should oversee the implementation of it, not to try to undercut it, nor should we attempt to interrupt a mission just getting underway.

We are looking at this right now. I cannot vote for a plan that would begin a withdrawal of U.S. troops before the surge forces are even fully deployed at this point in time. The 4th Brigade of the 1st Infantry Division, based at Fort Riley, KS, recently arrived in Baghdad. I do not think it would be wise for us to tell those soldiers they should prepare to leave Iraq even before they get their gear unpacked.

Not only do I believe it is inappropriate for us to legislate a timetable for withdrawal, I also believe it is bad policy for us to do this in Iraq.

First, supporters claim the resolution continues the fight against the terrorists by leaving a minimal force in place for counterterrorism operations. But apparently the terrorists are not getting that message. Two days ago, one of the al-Qaida leaders in Iraq used a jihadist Web site to discuss the very resolution we are now debating in the Senate. He said:

The democratic majority in the American Congress announced that the security plan must produce its fruits in the middle of this summer or else they would expedite the departure of the forces at the end of this year.

Can there be any clearer evidence that al-Qaida is ready to wait us out?

In fact, al-Qaida not only approves of a timetable for withdrawal, it is working feverishly to expedite our departure. In the last few weeks, al-Qaida bombings have stood out as obstacles to stemming the cycle of sectarian violence in and around Baghdad. Sunni leaders have become so tired of al-Qaida violence against their own communities that they are turning to U.S. forces for protection. A timetable for withdrawal serves al-Qaida's interests.

For many years now, several of my colleagues on the other side of the aisle have rejected the idea that Iraq is a part—a central part—of the war on terrorism. I believe the statement I just read and others by al-Qaida leaders, the recent al-Qaida-inspired violence, and the Sunnis rejection of that violence should end this discussion. Iraq is unquestionably a key front in the war on terror, and it is essential we prevail against the terrorists in Iraq. If my colleagues are serious about fighting the war on terror, they should frustrate al-Qaida by voting against—against—this resolution.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BROWNBACK. Madam President, I urge for political purposes of stabilizing Iraq, as Senator BIDEN talked about, this resolution be rejected.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, I understand we have 10 minutes. I wish to retain the remainder of our time.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I yield myself 6 minutes from the leader's time on our side.

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

Mrs. MURRAY. Madam President, I ask unanimous consent that the previous agreement be modified to provide that if any of the resolutions receive 60 votes, the preamble be considered agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. MURRAY. Madam President, America's troops deserve our Nation's full support every step of the way—from when they enlist, to when they train, to when they deploy, to when they return home.

Tragically, this administration has failed our troops every step of the way. Today, Democrats are saying enough is enough. We are going to give our troops everything they need, and we are not going to be a rubberstamp for the President's war without end.

I am very proud today to offer the Murray resolution in support of our troops, and I am pleased our majority leader, Senator REID, strongly supports this resolution.

We have been fighting to finally have a debate in the Senate for months. Now we are having that debate, and today we have to do three things: We need to adopt the Murray resolution that says we support our troops every step of the way. We need to reject the Gregg resolution that blindly follows the President. And I hope we pass the Reid resolution that sets a new direction in Iraq.

The Murray resolution I have offered affirms we will provide our troops with everything they need to be safe and to complete their missions. We will provide everything they need in terms of training, equipment, logistics, and funding, and we will provide everything they need when they return home.

Now, some here have a different idea. The Gregg resolution will tie the hands of Congress and would, importantly, leave all decisions to President Bush.

Well, we know how that has turned out. If Congress—we who are elected by our constituents at home—surrenders its voice, we could see our troops being stuck with more of the same—more Americans being stuck in the middle of a civil war and more veterans coming home without the care they need.

We do not need more of the same, in my opinion. We need a new direction. The Murray resolution shows we can have a new direction in Iraq, and we can give our troops all the support they need.

So shortly we will all have a choice: Either you can blindly follow the President or you can say: We—here—are going to stand up to our own responsibility to support our troops, and we can also push for a new direction in Iraq.

Now, the Gregg resolution says we have to support the President. The resolution I have offered says: We—here—have to support our troops.

The Gregg resolution would simply make Congress a rubberstamp for a failed policy. The resolution I have offered says that Congress—us, those of

us elected here in the Senate—have a voice, and we have to use that voice to help our troops.

I suggest to my colleagues if you are happy with the war in Iraq, go ahead and vote for the Gregg resolution. It will keep us locked on the same path.

If you are OK with returning troops waiting months in a crumbling military hold unit—or waiting years for their benefits—then vote for the Gregg resolution and keep us locked on the same path. But if you think our troops do deserve our support and do deserve better, vote for the Murray resolution. If you agree our troops deserve equipment to keep them safe, vote for the Murray resolution. If you agree our troops deserve the training that will help them succeed in their missions, vote for the Murray resolution. If you believe our troops deserve better when they come home, importantly, vote for the Murray resolution. If you believe Congress needs to use its voice and its power to give our country a direction in Iraq, vote for the Murray resolution.

Our troops deserve better than what they have been provided so far. This President sent our troops into battle without the lifesaving armor and equipment they need. This President left our troops on the battlefield without a plan, without a clear mission, and without being honest about the costs—all costs—of the war. This President shortchanged health care and benefits for our returning servicemembers, leaving brave Americans, as we now know, to languish in squalor at Walter Reed and facilities across our country. Haven't we had enough of that? Didn't Americans send us a clear message last fall that enough is enough? It is time, I believe, for a new direction.

The resolution I have offered recognizes that Congress has a role to play in supporting our troops. We have a voice also to push for a new direction, and we are going to use our power we were elected to use to help the brave men and women who proudly wear the uniform of the U.S. military.

I would say to all of my colleagues today, if you vote against the Murray resolution, you don't really support our troops. Don't vote against our military and don't vote to tie our own hands. Use this opportunity today to tell our troops: We are all here for them and their families; from the time they head off to battle through the rest of their lives, we are there for them. Most of all, I hope the Senate votes to support the Reid resolution so we can change the direction in Iraq.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, I rise to express my strong opposition to the Reid resolution, S.J. Res. 9.

This is a dangerous piece of legislation. It is constitutionally dubious, and it would authorize a scattered band of Senators to literally tie the hands of the Commander in Chief at a moment of decisive importance in the fight

against terrorism in Iraq. I would never doubt the patriotism of my colleagues across the aisle, but I have become increasingly troubled over the last few weeks as this debate has taken shape.

When the President prepared a solution to the growing violence in Baghdad, he had good reason to expect the support of at least some of our friends on the other side of the aisle. The democratic whip, Senator DURBIN, said in late December:

If we need initially some troops in Baghdad to quiet the situation, to make it more peaceful so that our soldiers start coming home, then I would accept it.

That is the assistant Democratic leader not years ago but 3 months ago. Yet as details of the President's proposal to do so became clear, our friends on the other side circled the wagons, and Senator DURBIN got in line. Just 2 weeks—2 weeks—after saying he would support reinforcements as a way of stabilizing Iraq, the Senator from Illinois said:

The proposed surge in troops is a sad, ominous echo of something we have lived through in this country.

Then later on that day he added:

I don't believe that a surge is the answer to our challenge in Iraq.

That is 2 weeks after announcing that it might be a good idea. Would our friend from Illinois have felt the same way if one of his Democratic colleagues had proposed the surge? Increasingly, the troubling answer to this question appears to be yes. Indeed, it is increasingly clear that the only principle guiding our colleagues on the other side is this: If the President proposed it, we oppose it. This is a bad principle in good times. It is an outrageous principle in times of war.

Two months after many Democrats said they would support a surge in troops if it meant stabilizing Baghdad, and incredibly 1 month after sending General Petraeus on his mission to do so, Democrats are now calling for the very thing they have consistently opposed: setting a timetable for withdrawal. This is beyond silly. It is a chaotic embarrassment that threatens to shake the confidence of our commanders and of our troops, and to embolden an enemy that predicted and longed for nothing less. Of course, at some point it is not enough to simply say: If the President proposed it, we oppose it. The principle begs for a counterproposal: What would the Democrats propose instead? We all saw the answer: Seventeen different proposals, many of which contradicting the last, and then finally this, a proposal everyone could get behind, a proposal that sets a date certain for America's withdrawal from Iraq.

This resolution is a clear statement of retreat from the support that the Senate recently gave to General Petraeus; as I have said, its passage would be absolutely fatal to our mission in Iraq.

Senator CLINTON put it well. She said:

I don't believe it's smart to set a date for withdrawal. I don't think you should ever—telegraph your intentions to the enemy so they can await you.

That was Senator CLINTON. Well, "ever" is here, and our friends on the other side of the aisle apparently now think it is a good idea to telegraph our intentions to the enemy. Osama bin Laden and his followers have repeatedly said that the United States does not have the stomach for a long fight. Passage of this resolution will prove Osama bin Laden, regrettably, was right. This is the vote he has been waiting for.

Setting a date certain for withdrawal will please a vocal group of Democratic Presidential primary voters, but it would discourage many others, including many Democrats, who agree that timetables are foolish and dangerous. More importantly, it would discourage our own troops—and this is the most important part about this—who wonder whether we truly support their mission, and it will discourage our allies and the millions of brave Iraqi men and women who have dared to stand with America in this fight.

I will proudly vote against a resolution that sets a timetable that actually announces the date for our withdrawal from Iraq. I will do so for the same reason that many prominent Democrats opposed it up until the day President Bush announced his plan for securing Baghdad 2 months ago.

Republicans have a message for our allies and for our troops, and it is this: We will continue to fight a timetable for withdrawal that has no connection to events or circumstances on the ground. We will give General Petraeus's mission a chance to succeed. We are proud of the work the general has done, and we stand with him until the job is done. We will send this message today when we vote in favor of the Gregg resolution. This resolution pledges us to support the troops and their mission. The Republicans proposed a month ago that we be allowed a vote on this resolution, but we were denied. We are being allowed that vote today, and just as proudly as we will vote against S.J. Res. 9, we will vote in favor of the Gregg resolution.

In one sense, this debate has been academic. Senators will have a chance to show their support for the mission in Iraq when we vote on the supplemental appropriations bill later this month. That is the bill that matters. That is the one that funds the operation in Iraq. But in another sense, this debate was worthwhile because it exposed the principle that appears to guide the opposition: If the President proposed it, we will oppose it. This is no principle at all; it is pure politics. It is unworthy in good times. It is shameful at a time of war.

Meanwhile, the fighting in Iraq continues, and General Petraeus's mission is showing early signs of success. We are told that bomb deaths are down one-third in Baghdad since the new

plan took effect last month. Execution-style slayings are down by nearly half. Traffic has returned to the once empty Baghdad streets.

No one is foolish enough to say this will last. This is not a prediction, but it is a sign of hope, the kind of sign that everyone in this country—Democrat and Republican—has been waiting for. We in this Chamber have a choice: We can fan this flame or we can smother it. By voting on a timetable for withdrawal, we are very decidedly doing the latter. Republicans take the hopeful path today.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes 15 seconds remaining.

Mr. McCONNELL. I yield back the remainder of our time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, whatever time I have left I will add to that leader time.

Madam President, on the eve of the fifth anniversary of this protracted war in Iraq, the Senate finally considers important legislation to direct President Bush to change the course of this civil war. S.J. Res. 9, which is a joint resolution to revise U.S. policy in Iraq, is one I offered. The second vote will be on the Murray resolution expressing the sense of the Senate that no action be taken to undermine the safety of the Armed Forces. Finally, S. Con. Res. 20 is the Gregg resolution on funding for American troops in the field. I will discuss at some length at a later time this afternoon the difference between Murray and Gregg. Suffice it to say the Murray resolution takes care of the troops after battle in addition to while they are in Iraq. It takes care of the situation so we don't have another Walter Reed situation. The Gregg resolution does not cover the troops after battle.

As it relates to S.J. Res. 9, Members will have to consider a choice: Will we continue to support President Bush's failed policy that has our troops bogged down in the middle of a civil war while the enemy who attacked us on September 11 grows stronger or will we stand with the American people in demanding a new direction for this war? This new direction maximizes our chances for success in Iraq and in that part of the world, a new direction that recognizes the current policy has pushed our troops and their families to the breaking point, a new direction which sends a signal to the President that this Congress will hold him accountable and no longer will we rubberstamp his failed policies; a new direction that restores U.S. standing in the world and refocuses our resources on our most imminent threats. My hope is we will stand with the American people, because they are standing with this resolution, S.J. Res. 9. We must have a new direction in Iraq.

Monday will be the beginning of the fifth year of this war, the fifth year of

this war our troops are now mired in, a war in this faraway country. Five years of war, of the President's approach to Iraq, and it is clear it is not working. The country is in a state of chaos. Iraq is in a state of chaos. There literally is no stability. U.S. troops are policing a civil war, a protracted civil war, not hunting and killing the terrorists who attacked us on 9/11. Five years. Five years of war.

The mission has changed. Saddam is gone. There are no weapons of mass destruction. The original mission no longer exists. Five years of war with 3,200 dead Americans, 25,000 wounded Americans, hundreds of billions of dollars spent, \$4 billion a week, a couple of hundred million dollars a day and still no end in sight, according to this President. The American military, the finest in the world, cannot and should not police an Iraqi civil war. General Petraeus's name has been thrown around here as if it is his war. It is not his war. It is President Bush's war. General Petraeus, the commander in Iraq today, recently observed there is no military solution in Iraq. The war must be ultimately won through diplomacy, politically, by forcing Iraq's political factions to resolve their differences.

The key to success in Iraq is not to escalate the conflict by adding tens of thousands of additional troops to march down the same road. Some of these troops have been down the same road as many as four and five times. It is time to find a new way forward and a new way home that gives our troops a strategy to complete the mission and, I repeat, come home.

The Reid resolution will give our troops the best chance to succeed in Iraq and to succeed in the larger war on terror. It will direct the President to change course in Iraq by changing the mission in Iraq. This resolution immediately transitions the mission to training, force protection, targeting counterterrorist operations, and beginning the redeployment of our troops in the next 120 days.

Similar to the bipartisan Iraq Study Group, the goal in my resolution is to remove all combat forces not associated with these missions by the spring of 2008. My resolution also recognizes a comprehensive strategy in Iraq. Phased redeployment shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes Iraq's neighbors and the international community.

S. Res. 107, the Murray alternative to the Gregg resolution, strongly supports our troops but also properly interprets the Constitution by stating that the President and the Congress have shared responsibilities for decisions involving our Armed Forces.

Quoting from the resolution:

The President and the Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for the training, equipment, and other support for troops in

the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions.

In addition, the Murray resolution makes it clear that the Constitution gives Congress the responsibility, in addition to the President, to take actions to help our troops and veterans. The Murray resolution says that our responsibility to our troops doesn't begin and end when they are deployed. Supporting the troops means giving them the proper training before they are deployed and ensuring they receive the proper medical and other support when they return home.

Madam President, I suggest that voting no on the Murray resolution is voting to condone what has taken place at Walter Reed. The Murray resolution recognizes that the troops must be taken care of not only when they are in battle but when they get out of battle. If there were ever a picture of what is wrong, look at what happened at Walter Reed. The Murray amendment underscores that.

The people voting against the Murray amendment will be voting against changing what took place at Walter Reed.

The Department of Defense said yesterday in a report they issued—the Pentagon issued—that there is a civil war going on in Iraq now, as we speak. The Pentagon, in their report yesterday, said violence is up, not down. Three soldiers a day are being killed. February was the month of more attacks than at any time during this 5-year war.

Al Maliki, when he met with the President face to face, said get the American troops out of Baghdad. He is the leader of Iraq. General Casey, who was a commander at the time the President suggested the surge, said the surge won't work. This is not General Petraeus's war, it is President Bush's war, and we must change course.

In our resolution, there is a 120-day redeployment, and there will be work on counterterrorism, force protection, and training. Yes, they will also do political and economic strategy, and certainly diplomacy. Our goal is the spring of 2008.

It is easy to talk about sending the troops into battle and supporting the troops. I support the troops. I support the troops, but I don't think that we should spill another drop of American blood in Iraq—not another drop of blood.

I spoke to the mother of LCpl Raul Bravo a week ago today. She is the mother of that 21-year-old boy who was killed in Iraq. It was his second tour of duty. She said that "he is the only man in our family"—her and his three sisters. She said that he was an angel. Her son did his best to learn to speak the language of the Iraqis. She said he said prayers with the Iraqis. His blood should not have been left in that faraway place.

The war has gone on too long. We must change direction in Iraq. We have

given the President chance after chance. We hear that things are getting better. His own Pentagon says it is a civil war. His own Pentagon says it is getting worse. That is what these resolutions are about today.

The Reid resolution says let's change direction in Iraq. The Murray resolution says support the troops at all times. The Gregg resolution takes Congress out of the equation and doesn't do a thing for the troops when they come home.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Madam President, I ask unanimous consent that following these votes, the Senate proceed to executive session to consider en bloc the following nominations:

Calendar No. 36, John Preston Bailly of West Virginia, to be a district judge.

Calendar No. 37, Otis D. Wright, II, of California, to be a district judge.

Calendar No. 42, Thomas M. Hardiman, of Pennsylvania, to be a circuit court judge for the Third Circuit.

Further, I ask unanimous consent that there be 20 minutes for debate, equally divided, under the control of Senators LEAHY and SPECTER or their designees on the three nominations; that when the time is used or yielded back, the Senate proceed to vote on the confirmation of each of the nominations in the above order; that the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Madam President, reserving the right to object, and I am certainly not going to object, is the majority leader expecting rollcall votes on all three of the judges?

Mr. REID. At the moment, yes, but that can change.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment and third reading of S.J. Res. 9.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

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

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

The question is on passage of the joint resolution.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—48

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

NAYS—50

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

NOT VOTING—2

Johnson McCain

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 50. Under the previous order requiring 60 votes for the adoption of this measure, this vote is vitiated, and the measure is returned to its previous status.

Mr. REID. Madam President, I move to reconsider the vote.

Mrs. MURRAY. Madam President, I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. REID. Madam President, with the permission of the Republican leader, I ask unanimous consent that the next two votes be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

S. RES. 107

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on Senate Resolution 107, and the Senator from Washington is recognized.

Mrs. MURRAY. Madam President, the Senate is about to vote on the Murray resolution. There should be no question that the Members of the Senate support our troops. We all do. In this resolution, we want to make sure we go on record saying we support our troops from the time they go to battle and are sent on their missions to the time they come home.

We make very clear in the Murray resolution that this Senate will go on record saying the support of our troops extends far beyond their mission in the field. It means when they come home and are sent to Walter Reed or one of our other medical facilities, we will

support them with what they need. It says we will support their families throughout their lifetime, if that is what it takes, for their service to this country.

I hope this is passed on a strong, loud, bipartisan vote.

I yield the floor.

Mr. INHOFE. Madam President, ironically, I agree with the Senator from Washington, although I disagree with the characterization of this resolution.

First of all, the resolution does essentially the same thing the Gregg resolution does. No. 1, the Gregg resolution uses the language that "Congress should not take any action that will endanger United States military forces in the field." That is exactly the same language that is in the Murray resolution: "Congress should not take any action that will endanger the Armed Forces."

The Gregg resolution talks about article II, section 2, of the Constitution, in terms of the President's constitutional powers, and article I, section 8 of the power of Congress; and the Murray resolution does essentially the same thing, except it doesn't cite it. It merely says Congress and the President should continue to exercise their constitutional responsibilities.

So I am going to vote for the Murray resolution and vote for the Gregg resolution. I don't see any difference in them. I think we are supporting the President, and this is the right thing to do.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the resolution.

Mrs. MURRAY. Madam President, I ask for the yeas and nays.

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

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—96

Akaka	Cardin	Domenici
Alexander	Carper	Dorgan
Allard	Casey	Durbin
Baucus	Chambliss	Ensign
Bayh	Clinton	Enzi
Bennett	Coburn	Feingold
Biden	Cochran	Feinstein
Bingaman	Coleman	Graham
Bond	Collins	Grassley
Boxer	Conrad	Gregg
Brown	Cornyn	Hagel
Brownback	Craig	Harkin
Bunning	Crapo	Hutchison
Burr	DeMint	Inhofe
Byrd	Dodd	Inouye
Cantwell	Dole	Isakson

Kennedy	Menendez	Shelby
Kerry	Mikulski	Smith
Klobuchar	Murkowski	Snowe
Kohl	Murray	Specter
Kyl	Nelson (FL)	Stabenow
Landrieu	Nelson (NE)	Stevens
Lautenberg	Obama	Sununu
Leahy	Pryor	Tester
Levin	Reed	Thomas
Lieberman	Reid	Thune
Lincoln	Roberts	Vitter
Lott	Rockefeller	Voinovich
Lugar	Salazar	Warner
Martinez	Sanders	Webb
McCaskill	Schumer	Whitehouse
McConnell	Sessions	Wyden

NAYS—2

Corker Hatch

NOT VOTING—2

Johnson McCain

The resolution (S. Res. 107) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 107

Whereas under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Whereas when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Whereas thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

The PRESIDING OFFICER. The majority leader is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

S. CON. RES. 20

Mr. REID. Madam President, it is my understanding there is a minute on each side. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Madam President, the Gregg amendment has been changed since it was originally filed. It is still imperfect. I still think, at least from my observation, it is not good, especially in light of the fact that the Murray amendment so clearly defines the necessity of taking care of the troops when they come home. But there is no caucus position on this issue. Senators on this side of the aisle should vote however they feel comfortable. I personally am not going to vote for it because I don't feel comfortable. I believe the resolution leaves a lot to be desired. It can be construed many different ways. It is wrong that we do not take into consideration the injured troops when they come home. My caucus can vote any way they feel appropriate.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. I am just wondering what the parliamentary situation is. Do I have a minute or was the minute on the other side just used?

The PRESIDING OFFICER. The Senator has a minute.

Mr. GREGG. That was a minute on the other side that was used or was that leadership time?

The PRESIDING OFFICER. Forty-five seconds was used.

Mr. GREGG. I think it is important Members understand what this amendment says, so I am going to read it:

That it is the sense of Congress that Congress shall not take any action that will endanger United States military forces in the field, including the elimination or reduction of funds for troops in the field, as such action with respect to funding would undermine their safety or harm their effectiveness in pursuing their assigned missions.

It is very simple. If you support the troops, you have to support this amendment. In fact, if you supported the Murray amendment, you have to support this amendment unless you changed your mind in the last 30 seconds.

I yield back my time.

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

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

The question is on agreeing to the resolution. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON) is necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 16, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—82

Alexander	Dorgan	McConnell
Allard	Durbin	Mikulski
Baucus	Ensign	Murkowski
Bayh	Enzi	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Bond	Graham	Obama
Boxer	Grassley	Pryor
Brown	Gregg	Roberts
Brownback	Hagel	Salazar
Bunning	Harkin	Schumer
Burr	Hatch	Sessions
Cantwell	Hutchison	Shelby
Cardin	Inhofe	Smith
Carper	Inouye	Snowe
Casey	Isakson	Specter
Chambliss	Kerry	Stabenow
Clinton	Klobuchar	Stevens
Coburn	Kohl	Sununu
Cochran	Kyl	Tester
Coleman	Landrieu	Thomas
Collins	Lautenberg	Thune
Conrad	Levin	Vitter
Cornyn	Lieberman	Voinovich
Craig	Lincoln	Warner
Crapo	Lott	Webb
DeMint	Lugar	Wyden
Dole	Martinez	
Domenici	McCaskill	

NAYS—16

Akaka	Feingold	Reid
Biden	Kennedy	Rockefeller
Bingaman	Leahy	Sanders
Byrd	Menendez	Whitehouse
Corker	Murray	
Dodd	Reed	

NOT VOTING—2

Johnson	McCain
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The concurrent resolution (S. Con. Res. 20) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON RES. 20

Whereas under Article II, Section 2, of the Constitution of the United States, the President is the "commander in chief of the Army and Navy of the United States", and in such capacity the President has the command of the Armed Forces, including the authority to deploy troops and direct military campaigns during wartime;

Whereas under Article I, Section 8, of the Constitution of the United States, Congress has the power of the purse specifically as it relates to the Armed Forces, and in such capacity Congress has the responsibility to fully and adequately provide funding for United States military forces, especially when they are at war and are defending the Nation; and

Whereas when United States military forces are in harm's way and are protecting our country, Congress and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned missions, including the equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that Congress should not take any action that will endanger United States military forces in the field, including the elimination or reduction of funds for troops in the field, as such action with respect to funding would undermine their safety or harm their effectiveness in pursuing their assigned missions.

EXECUTIVE SESSION

NOMINATION OF JOHN PRESTON BAILEY TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

NOMINATION OF OTIS D. WRIGHT II TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

NOMINATION OF THOMAS M. HARDIMAN TO BE U.S. CIRCUIT JUDGE FOR THE THIRD CIRCUIT

The PRESIDING OFFICER (Mr. SALAZAR). Under the previous order, the Senate will proceed to executive session to consider en bloc the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of John Preston Bailey, of West Virginia, to be U.S. District Judge for the Northern District of West Virginia; Otis D. Wright II, of California, to be U.S. District Judge for the Central District of California; Thomas M. Hardiman, of Pennsylvania, to be U.S. Circuit Judge for the Third Circuit.

The PRESIDING OFFICER. There is now 20 minutes equally divided for debate on the nominations.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, is the pending business the nomination of Thomas Hardiman to the Court of Appeals for the Third Circuit?

The PRESIDING OFFICER. That is one of the nominations that is pending.

Mr. SPECTER. Mr. President, I urge my colleagues to support Thomas Michael Hardiman for the Court of Appeals for the Third Circuit. He has served on the U.S. District Court for the Western District of Pennsylvania. He has an outstanding academic record. He has a law degree from Georgetown, bachelor's degree from the University of Notre Dame. He started his practice of law in 1990. He has an outstanding record both academically and professionally.

Senator Santorum and I know him personally and can vouch for him. I urge my colleagues to confirm him for the Third Circuit.

I ask unanimous consent that my full statements on the nominees be printed in the RECORD.

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

STATEMENT OF SENATOR ARLEN SPECTER ON THE NOMINATION OF THOMAS MICHAEL HARDIMAN TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Mr. President, I seek recognition today to urge my colleagues to confirm Thomas Michael Hardiman to the Third Circuit Court of Appeals. Judge Hardiman was nominated during the last Congress, and a hearing was held on November 14, 2006. The Senate, however, did not act on his nomination prior to adjournment of the 109th Congress. President

Bush re-nominated Judge Hardiman on January 9, 2007 and his nomination was reported out of Committee favorably on March 8, 2007.

Judge Hardiman has an impressive resume and strong bipartisan support in the Commonwealth of Pennsylvania. He received his B.A. from the University of Notre Dame in 1987 and his J.D. from Georgetown University Law Center in 1990. He served on the Georgetown Law Journal as an Associate Editor and as a Note and Comment Editor.

After law school, Judge Hardiman joined the Washington, DC, office of Skadden, Arps, Slate, Meagher, & Flom as an associate in their litigation group. In 1992, Judge Hardiman moved to Pittsburgh and joined the litigation group of Cindrich & Titus, which later became Titus & McConomy. In 1996, he was elected partner. In 1999, Judge Hardiman joined the law firm of Reed Smith, also in Pittsburgh, as a partner.

In 2003, Judge Hardiman was nominated to be a U.S. District Judge for the Western District of Pennsylvania. On October 22 of that year, the Senate confirmed him to that position by voice vote. Throughout his legal career, he has taken time to give back to the people of Pennsylvania, most notably through his active involvement in Big Brothers and Big Sisters of Greater Pittsburgh, of which he is a past president.

The American Bar Association unanimously rated Judge Hardiman "well qualified." The vacancy to which Judge Hardiman is nominated has been designated a "judicial emergency" by the nonpartisan Administrative Office of the Courts.

Lawyers and judges who know Judge Hardiman best believe he is the right choice to succeed for Judge Richard L. Nygaard. Timothy Lewis, a Pittsburgh native and former Third Circuit judge, recently praised this nomination. Judge Lewis, who considers himself pro-choice and a civil rights activist, emphasized the consensus nature of this nomination: He said "[t]his is the perfect opportunity—gift wrapped, signed, sealed and delivered—for both [parties] to work together." He reiterated his belief that "[t]here is absolutely no way anyone is going to find a more moderate candidate who is completely noncontroversial" and that Judge Hardiman "is the quintessential perfect judicial nomination for the 3rd Circuit."

I urge all my colleagues to join me and Senator Casey in supporting this fine nominee.

STATEMENT OF SENATOR ARLEN SPECTER ON THE NOMINATION OF OTIS D. WRIGHT, II TO THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Mr. President, I seek recognition today to support the nomination of Judge Otis D. Wright, II of California to be a district court judge in the United States District Court for the Central District of California.

Judge Wright was nominated to the District Court for the Central District of California during the last Congress; however, the Senate did not act on his nomination prior to adjournment of the 109th Congress.

President Bush re-nominated Judge Wright on January 9, 2007. A hearing was held on his nomination on February 6 and the Judiciary Committee favorably reported him to the floor on March 1.

Judge Wright has dedicated much of his life to public service. He is a veteran of the Marine Corps and served for eleven years in the Los Angeles County Sheriff's Department. He also has considerable experience as a prosecutor.

Judge Wright received his B.S. from California State University of Los Angeles in 1976 and his J.D. from Southwestern School of Law in 1980.

Prior to receiving his B.S., he served as a sergeant in the U.S. Marine Corps from 1963–

1969. From 1969 to 1980, including his time in law school, Judge Wright served as a deputy sheriff in Los Angeles.

After law school, Judge Wright took a position as Deputy Attorney General in the Criminal Appeals Section of the California Department of Justice. During his three years in the office, he handled approximately 200 appeals before the Court of Appeals and the California Supreme Court.

In 1983, Judge Wright joined the Los Angeles office of Wilson, Elser, Moskowitz, Edelman and Dicker LLP.

As a partner in the firm, he handled all aspects of insurance law including, drafting of policies and reinsurance treaties, providing coverage options, auditing insurance company claims departments, defending insurance companies in direct actions by insureds for bad-faith, and defending insureds on a wide variety of matters.

On October 28, 2005, Governor Arnold Schwarzenegger appointed Judge Wright to the California Superior Court for the County of Los Angeles. Judge Wright is assigned to the Substance Abuse Court where he handles driving under the influence (DUI) arraignments, pre-trial, motions, and sentencing. He also monitors three drug diversion programs for felony drug possession offenders, including probation violation sentencing hearings.

The American Bar Association has unanimously rated Judge Wright "qualified."

The vacancy to which Judge Wright is nominated has been designated a "judicial emergency" by the nonpartisan Administrative Office of the Courts. The people of California will be grateful to see this vacancy filled so that litigants do not suffer from unnecessary delays.

I urge my colleagues to join me in supporting this fine nominee.

STATEMENT OF SENATOR ARLEN SPECTER ON THE NOMINATION OF JOHN PRESTON BAILEY TO BE A UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

Mr. President, I seek recognition today to support the nomination of John Preston Bailey to the United States District Court for the Northern District of West Virginia.

Mr. Bailey was nominated during the last Congress, but a hearing was not held on his nomination in the Judiciary Committee prior to the adjournment of the 109th Congress.

President Bush re-nominated Mr. Bailey in the 110th Congress on January 9, 2007. A hearing was held on the nomination on February 6, 2007 and it was unanimously reported out of the Judiciary Committee on March 1, 2007.

Mr. Bailey is a highly regarded attorney in his home state of West Virginia where his qualifications are well known. He received his Bachelor of Arts degree from Dartmouth College in 1973 and received his Juris Doctorate degree from the West Virginia University College of Law in 1976.

Upon graduating from law school, he clerked for two years in the chambers of Judge Charles H. Haden, II, on the U.S. District Court for the Southern District of West Virginia.

Following his clerkship, Mr. Bailey returned home to Wheeling, West Virginia, to join the law firm Bailey, Riley, Buch & Harman, where he remains today.

Mr. Bailey has had an impressive career as a general practitioner. He has handled a diverse civil caseload ranging from personal injury and mass toxic tort defense to complex construction litigation and bankruptcy matters.

In addition to his civil docket, he has served as the Ohio and Marshal County Assistant Prosecutor. In that capacity he has

handled the full spectrum of criminal matters.

The American Bar Association has rated unanimously Mr. Bailey "Qualified."

The vacancy to which Mr. Bailey is nominated has been designated a "judicial emergency" by the nonpartisan Administrative Office of the Courts, underscoring how pressing it is that we act to fill the vacancy.

I urge my colleagues to join me in supporting this fine nominee.

THE PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the Senator from Pennsylvania said we are considering the nomination of Thomas Hardiman to a seat on the U.S. Court of Appeals for the Third Circuit that has been designated a judicial emergency by the Administrative Office of the U.S. Courts.

In 2003, the Senate confirmed Judge Hardiman to the District Court for the Western District of Pennsylvania at the age of 37. Four years later, and now 41 years old, Judge Hardiman is before the Senate for confirmation to lifetime tenure on the United States Court of Appeals for the Third Circuit. Out of deference to the home state Senators, Senator SPECTER and Senator CASEY, I support this nomination.

I only wish President Clinton's nominees, many of whom had a long record of accomplishment, had received the treatment we are according this nominee. Instead, highly qualified nominees, such as Elena Kagan, now Dean of the Harvard Law School, and Allen Snyder, who served as a clerk to Justice Rehnquist and was an experienced and respected litigator, were left without consideration for years. No questions were raised about their qualifications, as there have been for so many of President Bush's nominations. The fact is that during President Clinton's last two years, Senate Republicans refused to consider more than half of his appellate court nominees. They were just blocked, pocket filibustered with impunity.

Last Congress, we wasted enormous time and energy with controversial nominees. Now, a Democratic Congress has taken a better path and the high road.

Judge Hardiman has been nominated to a seat on the Third Circuit after serving as a Federal district court judge for four years. Before arriving on the bench, Judge Hardiman was a lawyer in private practice, where he worked for 13 years. In 1990, Judge Hardiman began his legal career as an Associate at the law firm of Skadden, Arps, Slate, Meagher & Flom in Washington, DC. From 1992 to 2003, he engaged in the private practice of law in Pittsburgh, PA, first as a partner at the law firm of Titus & Cindrich—now Titus & McConomy, LLP—and later as a partner at Reed Smith, where he specialized in real estate, contracts, securities, and constitutional law.

Judge Hardiman graduated from the University of Notre Dame in 1987, and received his law degree from my alma mater the Georgetown University Law

Center, in 1990, where he served on the Georgetown Law Journal as a Notes and Comments Editor.

I thank both home State Senators for their support of this nominee. I know Senator SPECTER, who has been a strong advocate for Judge Hardiman on the Committee, will welcome his confirmation. I also thank Senator CASEY for his support, and for considering and approving this nominee so quickly after taking office.

With this confirmation, the Senate continues to make significant progress in this Congress on nominations for lifetime appointments to the Federal bench. We continue to put the lie to the alarmist rhetoric of some on the other side of the aisle by proceeding promptly and efficiently.

This session of Congress, the Senate has already confirmed 10 judicial nominations, including the nomination of Norman Randy Smith to the Court of Appeals for the Ninth Circuit. And now the Senate stands poised to confirm a Second Circuit court nomination and will likely have confirmed 13 judges by the end of the day.

The treatment of President Bush's judicial nominees in a Democratic Congress stands in stark contrast to the fate of many of President Clinton's nominees, who were blocked and delayed by the Republican majority. In the 1996 session, a Republican-controlled Senate confirmed only 17 of President Clinton's nominees—this year, we have already reported 15 nominees out of committee in just 3 months. In 1996, not a single judge was confirmed to the circuit courts—not one. This nomination is already the second confirmed this year. In all, more than 60 of President Clinton's judicial nominees were defeated in Senate committees through pocket filibusters and practices that Republicans then abandoned as soon as there was a Republican in the White House.

Regrettably, the Administrative Office of the U.S. Courts lists 50 judicial vacancies, yet the President has sent us only 20 nominations for these vacancies. Thirty of these vacancies—more than half—have no nominee. Of the 22 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for 16 of them. That means more than two-thirds of the judicial emergency vacancies are without a nominee.

I would rather see us work together in the selection of nominees so that we can confirm judges rather than spend time fighting about them.

I congratulate Judge Hardiman, and his family, on his confirmation today.

NOMINATIONS OF JOHN PRESTON BAILEY AND OTIS D. WRIGHT

Mr. President, now the Senate will consider and, I believe, confirm the nominations of John Preston Bailey for the Northern District of West Virginia and Otis D. Wright II for the Central District of California.

With these two confirmations, both to fill judicial emergency vacancies, the Senate will have confirmed 13 lifetime appointments to the Federal bench so far this year. There were only 17 in the entire 1996 session. I have worked cooperatively with Members from both sides of the aisle on our committee and in the Senate to move quickly to consider and confirm these judicial nominations so that we can fill vacancies and improve the administration of justice in our Nation's Federal courts.

The Administrative Office of the U.S. Courts lists 48 remaining judicial vacancies, yet the President sent us only 18 nominations for these vacancies. Thirty of these vacancies—more than half—have no nominee. Of the 20 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for 16 of them. That means four-fifths of the judicial emergency vacancies are without a nominee.

Each of the nominations before us today has the support of their home State Senators. And I thank Senators BYRD, ROCKEFELLER, FEINSTEIN, and BOXER for their support of these nominations.

John Preston Bailey has been nominated to the Northern District of West Virginia, a seat deemed to be a judicial emergency by the Administrative Office of the U.S. Courts. Mr. Bailey is a graduate of Dartmouth College, and he obtained his law degree from West Virginia University where he graduated with honors as a member of the Order of the Coif and the West Virginia Law Review. After law school, Mr. Bailey served as a law clerk to Judge Charles H. Haden II, a U.S. District Judge of the Northern and Southern Districts of West Virginia.

In his legal career, Mr. Bailey has worked as an assistant prosecuting attorney for Ohio County, WV, and special assistant prosecuting attorney for Marshall County, WV. He currently is a partner at the Wheeling, WV, law firm of Bailey, Riley, Buch and Harman, L.C., where he has worked since 1978.

Judge Otis D. Wright II has been nominated to the Central District of California, another seat designated a judicial emergency. Judge Wright is a judge on the Superior Court of California, a court with one of the largest caseloads in the country. Before coming to the bench, Judge Wright worked for 22 years as a civil litigator at the Los Angeles law firm of Wilson, Elser, Moskowitz, Edelman and Dicker LLP, and 3 years as a deputy attorney general for the California Department of Justice. He graduated from California State University and received his law degree from Southwestern School of Law.

Judge Wright's story has been a march toward the American dream. As an African American born in Tuskegee, AL, Judge Wright rose above the travails and barriers posed by a Jim Crow segregated society to serve his country

as a U.S. marine, a deputy sheriff in the Los Angeles County Sheriff's Department, a State government attorney, a partner at a Los Angeles law firm, and a judge on the State bench. Today this great American story includes confirmation to a lifetime appointment on the Federal bench.

I am pleased one of the two nominations before us is an African American. I have urged, and will continue to urge, the President to nominate men and women to the Federal bench who reflect the diversity of America. Racial diversity remains a pillar of strength for our country and one of our greatest natural resources. Diversity on the bench helps ensure that the words "equal justice under law," inscribed in Vermont marble over the entrance to the Supreme Court, are a reality and that justice is rendered fairly and impartially. Judicial decisions should reflect insight and experiences as varied as America's citizenry. A more representative judiciary helps cultivate public confidence in the judiciary which strengthens the independence of our Federal courts.

A more representative judiciary also strengthens the fabric of our democracy. As we were reminded earlier this year, while honoring the life of Dr. Martin Luther King, Jr., the promise of our democracy lies in building a nation more inclusive of all Americans.

The nomination before us today represents an important step toward achieving that promise. I am pleased that, if confirmed, Judge Wright would become the 90th African-American judge currently on the Federal bench.

But there is still much work to be done. In 6 years, President Bush has nominated only 18 African-American judges to the Federal bench, compared to 53 African-American judges appointed by President Clinton in his first 6 years in office. He has yet to appoint an African-American judge from Mississippi even though that State has the highest percentage of African-American residents of any State.

Our Nation has highly qualified individuals of diverse heritages who would help to unify our Nation while adding to the diversity of our courts. I hope the President will send us more consensus nominees that reflect the rich diversity of our Nation.

I congratulate the nominees, and their families, on their confirmations today.

NOMINATION OF OTIS D. WRIGHT

Mrs. FEINSTEIN. Mr. President, it is my pleasure to support Judge Otis Wright, a distinguished nominee to the U.S. District Court for the Central District of California.

Judge Wright is nominated to a seat that has been designated as a judicial emergency. The Central District of California, based in Los Angeles, is the largest and busiest Federal judicial district in the Nation.

When this Congress began, there were five vacancies on this court more than twice as many as in any other judicial district in the country.

I am pleased that the Senate has already confirmed two new judges for the Central District this year, and I thank Chairman LEAHY for moving the California judicial nominees quickly.

Judge Wright is a graduate of California State University at Los Angeles and of the Southwestern School of Law.

After graduating from law school, Judge Wright was a deputy attorney general in the California Department of Justice for 3 years. During that time he specialized in criminal appeals.

He went on to join the law firm of Wilson, Elser, Moskowitz, Edelman & Dicker, where he became a partner during a career that spanned more than 20 years. He practiced civil litigation in many areas, with a particular focus on insurance coverage litigation.

While in private practice, Judge Wright was a volunteer attorney with the HIV AIDS Legal Services Alliance. His work on behalf of those with HIV and AIDS included housing and employment discrimination cases, as well as preparing wills for the terminally ill.

Judge Wright's public service has not been limited to his legal career: he was a deputy sheriff in the Los Angeles County Sheriff's Department while attending college and law school, and before that he served in the U.S. Marine Corps and the Marine Corps Reserves.

He is one of only 16 African Americans who have been nominated to be federal judges in the 6 years that President Bush has been in office. During the first 6 years of the Clinton presidency, by contrast, 53 African Americans were nominated. Judge Wright will be a welcome addition to the bench.

In California we have developed a bipartisan process known as the Parsky Commission for selecting Federal district court nominees. Under this system, a committee of lawyers, including Democrats and Republicans, recommends qualified applicants to the President.

I am proud of this system and pleased to say that Judge Wright was recommended by the Parsky Commission. This gives me confidence that he comes to the bench without an ideological agenda and prepared to serve all the people of California.

I urge my colleagues to vote in favor of Judge Wright's nomination.

NOMINATION OF JOHN PRESTON BAILEY

Mr. BYRD. Mr. President, I am pleased to speak today in support of an esteemed colleague, a fine West Virginia lawyer named Mr. John Preston Bailey. Mr. Bailey hails from the beautiful city of Wheeling, WV. John Bailey has been nominated by the President for a seat on the Federal bench in the Northern District of West Virginia.

Mr. Bailey is a splendid choice for this judgeship. He is senior partner at the firm of Bailey, Riley, Buch and Harman. Not only is Mr. Bailey well-versed in administrative law, he is also a successful litigator, competent in both civil and criminal litigation.

John Bailey graduated from West Virginia University's College of Law in 1976, where he was a member of the West Virginia Law Review. He was admitted to the State Bar of West Virginia that same year and clerked for 2 years thereafter with the Honorable Charles H. Haden II, who, at that time, was the U.S. district judge for both the Northern and Southern Districts of West Virginia.

Mr. Bailey is extremely well qualified to be confirmed as a Federal judge. He worked as an assistant prosecuting attorney in the mid-1980s, and he served as chairman of the Workers' Compensation Appeals Board in West Virginia from 1985 to 1991. He sat on the executive council of the West Virginia Bar Association for 6 years and was elected to be president of that association in 1992. He was thereafter elected and served as president of the West Virginia State Bar from 2003 to 2004. Before that, he served as vice president of the state bar and as a member of the bar's Board of Governors.

More recently—in fact, just last year—he was also bestowed the honor of “Fellow” by the West Virginia Bar Foundation. In bestowing that honor upon Mr. Bailey, Tom Tinder, the executive director of the West Virginia Bar Foundation, stated that Mr. Bailey is a “true leader” of his community. John Preston Bailey has been a member of the Order of the Coif, the Order of the Barristers, a member of the Moot Court Board, the Ohio County Bar Association, the West Virginia Trial Lawyer Association, and a member of the National Association of Criminal Defense Attorneys.

I can attest to the fact that Mr. Bailey comes highly recommended by West Virginians of varying legal viewpoints. He is a smart, independent thinker. He is hard working. He has had over 30 years of experience as a licensed attorney. As a result, he recognizes the solemn responsibility with which a Federal judge is charged. He must interpret—impartially, and with proper contemplation of, and respect for, the three, separate branches of our Government—provisions that have been approved by the Congress and signed into law the President.

Mr. Bailey has an excellent reputation and a keen intellect. Based on my understanding of Mr. Bailey's character and impressive credentials, I believe that he will make a fine Federal judge. For all of the reasons that I have mentioned, I am pleased to urge my colleagues to support his nomination to be a U.S. district court judge for the Northern District of West Virginia.

Mr. ROCKEFELLER. Mr. President, I thank the majority leader for moving expeditiously to move the confirmation for John Preston Bailey to be a judge on the U.S. District Court for the Northern District of West Virginia. I thank Judiciary Committee Chairman LEAHY and Ranking Member SPECTER

for reporting this nomination to the full Senate, and I commend Mr. Bailey to my colleagues as exactly the type of nominee we should all support for seats on the Federal bench.

John Bailey did something somewhat unusual after he earned his degree from Dartmouth College. He came back. He defied a longstanding trend of our best and brightest young men and women leaving to seek their fortunes and not returning. He went on to earn his law degree from the School of Law at West Virginia University and then served as a law clerk for the Honorable Charles Haden II. Judge Haden was a Republican and a Ford appointee but was also a good friend to this Senator. He was a fair and decent man widely respected for his intellect and his diligent efforts to arrive at the correct outcome. I can only hope that John Bailey chooses to emulate his former mentor, Judge Haden. Knowing what I know of John Bailey, he will, and West Virginians will benefit.

Lawyers in West Virginia have a great deal of respect for John Bailey. He has served the West Virginia legal community as president of the West Virginia State Bar and the West Virginia Bar Association and was a member of the Board of Governors of the West Virginia Trial Lawyers Association. Some West Virginia lawyers and judges I have known for many decades believe John Bailey will be a very capable judge because he is a great lawyer. He takes the facts as he finds them and does not come to the table with preconceived notions as to what the outcome should be. Those traits, along with a first-rate intellect and solid educational and work credentials, make up the formula for the kind of judicial nominee we all hope to see come to the Senate from Presidents of both parties.

I yield back the remainder of my time and ask for the yeas and nays on the Hardiman nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, a very brief supplemental comment: Judge Hardiman has been on this bench since 2003. He received a unanimous “well qualified” rating from the American Bar Association.

I ask unanimous consent that the following information be printed in the RECORD.

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

THOMAS MICHAEL HARDIMAN—UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Birth: July 8, 1965, Winchester, Massachusetts.

Legal Residence: Pennsylvania.

Education: B.A., University of Notre Dame, 1987, Notre Dame Scholar; J.D., Georgetown University Law Center, 1990, Associate Editor and Notes & Comment Editor, Georgetown Law Journal.

Employment: Associate, Skadden, Arps, Slate, Meagher & Flom LLP, 1990-1992; Associate, Titus & McConomy LLP, 1992-1996,

Partner, 1996-1999; Partner, Reed Smith LLP, 1999-2003; Judge, United States District Court for the Western District of Pennsylvania, 2003-Present.

Selected Activities: Delegate, American Bar Association House of Delegates, 1996-1998; Fellow, Academy of Trial Lawyers of Allegheny County; Member, Pennsylvania Bar Association, Member Professionalism Committee, 1999-2003; Member, American Inns of Court, University of Pittsburgh Chapter; Volunteer, Big Brothers Big Sisters of Greater Pittsburgh, Inc., Director, 1995-Present, Past-President, 1999-2000; Member, Federalist Society; Treasurer, Republican Committee of Allegheny County, 2000-2003

Mr. LEAHY. We yield back all of our time.

Mr. SPECTER. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Thomas M. Hardiman, of Pennsylvania, to be U.S. circuit judge for the Third Circuit? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN) and the Senator from South Dakota (Mr. JOHN-SON) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Colorado (Mr. ALLARD), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 78 Ex.]

YEAS—95

Akaka	Dorgan	Mikulski
Alexander	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Graham	Obama
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brown	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bunning	Hutchison	Salazar
Burr	Inhofe	Sanders
Byrd	Inouye	Schumer
Cantwell	Isakson	Sessions
Cardin	Kennedy	Shelby
Carper	Kerry	Smith
Casey	Klobuchar	Snowe
Chambliss	Kohl	Specter
Clinton	Kyl	Stabenow
Coburn	Landrieu	Stevens
Coleman	Lautenberg	Sununu
Collins	Leahy	Tester
Conrad	Levin	Thomas
Corker	Lieberman	Thune
Cornyn	Lincoln	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	Webb
Dodd	McCaskill	Whitehouse
Dole	McConnell	Wyden
Domenici	Menendez	

NOT VOTING—5

Allard	Durbin	McCain
Cochran	Johnson	

The nomination was confirmed.

VOTE ON NOMINATION OF JOHN PRESTON BAILEY

The PRESIDING OFFICER. The question is, Will the Senate advise and

consent to the nomination of John Preston Bailey, of West Virginia, to be United States District Judge for the Northern District of West Virginia?

The nomination was confirmed.

VOTE ON NOMINATION OF OTIS D. WRIGHT II

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Otis D. Wright II, of California, to be United States District Judge for the Central District of California?

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent to speak as in morning business.

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

(The remarks of Ms. MURKOWSKI pertaining to the introduction of S. 896 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

MORNING BUSINESS

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

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

FAMILY-BASED METH TREATMENT ACCESS ACT

Mr. DURBIN. Mr. President, substance abuse continues to claim victims, destroy families, and eat away at communities. Today, many communities in Illinois and across the country are struggling with the methamphetamine epidemic. Drug treatment centers in Illinois report an explosion in the number of people entering treatment for meth addiction. Public drug treatment providers have seen a 73 percent increase in meth treatment admissions in the last decade. Meth is having a particularly dire effect on families, tearing them apart and overwhelming our child welfare network. In 2004, more than half of the children en-

tering foster care in some areas of rural southeastern Illinois were forced into the program because their caretakers were meth abusers. Meth use among adult women has very real and tragic implications for child safety, foster care, and family breakups.

It is the stories of these mothers that paint the real picture of the disease of addiction. Last week, I met an amazing woman and mother whose story clearly represents the need for family-based treatment services. Imani has been in recovery from drug addiction for over 5 years. Before that, she was in and out of treatment programs, making six consecutive attempts to break the addiction. She fought to find a treatment program that would meet her needs as a mother of three young children. While she was using and bouncing between failed attempts, she became pregnant with a fourth child. With four children and dwindling hope, she made one more stab at sobriety.

Imani found an addiction and treatment center that offered a family-based approach to treatment services. Five years later, Imani is sober, living happily with her children, including her fourth child who is now a healthy young boy and is currently on his school's honor roll. Today, she advocates on behalf of other recovering mothers and the importance of family-based treatment services.

As we identify new methods to combat the disease of addiction, we must consider the specific needs of families. When mothers seek out treatment to heal from their addiction, they face a difficult battle. The world of substance abuse treatment is not designed with the needs of families in mind, and though the general programs may be successful for single men and women, families struggling with substance abuse issues find few opportunities to find treatment and recovery.

Family-based treatment centers combine substance abuse recovery with mental health counseling, medical treatment, parenting, education, and legal services. These programs provide essential assistance to the entire family, rather than just the parent, and have proven to be extremely effective. Studies consistently show that family-based treatment increases long-term sobriety, educational enrollment, and gainful employment, along with decreased criminal activity and child development delays. Addressing the meth crisis through a comprehensive family-treatment approach provides a cost-effective alternative to incarceration and foster care and yields consistently positive outcomes in child well-being, family stability, and lower recidivism rates. A Substance Abuse and Mental Health Services Administration, SAMHSA, evaluation of family-based treatment programs in 2003 revealed that 60 percent of the mothers remained sober 6 months after discharge.

Family-based treatment acknowledges the important connection between a mother and her child. Many

women cannot successfully go through substance abuse and mental health counseling if their children are excluded. More importantly, no woman should ever be forced to make that choice.

This is why I am proud that yesterday, Senator COLEMAN and I joined to introduce the Family-Based Meth Treatment Access Act of 2007. This bill will expand, intensify, and coordinate efforts to provide comprehensive, family-based substance abuse treatment for methamphetamine addiction. Our bill will provide additional funding for the Center for Substance Abuse Treatment to award grants to programs that provide comprehensive, family-based substance abuse treatment for pregnant and parenting women. Throughout our entire Nation, there are only about 80 known family-based treatment centers. Two, the Women's Treatment Center and the program at Haymarket Center are in the State of Illinois. These grants will strengthen the work of these centers and provide opportunities for other centers to extend their services to additional mothers and their children.

The Family-Based Meth Treatment Access Act also gives priority to programs serving rural and mental health professional shortage areas affected by high rates of meth addiction. The State of Illinois knows far too well the impact that the meth epidemic has had on our communities, especially those in rural areas. We need to strengthen services where the epidemic has made the biggest impact on the health of women and their children and where family-based treatment services are not readily available.

Finally, the bill provides assistance to organizations that help nonviolent offenders overcome their drug addiction. Many organizations provide comprehensive, family-based substance abuse treatment services to nonviolent offenders as an alternative to incarceration. These services are a successful model for the road to recovery and give families hope for the future. They are cost-effective and they yield consistently positive outcomes.

Family-based treatment services are a proven method for recovery for women with children, and we should make these programs available everywhere. Imani is just one example of the success of family-based treatment. I invite my colleagues in the Senate to support the Family-Based Meth Treatment Access Act and to make this successful reality possible for other recovering mothers and their children.

COMMERCE PROVISIONS IN S. 4

Mr. STEVENS. Mr. President, I thank Senators LIEBERMAN and COLLINS for working with the Commerce Committee to include important security measure in the bill that passed the Senate yesterday. And, I thank my longtime friend Senator INOUE for his willingness to work in committee and

on the Senate floor on a bipartisan basis to develop and pass these measures.

We have made tremendous strides to secure our Nation since the horrific attacks of September 11, particularly with respect to the security of our Nation's transportation systems, and ensuring interoperable communications needed most during times of crisis.

As the debate over this bill demonstrates, our job is far from over, for there are still more improvements to be made and gaps to close. In matters of security, we must not become complacent; as our enemies adapt, so must we.

The Commerce Committee's aviation and surface transportation legislation, which have been included in S. 4 will significantly enhance the ability of the Department of Homeland Security DHS, and the Transportation Security Administration TSA, to fulfill their missions. These provisions were developed by the Commerce Committee while Mindful of the delicate balance between implementing tough security measures and the effect such regulations may have on the Nation's economy and the movement of goods.

The aviation provisions incorporated into S. 4 were reported by the Commerce Committee on February 13 as S. 509, the Aviation Security Improvement Act of 2007. The provisions incorporate aviation-related 9/11 Commission recommendations, and provide TSA with additional tools to carry out its layered approach to security.

To do this, the aviation security provisions dedicate continued funding for the installation of in-line explosive detection systems utilized for the enhanced screening of checked baggage at our Nation's airports.

We all recognize the importance of screening 100 percent of cargo transported to and within the United States. Last Year, in the Safe Port Act, Congress acted to ensure that all cargo arriving in the U.S. by sea be screened. In S. 4, we ensure that 100 percent of air cargo also is screened. The U.S. air cargo supply chain handles over 50,000 tons of cargo each day, of which 26 percent, is designated for domestic passenger carriers.

Screening is particularly important in Alaska. Anchorage is the No. 1 airport in the U.S. for landed weight of cargo, and it is No. 3 in the world for cargo throughput. Our provision requires TSA to develop and implement a system to provide for the screening of all cargo being carried on passenger aircraft.

To address on-going concerns about passenger prescreening procedures, the legislation requires DHS to create an office of appeals and redress to establish a timely and fair process for airline passengers who believe they have been misidentified against the no-fly or selectee watchlists.

TSA's layered approach to security relies not only upon equipment and technological advances, but also upon

improved security screening techniques employed by the TSA screeners, as well as the use of very effective canines. This legislation calls for TSA's national explosives detection canine team to deploy more of these valuable resources across the Nation's transportation network.

Mr. President, the bill passed by the Senate today also contains the provisions of S. 184, the Surface Transportation and Rail Security Act of 2007, which also was developed and reported on a bipartisan basis by the Commerce Committee.

While the aviation industry has received most of the attention and funding for security, the rail and transit attacks in Britain, Spain, and India all point to a common strategy utilized by terrorists. The openness of our surface transportation network presents unique security challenges. The vastness of these systems requires targeted allocation of our resources based on risk.

Most of the surface transportation security provisions in the bill before the Senate today have been included previously as part of other transportation security bills introduced by Senator INOUE, Senator MCCAIN, and myself. Many of the provisions in the substitute amendment passed the Senate unanimously last Congress, as well as in the 108th Congress. Each time, however, the House of Representatives has not found the need to address rail, pipeline, motor carrier, hazardous materials, and over-the-road bus security. The time has come to get these provisions to the President's desk.

The substitute also contains the provisions of the Commerce Committee-reported measure, S. 385, the Interoperable Emergency Communications Act. Since 2001, we have heard the cries of public safety officials that the police, firefighters and emergency medical response personnel throughout the country need help achieving interoperability.

With this \$1 billion program that helps every State, public safety will be able to move forward with real solutions and begin addressing the problems that have plagued our Nation's first responders for too long.

The legislation addresses the public safety issues that have been brought to the Commerce Committee's attention. It also creates a \$100 million fund to establish both Federal and State strategic technology reserves that will restore communications quickly in disasters equal in scale to Hurricanes Katrina and Rita.

Added as amendments to the bill were a number of additional Commerce Committee items, for which I thank the managers of the bill, as well as Chairman INOUE for their support.

Included among those provisions was a measure that represents an important step forward for public safety because it approved the 9-1-1 modernization Act, which was reported last month by the Commerce Committee. I

offered this measure with Senators CLINTON, INOUE HUTCHISON, SNOWE, SMITH, and VITTER.

The amendment provides advanced borrowing authority so that \$43.5 million can be made available for 9–1–1 upgrades which are desperately needed throughout the country—especially in rural America. Congress previously allocated these funds in the digital television transition legislation, but without the borrowing authority language, public safety would have to wait until after the digital transition auction before they could receive these important funds.

Also added was an amendment sponsored by Chairman INOUE that I co-sponsored that establishes a national registered armed law enforcement program for law enforcement officers who need to be armed while traveling by air. This law enforcement provision builds upon mandates in the Intelligence Reform Act of 2004.

An additional amendment was sponsored by Chairman INOUE with my sponsorship that enhances the canine provisions in the underlying bill by expanding the national explosives detection canine team training program. Beyond increasing the training capacity at the current facility at Lackland Air Force Base as provided in the underlying bill, the amendment adopted would require DHS to explore options of creating a standardized TSA-approved canine program that private sector entities could utilize to meet the ongoing need for canines.

We must not politicize national security. The Commerce Committee initiatives included in the pending bill were achieved only because of bipartisan support. I am pleased that the development and passage of the bill was conducted by the bill managers in that same spirit. And while some provisions contained within the bill need to be further developed—as many of our colleagues have highlighted over the past few weeks—I voted in favor of the bill as I support the preponderance of its contents.

NATIONAL AWARD FOR PASSING MOST LOCAL SMOKEFREE LAWS

Mr. DURBIN. Mr. President, I rise to commend the great State of Illinois for receiving the National Award for Passing Most Local Smokefree Laws in 2006. This honor was awarded to Illinois by the national organization Americans for Nonsmokers Rights.

Last year, a recordbreaking 36 Illinois cities and counties enacted smokefree laws, more than any other State in the Nation. In doing so, Illinois has taken a firm stance against the devastating consequences that smoking has on our communities.

The 2006 Surgeon General's report, "The Health Consequences of Involuntary Exposure to Tobacco Smoke," concluded that smoking rooms and ventilation systems cannot protect people from secondhand smoke. The re-

port reaffirmed previous health findings that secondhand smoke causes heart disease, cancer, respiratory problems, and even death.

I am honored to acknowledge the tireless efforts of public health advocates and State legislators who helped make it possible. Before 2005, Illinois communities were preempted from passing local laws. Now, the local community has the right to deal with this important issue and help improve the health of millions of Illinoisans. The following communities have enacted smokefree laws in the State: Arlington Heights, Barrington, Bedford Park, Bloomington, Buffalo Grove, Burr Ridge, Champaign, Chicago, Cook County, Deerfield, DeKalb, Elk Grove Village, Evanston, Hawthorn Woods, Highland Park, Hinsdale, Hoffman Estates, Lake Forest, Libertyville, Lincolnshire, Lindenhurst, Long Grove, McLean County, Mt. Prospect, Normal, Northbrook, Oak Forest, Oak Park, Orland Park, Palatine, Park Ridge, Rolling Meadows, Sangamon County, Schaumburg, Skokie, Springfield, Tinley Park, Urbana, Vernon Hills, Wheaton, and Wilmette.

Again, I extend my deepest congratulations to the citizens of Illinois, who now can breathe a little easier.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000

Mr. CRAIG. Mr. President, I rise today to discuss the importance of the need to reauthorize the Secure Rural Schools and Community Self Determination Act of 2000.

This act expired September 30, 2006, and now over 700 counties and 4,400 school districts in 39 States are in financial limbo.

In simple terms, this means that 8 million kids in rural America are going to be impacted by Congress's inaction. This is simply unacceptable.

I have been joined by several of my colleagues in introducing, S. 779, a simple one year reauthorization. This measure would provide some certainty to the impacted counties and schools while Congress works to address the larger issue of a multiyear reauthorization.

It is clear to me that the safety net payments need to continue, but in a manner that encourages and focuses on building collaboration—one of the cornerstones of this act.

For my colleagues who are unfamiliar with this issue, let me quickly review how the Congress got to this point.

In 1992, Congress provided some counties in the Pacific Northwest with a temporary financial "safety net" to help them transition from the timber boom years of the 1980s.

The safety net was scheduled to gradually phase out over a 10-year period, but demands for a more inclusive program resulted in its early termination and the enactment of another

temporary program, the Secure Rural Schools and Community Self-Determination Act of 2000.

This act was designed to allow counties an opportunity to transition back to the traditional revenue sharing programs.

The temporary safety net was originally recommended to Congress by the National Forest County Schools Coalition.

One of the Coalition's principles States that special payments to States under this legislation will provide a short-term safety net with a specific termination date.

The county payments program dramatically broadened the geographical and substantive scope of the original safety net payment.

The large majority of the funds still were focused on the Pacific Northwest, but the new national program permitted most States and counties across the country to participate and benefit from it thus, providing a measure of financial certainty to all counties that rely on revenues from Federal forest lands.

The act has been an enormous success, not just achieving but surpassing the goals of Congress.

This act has restored programs for students in rural areas and prevented the closure of numerous isolated schools. It has been a primary funding mechanism to provide rural school students with educational opportunities comparable to those enjoyed by suburban and urban students.

Next, the act has allowed rural county road districts to address the severe maintenance backlog. Snow removal has been restored for citizens, tourists, and school buses. Bridges have been upgraded and replaced, and culverts that are hazardous to fish passage have been upgraded and replaced.

In addition, over 70 Resource Advisory Committees, or RACs, have been formed.

Nationally, these 15-person diverse RAC stakeholder committees have studied and approved more than 2,500 projects on Federal forestlands and adjacent public and private lands.

These projects have addressed a wide variety of improvements drastically needed on our public lands. Projects have included fuels reduction, habitat improvement, watershed restoration, road maintenance and rehabilitation, reforestation, campground and trail improvement, and noxious weed eradication.

RACs are a new and powerful partnership between county governments and the land management agencies.

They are rapidly building the capacity for collaborative public land management decision making in over 150 of our largest forest counties in America and are reducing the gridlock over public land management, community by community.

In the future, I feel the RACs will be providing the leadership to build consensus for projects that will keep our

forests healthy and as a result generate revenue for future projects, counties, and schools.

The achievements of this act over the last few years are positive and substantial. This law should be extended so it can continue to benefit the forest counties, their schools, and continue to contribute to improving the health of our public lands.

If we do not work to reauthorize this act, all of the progress of the last 6 years will be lost.

Schools in timber dependant communities will lose a substantial part of their funding. These school districts will have to start making tough budget decisions such as keeping or canceling after school programs, sports programs, music programs, and trying to determine what is the basic educational needs of our children.

Next, counties will have to reprioritize road maintenance so that only the essential services of the county are met because that is all they will be able to afford.

Congress needs to act now in order to ensure a future for rural schools and counties.

ZIMBABWE

Mr. OBAMA. Mr. President, the events of the last few days in Zimbabwe are outrageous and warrant universal condemnation. It is time for the government of Robert Mugabe to cease its repressive and divisive actions and to allow Zimbabweans to pursue their hopes for legitimate political change and opportunity.

Since Sunday, the world has watched with horror and outrage as the Mugabe government has cracked down on legitimate opposition, detained 50 Zimbabweans attending a peaceful prayer meeting outside of Harare, and brutalized opposition leaders and ordinary citizens alike.

A protestor was shot and killed. Morgan Tsvangirai, the leader of the Movement for Democratic Change, has been badly beaten and suffered severe head injuries. Lovemore Madhuku, the leader of the National Constitutional Assembly, reportedly has a broken arm and numerous other wounds. Many of their colleagues in opposition remain in Harare hospitals.

The Government has responded to the outrage prompted by these attacks on human rights and legitimate expression with characteristic bluster. Once again, we are told that the opposition is to blame. Once again, we hear ominous warnings that the opposition is "set to pay a very heavy price, regardless of who they are." Meanwhile, the true cause of the strife—President Mugabe's disastrous rule—remains unaddressed. To the dismay even of his own party, he has declared his intention to run for a new term in office in 2008.

These events are shocking, but sadly they do not come as a surprise. For years, it has been increasingly apparent that the Mugabe government is interested only in its own survival and enrichment, not the welfare of the peo-

ple of Zimbabwe. International observers—including the United States—concluded that the Presidential election of 2002 and the parliamentary elections of 2005 were not free and fair.

The State Department reported just last week in its country report on human rights in Zimbabwe that: "The government engaged in the pervasive and systematic abuse of human rights. The ruling party's dominant control and manipulation of the political process through intimidation and corruption effectively negated the right of citizens to change their government."

Meanwhile, the Government's corruption and mismanagement has brought the Zimbabwean economy to the brink of ruin. Estimates place inflation at a world high of 1,700 percent, and the IMF forecasts that this could pass 4,000 percent by the end of the year. Unemployment stands at 80 percent. Poverty rates are soaring. Zimbabwe's economy is shrinking faster than any other country in the world that is not at war.

I am heartened, though, that this political and economic deterioration has been met with growing calls for change.

Within Zimbabwe, the opposition to Mugabe is showing resilience and courage. Factions of Mugabe's own party have indicated that they want a transition in 2008, and ordinary citizens are increasingly voicing their hopes for a new chapter.

Beyond Zimbabwe, frustration with the Mugabe government is mounting. The head of the African Union has expressed his embarrassment at the situation in Zimbabwe. South Africa and the Southern African Development Community, which have been slow to criticize Zimbabwe in the past, seem to be losing patience. The United States, European Union, and the United Nations were swift in condemning this latest outrage and have been consistent in their calls for change.

The United States must continue to stand strongly against the Mugabe government's abuses of power in Zimbabwe. We must join with our European allies, the United Nations, and—most importantly—the countries and institutions of the region to press for positive change in Zimbabwe. That means a peaceful democratic transition in 2008 and support for economic growth and opportunity—including the lifting of sanctions—once the dark cloud of Mugabe's rule is lifted and Zimbabweans are able again to reach for the new horizon they deserve.

I call on President Mugabe to immediately release all political detainees and repeal the ban on political rallies, to end the use of violence and torture in the jails, permit a free media and abide by the rule of law. His government must also urgently address the humanitarian crisis that has put the mass of his population in dire need of assistance.

Zimbabwe is a nation rich in history and rich in resources. Its talented people have known great hardship just as they have achieved great heights. When Robert Mugabe became President

over a quarter century ago, there was great hope. Zimbabwe had emerged from British rule, claiming its freedom and its future for itself.

Sadly, the freedom and opportunity for which Zimbabweans fought have been eclipsed in the last decade by repression and uncertainty. Instead of peaceful self-determination, we see Zimbabweans intimidated and beaten in the streets. Instead of the responsible management of Zimbabwe's state institutions, we see state-sanctioned corruption, violence, and property seizures. Instead of economic self-sufficiency, we see what was once one of Africa's most promising economies in a free-fall.

Yet I am confident that the people of Zimbabwe will once again claim for themselves a better future. As they seek to hold their leaders accountable, as they try to rebuild their lives and their country, they must know that they have a strong and steady friend in the United States. The events of the last few days—and the Mugabe regime—must belong to the past, and the United States must work with the international community to help all Zimbabweans forge a better future.

ADDITIONAL STATEMENTS

RECOGNIZING MAUI ECONOMIC OPPORTUNITY, INC.

• Mr. AKAKA. Mr. President, I offer my congratulations to Maui Economic Opportunity, Inc. for 42 years of outstanding community service. A private, non-profit organization dedicated to helping individuals and families in need, MEO was chartered as a community action agency on March 22, 1965, by Federal mandate under the Economic Opportunity Act of 1964.

For more than four decades, MEO has served the people of Maui, Molokai and Lanai through a number of poverty fighting initiatives. By providing employment training and placement, business education for low income entrepreneurs, and micro-enterprise loans, MEO has helped countless citizens get back on the path to financial independence.

Moreover, MEO has helped citizens lead fuller, richer lives by providing housekeeping for seniors, allowing them to remain in their homes, and providing specialized transportation for seniors, persons with disabilities and children to doctor's offices, grocery stores, and schools. In addition, they have helped former inmates reintegrate and become productive members of the community.

The hard work and dedication of Maui Economic Opportunity's staff and volunteers have earned national recognition by receiving the prestigious Excellence in Community Action award from the Community Action Partnership. To this I would like to

add my sincere appreciation for the tireless efforts of these men and women for their continued advocacy on behalf of those in need of a helping hand.●

RETIREMENT OF DR. STEPHEN JOEL TRACHTENBERG

● Mr. INOUE. Mr. President, I want to pay tribute to an exceptional man who is retiring in July, after 19 years of impeccable service to the George Washington University, GW.

Stephen Joel Trachtenberg, 68, became the 15th president of GW on August 1, 1988. A native of Brooklyn, NY, President Trachtenberg earned a bachelor of arts degree from Columbia University in 1959, the juris doctor from Yale University in 1962, and the master of public administration degree from Harvard University in 1966. In 1968, he was selected as a Winston Churchill Traveling Fellow for study in Oxford, England.

He came to GW from the University of Hartford, Connecticut, where he had been president for 11 years. Before assuming the presidency of Hartford, President Trachtenberg served for 8 years at Boston University as vice president for academic services and academic dean of the college of liberal arts. Earlier, in Washington, DC, he was a special assistant for 2 years to the U.S. Education Commissioner, Department of Health, Education and Welfare. He has been an attorney with the U.S. Atomic Energy Commission and a legislative aide to former Indiana Congressman John Brademas.

Just a few of the highlights in his career include the following: President Trachtenberg was named one of the top 100 leaders in the American Academy in a 1978 *Change* magazine poll. He received a 1987 Human Relations Award from the National Conference of Christians and Jews. In 1988, the Connecticut Bar Association honored him with its Distinguished Public Service Award, and he was recognized by the Hartford NAACP for his contributions to the education of minority students. In 1992, he received the Hannah G. Solomon Award from the National Council of Jewish Women. In 1993, the Washington, DC, Urban League named him "Father of the Year." And in 1992 and 2007, he received the Martin Luther King, Jr. Awards.

President Trachtenberg has served the GW community as a drum major for change and has led by example a commitment to public, civic, and personal service. Throughout the years, he has worked tirelessly in honoring and enhancing the symbiotic relationship between the University and the District of Columbia, supporting and mentoring students, and leading and advocating for reinvention, change, and civic engagement. He has worked successfully for almost two decades to propel GW further into the first ranks of world-class institutions of higher learning.

As a result of President Trachtenberg's efforts, the number of

applications for undergraduate admission more than tripled, from 6,000 in 1988 to almost 20,000 in 2006, while the university's acceptance rate of these applicants was reduced by two-thirds. President Trachtenberg made financial aid for students a priority so that today the university offers nearly nine times, \$113 million, as much financial aid to incoming students as was offered in 1988.

It can confidently be said that the university's faculty now comprises experts on topics ranging from administrative law to zoology and contribute to scholarly journals, law reviews, and media outlets on a regular basis. The university's sponsored research enterprise has quadrupled from \$33 million in expenditures in 1988 to \$132 million in expenditures in 2006. Through President Trachtenberg's efforts, GW has significantly upgraded its information technology and library system which now contains more than 2,000,000 volumes and is a member of the prestigious Association of Research Libraries.

Under President Trachtenberg's unprecedented leadership, the university robustly developed academic, residential, and recreational facilities on campus—including the opening of the Media and Public Affairs Building and the establishment within of the Luther W. Brady Art Gallery in 2001, the Annette and Theodore Lerner Health and Wellness Center in 2001, GW Hospital in 2002, 1957 E Street, the new home of GW's Elliott School of International Affairs and Geography Department in 2002, and Ric and Dawn Duques Hall, the new home of GW's Business School in 2006—in a way that served the institution's scholarly and other programmatic needs while respecting the interests of its Foggy Bottom neighbors.

President Trachtenberg's commitment to the enhancement of academic and other space on campus supported the renovation and expansion of the law school complex, begun in 2000 and completed in 2006, the renovation of Morton and Norma Lee Funger Hall, dedicated in February 2006, and improvements of the Cloyd Heck Marvin Center including the addition of the Marc C. Abrahms Great Hall, dedicated in December 2002, and the renovation of J Street dining facilities, opened August 2004.

President Trachtenberg also spearheaded a campus beautification effort that transformed a series of city streets into a cohesive and vibrant urban campus with the addition of the Mid-Campus Quad, Kogan Plaza, pocket parks, and outdoor sculptures.

President Trachtenberg presides over the District of Columbia's largest private employer. And to support all the foregoing, President Trachtenberg oversaw two decades of balanced budgets, and the increase in the university endowment from \$200 million in 1988 to more than \$1 billion in 2007.

In 1989, President Trachtenberg created the 21st Century DC Scholars Pro-

gram, now the Stephen Joel Trachtenberg Scholars, which has granted almost 100 full scholarships, representing over \$13 million, to students from the DC Public Schools to attend GW. Under Trachtenberg's leadership, GW's Multicultural Student Services Center was named and has become a strong center for cultural awareness and celebrations, student development, and diversity training. Additionally, the Office of Community Service was created in 1992 and has become a focal point for civic engagement for the Washington DC community. His dedication to civic service is reflected throughout the university, which was named a "college with a conscience" in 2005 by Princeton Review, and most recently in the top 10 schools sending students to the Peace Corps.

His passion and demonstrated commitment to DC—the city, the schools, the business community and its residents—are unparalleled and have been recognized on several occasions by the District of Columbia Mayor, City Council and Chamber of Commerce. President Trachtenberg has received numerous accolades from across the Nation and abroad for his service, vision, intellect, wit, and compassion. Thanks to President Trachtenberg, GW went from being one of the best kept secrets in town to being one of the best known and most admired global universities.●

CONGRATULATING GILAD JANKLOWICZ

● Mr. AKAKA. Mr. President, I wish today to honor Gilad Janklowicz from the great State of Hawaii in recognition of his induction into the National Fitness Hall of Fame in Chicago on Saturday, March 17, 2007.

Gilad, a longtime resident of our beautiful State, is a pioneer in the fitness industry and one of the world's most popular fitness personalities. For over 23 years, he has helped over 38 million viewers stay healthy through his award winning instructional home fitness videos and popular television programs, "Bodies in Motion," "Basic Training the Workout," and "Total Body Sculpt with Gilad." "Bodies in Motion," which is filmed on location in the Hawaiian islands, is the longest running fitness show in the United States and was chosen as the No. 1 TV fitness program in the world by *Self* magazine.

Since his years as a high school athlete where he excelled in track and field, Gilad has devoted his life to fitness and become a leading proponent of the fitness movement. His efforts to raise awareness of the importance of maintaining a regular fitness program along with a nutritional diet and proper medical care have helped millions around the world. Let me be the first to extend my warmest congratulations to Gilad Janklowicz for his well-deserved induction into the Fitness Hall

of Fame. His life and work truly embody the aloha spirit of our State and serve as an example to us all. Mahalo.●

TRIBUTE TO HOOSIER ESSAY CONTEST WINNERS

● Mr. LUGAR. Mr. President, I wish today to share with my colleagues the winners of the 2006–2007 Dick Lugar/Indiana Farm Bureau/Farm Bureau Insurance Companies Youth Essay Contest.

In 1985, I joined with the Indiana Farm Bureau to sponsor an essay contest for eighth grade students in my home State. The purpose of this contest is to encourage young Hoosiers to recognize and appreciate the importance of Indiana agriculture in their lives and subsequently craft an essay responding to the assigned theme. I, along with my friends at the Indiana Farm Bureau and Farm Bureau Insurance Companies, am pleased with the annual response to this contest and the quality of the essays received over the years.

I congratulate Courtney Larson, of Bartholomew County, and Chad VanLiew, of Jackson County, as winners of this year's contest. I ask that the complete text of their respective essays be printed in the RECORD. Likewise, I would like to include the names of all of the district and county winners of the 2006–2007 Dick Lugar/Indiana Farm Bureau/Farm Bureau Insurance Companies Youth Essay Contest.

The material follows.

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

FEEDING OUR BODIES, FUELING THE FUTURE (By Courtney Larson)

Throughout the world there are many farmers working in their fields to provide people in America and other countries with food and alternate forms of fuel. Students in Indiana would like to thank the farmers in Indiana and other states for the sacrifices that they make in order to provide these goods for us. Without this supply of food and fuel, America would be different from what it is today.

Farmers in the United States feed over three-hundred million people in the United States every year, along with millions of people in other countries. The major crops that are grown in Indiana consist of beans, corn, and wheat. Besides converting the crops into food, they can also be used to make alternative fuels such as ethanol and biodiesel.

Alternative fuels such as ethanol and biodiesel can be used to power farmer's equipment along with cars and trucks. These fuels reduce emissions and make the United States less dependant on foreign oil. One of the popular alternative fuels produced in Indiana is soy diesel. This type of fuel is a little more expensive than regular diesel, but it is a cleaner product and it is more expensive because the amount of soybeans that can be converted into fuel is limited. This is not the only alternative fuel farmers have come up with, but is one of the cleanest and will help keep us from destroying the earth by reducing pollution.

Overall, Indiana farmers will play a role in the future of America whether it's feeding

them or providing a source of fuel. With all the crops farmers are now producing, America will not go hungry in the near future and will have a cleaner environment by using alternative fuels.

FEEDING OUR BODIES, FUELING THE FUTURE (By Chad VanLiew)

For hundreds of years Indiana farmers have been feeding the minds and bodies of Americans. Additionally, Indiana farmers are now being called upon for another equally important purpose—fueling the future. Indiana farmers are now being asked to play a huge part in the push to help the United States gain energy independence from foreign countries.

Just as American automakers are producing more fuel efficient vehicles, Americans need to switch to more environmentally friendly fuels, like biodiesel and ethanol, to run these resourceful automobiles. Indiana farmers can serve as a primary source of corn and soybeans, which will be used to produce these renewable fuels.

These two emerging fuel sources will increase the market for corn and soybeans, enabling Indiana farmers to see higher profits. This will in turn allow farmers to re-invest in new techniques for increased production of these important Indiana crops. Increased crop production will lead to an improvement in the Indiana economy due to the increasing demands for food and energy production by the American people. Indiana farmers are in this unique position because they can provide the products needed both to feed our citizens and fuel our means of transportation.

Because biodiesel is the cleanest alternative fuel available, the United States needs to switch. Indiana is fourth in the nation in soybean production. Indiana farmers will play a major role in the production of renewable biodiesel and ethanol. America needs to switch to home grown fuel, so we can become energy independent. Indiana farmers will then be not only feeding our bodies, but fueling our future.

2006–2007 DISTRICT ESSAY WINNERS DISTRICT 1

Elizabeth Quinn, Highland and Matthew Thomas, Elkhart.

DISTRICT 2

Kyrsten Bonine, Fort Wayne and Matthew Hamlin, Kendallville.

DISTRICT 3

Antonio Arzola, Logansport and Lesley Park, Rensselaer.

DISTRICT 4

Kayla Priday, Kokomo and Jacob Mossburg, Uniondale.

DISTRICT 5

Fayaz Khatri, Brownsburg and Hannah Chew, Cayuga.

DISTRICT 6

Trent Van Winkle, Indianapolis and Molly Scripture, Richmond.

DISTRICT 7

Quinton Heffner, Center Point and Lillian Hayhurst, Terre Haute.

DISTRICT 8

Courtney Larson, Columbus and Alex McCool, Brookville.

DISTRICT 9

Mark Turner, Princeton and Sarah Smotherman, New Harmony.

DISTRICT 10

Chad VanLiew, Seymour and Koralysa Graham, Batesville.

2006–2007 COUNTY ESSAY WINNERS

ADAMS

Corey Marbach and Hannah Conrad, St. Peter Immanuel Lutheran School.

ALLEN

Ryan Spieth, St. Louis Academy, and Kyrsten Bonine, Ascension Lutheran School.

BARTHOLOMEW

Conner Bonnell and Courtney Larson, Central Middle School.

BENTON

Trent Hasser, Benton Central Junior High School, and Sarah Dobson, Tri-County Middle School.

BROWN

Allison Wooton, Home School.

CASS

Antonio Arzola, Columbia Middle School, and Bailey Farrer, Pioneer Junior High School.

CLAY

Quinton Heffner and LaKyla Cook, Clay City Junior High School.

DEARBORN

Samuel Martin, Home School.

DEKALB

Colin Malcolm and Kathryn Conrad, Eastside Junior High School.

ELKHART

Michael Lenezkycki and Chloe Floyd, North Side Middle School.

FLOYD

Tyler Samples and Mary Beth Mattingly, Our Lady of Perpetual Help School.

FOUNTAIN

Julie McGrady, Fountain Central Junior High School.

FRANKLIN

Alex McCool and Megan Roberts, St. Michael School.

FULTON

Morgan Herrold, Caston Junior High School.

GIBSON

Mark Turner, Princeton Middle School.

GREENE

David Hestand and Ariel Fuller, Bloomfield Junior High School.

HAMILTON

Ben Mueller and Kaitlin Payne, Carmel Middle School.

HENDRICKS

Fayaz Khatri, Brownsburg East Middle School, and Chandler Courtney, Tri West Middle School.

HENRY

Josh Rea and Danielle Reamer, Tri Junior High School.

HOWARD

Alec Smith and Kayla Priday, Northwestern Middle School.

JACKSON

Chad VanLiew and Ellyn Jones, Immanuel Lutheran School.

JASPER

Justin Cook and Lesley Park, Rensselaer Middle School.

JAY

Steve Alig and Elaine Hemmelgarn, East Jay Middle School.

JENNINGS

Sophia Biehle, St. Mary School.

JOHNSON

Nick Roeder and Lindsey Winneroski, Center Grove Middle School.

LAKE

Nicholas Vazquez and Elizabeth Quinn, Our Lady of Grace School.

MARION

Trent VanWinkle and Regina Huston, Immaculate Heart of Mary School.

MARSHALL

Josh Zehner and Amanda Master, St. Michael School.

MIAMI

Sarah Correll, Peru Junior High School.

MONROE

Danton Rogers and Danyelle Burton, Batchelor Middle School.

MORGAN

Dakota Owen and Kirsten Hardin, Eminence Junior High School.

NEWTON

Sadie Cole, Tri-County Middle School.

NOBLE

Matthew Hamlin and Anna Pasquali, Kendallville Middle School.

PARKE

Devon Gray and Chelsea Stone, Rockville Junior High School.

PERRY

Erika Hauenstein, Tell City Junior High School.

POSEY

Joey Priest, North Posey Junior High School, and Sarah Smotherman, New Harmony School.

PULASKI

Joyce Bangel, Winamac Community Middle School.

RANDOLPH

Matt Friend and Kristen West, Driver Middle School.

RIPLEY

Jack Gutzwiller and Koralysa Graham, St. Louis School.

ST. JOSEPH

Matthew Thomas and Mary Bonadies, St. Matthew Cathedral School.

SCOTT

Cyndll Harqis, Scottsburg Middle School.

SPENCER

Nick Pledger, Heritage Hills Middle School.

STARKE

Quinn Biddle and Lauren Jernas, Oregon-Davis Junior High School.

SULLIVAN

Brittany Bezy, Carlisle Junior High School.

TIPPECANOE

Claire Paschen, Klondike Middle School.

VERMILLION

Zane Yoho and Hannah Chew, North Vermillion Junior High School.

VIGO

Joseph Botros and Lillian Hayhurst, Honey Creek Middle School.

WABASH

Tanner McCarty, Northfield Junior High School, and Elizabeth Schilling, Manchester Junior High School.

WASHINGTON

Jeffrey Strother and Alandra Bishop, West Washington Junior High School.

WAYNE

Joel Stocksdales and Molly Scripture, Seton Catholic School.

WELLS

Jacob Mossburg, Home School, and Acacia Herr, Southern Wells Junior High School.

WHITE

Zeph Bickett and Alex Daker, Tri-County Middle School. •

the Senate by Mr. Thomas, 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

At 11:22 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following bills, in which it requests the concurrence of the Senate:

H.R. 985. An act to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections, and for other purposes.

H.R. 1254. An act to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations.

H.R. 1255. An act to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records.

H.R. 1309. An act to promote openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

ENROLLED BILL SIGNED

At 12:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1129. An act to provide for the construction, operation, and maintenance of an arterial road in St. Louis County, Missouri.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 3:37 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the house has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1362. An act to reform acquisition practices of the Federal Government.

The message also announced that the House has agreed to H. Res. 244, resolving that the following Members are hereby elected to the Joint Committee on Printing, to serve with the chair of the Committee on House Administration: Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. EHLERS, and Mr. MCCARTHY of California.

The following Members are hereby elected to the Joint Committee of Con-

gress on the Library, to serve with the chair of the Committee on House Administration: Ms. ZOE LOFGREN of California, Mr. EHLERS, and Mr. DANIEL E. LUNGREN of California.

The message further announced that pursuant to 22 U.S.C. 3003 note, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Commission on Security and Cooperation in Europe, in addition to Mr. HASTINGS of Florida, Chairman, appointed on January 12, 2007: Ms. SLAUGHTER of New York, Mr. MCINTYRE of North Carolina, Ms. SOLIS of California, Mr. BUTTERFIELD of North Carolina, Mr. SMITH of New Jersey, Mr. ADERHOLT of Alabama, Mr. PENCE of Indiana, and Mr. PITTS of Pennsylvania.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 985. An act to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections, and for other purposes; to the Committee on the Judiciary.

H.R. 1254. An act to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1255. An act to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1309. An act to promote openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1362. An act to reform acquisition practices of the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 95. A resolution designating March 25, 2007, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

S. Res. 96. A resolution expressing the sense of the Senate that Harriett Woods will be remembered as a pioneer in women's politics.

S.J. Res. 5. A joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

S. Con. Res. 14. A concurrent resolution commemorating the 85th anniversary of the founding of the American Hellenic Educational Progressive Association, a leading association for the 1,300,000 United States

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

citizens of Greek ancestry and Philhellenes in the United States.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Army nomination of Lt. Gen. Robert L. Van Antwerp, Jr., 8468, to be Lieutenant General.

Navy nomination of Adm. Timothy J. Keating, 8508, to be Admiral.

Air Force nomination of Lt. Gen. Victor E. Renuart, Jr., 0278, to be General.

Army nomination of Lt. Gen. Peter W. Chiarelli, 6598, to be Lieutenant General.

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*W. Craig Vanderwagen, of Maryland, to be Assistant Secretary for Preparedness and Response, Department of Health and Human Services.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee 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. DURBIN (for himself, Mr. COBURN, Mr. LEAHY, Mr. CORNYN, and Mr. FEINGOLD):

S. 888. A bill to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances; to the Committee on the Judiciary.

By Mr. KERRY:

S. 889. A bill to improve acquisition under the Deepwater program of the Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUE (for himself, Mr. STEVENS, Mr. ROBERTS, and Mr. HAGEL):

S. 890. A bill to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 891. A bill to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S. 892. A bill to amend the Internal Revenue Code of 1986 to provide for the indexing of certain assets for purposes of determining gain or loss; to the Committee on Finance.

By Mr. DeMINT (for himself, Mr. CORNYN, Mr. KYL, Mr. MARTINEZ, and Mr. BROWNBACK):

S. 893. A bill to allow a State to combine certain funds and enter into a performance agreement with the Secretary of Education to improve the academic achievement of students; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself, Mr. BUNNING, Mr. BINGAMAN, and Mr. SALAZAR):

S. 894. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the purchase of idling reduction systems for diesel-powered on-highway vehicles; to the Committee on Finance.

By Mrs. CLINTON:

S. 895. A bill to amend titles XIX and XXI of the Social Security Act to ensure that every child in the United States has access to affordable, quality health insurance coverage, and for other purposes; to the Committee on Finance.

By Ms. MURKOWSKI (for herself, Mr. SCHUMER, Mr. STEVENS, and Mr. SANDERS):

S. 896. A bill to amend the Public Health Service Act and the Social Security Act to increase the number of primary care physicians and medical residents serving health professional shortage areas, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MIKULSKI (for herself, Mr. GRASSLEY, Mr. BOND, Mrs. CLINTON, and Ms. COLLINS):

S. 897. A bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers; to the Committee on Finance.

By Ms. MIKULSKI (for herself, Mr. BOND, Mrs. CLINTON, and Ms. COLLINS):

S. 898. A bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself, Ms. MIKULSKI, Mrs. MURRAY, Mr. SANDERS, Mr. DURBIN, Mr. LIEBERMAN, Ms. CANTWELL, Mr. AKAKA, and Mr. LEVIN):

S. 899. A bill to amend section 401(b)(2) of the Higher Education Act of 1965 regarding the Federal Pell Grant maximum amount; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 900. A bill to authorize the Boy Scouts of America to exchange certain land in the State of Utah acquired under the Recreation and Public Purposes Act; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. DODD, Mr. ROBERTS, Mr. HARKIN, Mr. BOND, Ms. MIKULSKI, Ms. SNOWE, Mr. BINGAMAN, Mr. DOMENICI, Mr. REED, Ms. MURKOWSKI, Mrs. CLINTON, Mr. BENNETT, Mr. OBAMA, Mr. GRASSLEY, Mr. BROWN, and Mr. BURR):

S. 901. A bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. KERRY, Mr. LAUTENBERG, Mr. ROCKEFELLER, Ms. LANDRIEU, and Ms. CANTWELL):

S. 902. A bill to provide support and assistance for families of members of the National Guard and Reserve who are undergoing deployment, and for other purposes; to the Committee on Armed Services.

By Mr. DURBIN (for himself, Mr. BENNETT, Mrs. CLINTON, Mr. KERRY, and Mr. HARKIN):

S. 903. A bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE (for herself, Mr. PRYOR, and Mr. CRAIG):

S. 904. A bill to provide additional relief for small business owners ordered to active duty as members of reserve components of the Armed Forces, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. INHOFE:

S. 905. A bill to amend the Internal Revenue Code of 1986 to eliminate the taxable income limit on percentage depletion for oil and natural gas produced from marginal properties; to the Committee on Finance.

By Mr. OBAMA (for himself and Ms. MURKOWSKI):

S. 906. A bill to prohibit the sale, distribution, transfer, and export of elemental mercury, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. CLINTON:

S. 907. A bill to establish an Advisory Committee on Gestational Diabetes, to provide grants to better understand and reduce gestational diabetes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COLEMAN (for himself, Mr. REED, Mr. KOHL, Mr. MARTINEZ, and Mr. SMITH):

S. 908. A bill to establish a Consortium on the Impact of Technology in Aging Health Services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mr. AKAKA, Mr. KERRY, and Mrs. CLINTON):

S. 909. A bill to amend title XIX of the Social Security Act to permit States, at their option, to require certain individuals to present satisfactory documentary evidence of proof of citizenship or nationality for purposes of eligibility for Medicaid, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. DURBIN, Mr. INOUE, Mr. BIDEN, Mr. LEVIN, Mr. KERRY, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. AKAKA, Mrs. BOXER, Mr. FEINGOLD, Mr. SCHUMER, Mr. LAUTENBERG, Mr. MENENDEZ, and Mr. CASEY):

S. 910. A bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. MURRAY (for herself and Mr. LEVIN):

S. Res. 107. A resolution expressing the sense of the Senate that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions; considered and agreed to.

By Mr. BAUCUS (for himself, Mr. REID, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. DURBIN, Mrs. MURRAY, and Mr. LEAHY):

S. Res. 108. A resolution designating the first week of April 2007 as "National Asbestos Awareness Week"; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. Res. 109. A resolution congratulating the University of Alaska Fairbanks rifle team

for winning the 2007 National Collegiate Athletic Association Rifle Championship; considered and agreed to.

By Mr. LUGAR (for himself, Mr. BIDEN, Mrs. BOXER, Ms. MURKOWSKI, Mr. HAGEL, Mr. BOND, Mr. KERRY, Mr. WEBB, and Mr. AKAKA):

S. Res. 110. A resolution expressing the sense of the Senate regarding the 30th Anniversary of ASEAN-United States dialogue and relationship; to the Committee on Foreign Relations.

By Mr. GREGG (for himself, Mr. LOTT, Mr. SHELBY, Mr. CRAIG, Mr. CORNYN, Mr. STEVENS, Mr. CHAMBLISS, Mr. ALLARD, Mr. GRAHAM, Mr. ROBERTS, Mr. COBURN, Mr. MARTINEZ, Mr. ISAKSON, Mr. COLEMAN, Mr. DEMINT, Mr. THUNE, and Mr. SESSIONS):

S. Con. Res. 20. A concurrent resolution expressing 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 mission; considered and agreed to.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 214

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 214, a bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

S. 223

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 254

At the request of Mr. ENZI, the names of the Senator from Tennessee (Mr. ALLEXANDER), the Senator from Kentucky (Mr. BUNNING), the Senator from North Carolina (Mr. BURR), the Senator from Mississippi (Mr. COCHRAN), the Senator from Idaho (Mr. CRAPO) and the Senator from Alabama (Mr. SESSIONS) 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 New Jersey (Mr. LAUTENBERG) 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. 479

At the request of Mr. HARKIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 507

At the request of Mr. CONRAD, the name of the Senator from Idaho (Mr.

CRAPO) 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. 527

At the request of Mr. FEINGOLD, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 527, a bill to make amendments to the Iran, North Korea, and Syria Non-proliferation Act.

S. 548

At the request of Mr. LEAHY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 561

At the request of Mr. BUNNING, the name of the Senator from Alabama (Mr. SESSIONS) 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. 584

At the request of Mrs. LINCOLN, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 584, a bill to amend the Internal Revenue Code of 1986 to modify the rehabilitation credit and the low-income housing credit.

S. 626

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Michigan (Ms. STABENOW), the Senator from Maryland (Mr. CARDIN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 627

At the request of Mr. HARKIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of 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.

S. 667

At the request of Mrs. CLINTON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early iden-

tification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 691

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 694

At the request of Mrs. CLINTON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

At the request of Mr. SUNUNU, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 694, *supra*.

S. 738

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 738, a bill to amend the Small Business Act to improve the Office of International Trade, and for other purposes.

S. 766

At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 766, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies of victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 779

At the request of Mr. CRAIG, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 779, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000.

S. 791

At the request of Mr. LEVIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 791, a bill to establish a collaborative program to protect the Great Lakes, and for other purposes.

S. 793

At the request of Mr. KENNEDY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 793, a bill to provide for the expansion and improvement of traumatic brain injury programs.

S. 807

At the request of Mrs. LINCOLN, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Georgia (Mr. ISAKSON) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall

not be considered to be a hazardous substance, pollutant, or contaminant.

S. 821

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 821, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through fiscal year 2010 for refugees, asylees, and certain other humanitarian immigrants.

S. 831

At the request of Mr. DURBIN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 844

At the request of Mrs. FEINSTEIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 844, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 849

At the request of Mr. LEAHY, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 849, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 852

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 852, a bill to deauthorize the project for navigation, Tenants Harbor, Maine.

S. 853

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 853, a bill to deauthorize the project for navigation, Northeast Harbor, Maine.

S. 854

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 854, a bill to modify the project for navigation, Union River, Maine.

S. 855

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 855, a bill to deauthorize a certain portion of the project for navigation, Rockland Harbor, Maine.

S. 856

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 856, a bill to terminate authorization for the project for navigation, Rockport Harbor, Maine.

S. 857

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 857, a bill to redesignate the project for navigation, Saco River, Maine, as an anchorage area.

S. 882

At the request of Mr. MENENDEZ, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 882, a bill to require a pilot program on the facilitation of the transition of members of the Armed Forces to receipt of veterans health care benefits upon completion of military service, and for other purposes.

S.J. RES. 5

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S.J. Res. 5, a joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

S. RES. 65

At the request of Mr. BIDEN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Res. 65, a resolution condemning the murder of Turkish-Armenian journalist and human rights advocate Hrant Dink and urging the people of Turkey to honor his legacy of tolerance.

S. RES. 95

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Res. 95, a resolution designating March 25, 2007, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. COBURN, Mr. LEAHY, Mr. CORNYN, and Mr. FEINGOLD):

S. 888. A bill to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, 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. 888

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 "Genocide Accountability Act of 2007".

SEC. 2. GENOCIDE.

Section 1091 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

"(d) REQUIRED CIRCUMSTANCE FOR OFFENSES.—The circumstance referred to in subsections (a) and (c) is that—

"(1) the offense is committed in whole or in part within the United States;

"(2) the alleged offender is a national of the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

"(3) the alleged offender is an alien lawfully admitted for permanent residence in the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

"(4) the alleged offender is a stateless person whose habitual residence is in the United States; or

"(5) after the conduct required for the offense occurs, the alleged offender is brought into, or found in, the United States, even if that conduct occurred outside the United States."

Mr. COBURN. Mr. President, I rise today as the lead Republican sponsor of the Genocide Accountability Act of 2007. I thank my colleague, Senator DURBIN, for introducing this important piece of legislation.

Senator DURBIN serves as the chairman and I serve as the ranking member of the new Subcommittee on Human Rights and the Law in the Senate Judiciary Committee. We held our first hearing, entitled "Genocide and the Rule of Law," on February 5, 2007. There could not be a more appropriate way to begin examining the law as it relates to human rights than to determine what we can and must do to prevent and stop genocide. The United States is a signatory of the Convention on the Prevention and Punishment of the Crime of Genocide. This convention provides that the contracting parties must "undertake to prevent and to punish" the crime of genocide. We have also passed a law implementing the Genocide Convention.

However, our hearing demonstrated that there are changes that need to be made in law and foreign policy to respond to the ongoing genocide in Sudan and to any genocide that may occur elsewhere in the future. Fortunately, two of these changes can be accomplished right now.

The first change can be accomplished through a bill Senators DURBIN and CORNYN introduced last week, of which I am a cosponsor. That bill, the Sudan Divestment Authorization Act of 2007, will allow State and local governments to prohibit the investment of State assets in the Government of Sudan or companies with certain business relationships with Sudan, while the Government of Sudan is subject to sanctions under U.S. law. The second change can be accomplished through the bill we are introducing today, the Genocide Accountability Act of 2007. This act will ensure that our justice system has the authority to prosecute someone who has committed genocide if that person is found or brought into the United States.

Under current law, the United States can deny admission to and exclude aliens from the United States on human rights grounds. The Attorney General can also consider avenues for the prosecution of aliens who have committed certain crimes, including genocide. However, the Attorney General can only prosecute a perpetrator of genocide if he committed his crimes within the United States or is a U.S. national.

What does this mean? It means that if a person who plans or participates in the genocide occurring right now in Darfur travels to the United States on vacation, business, or even to live here for an extended period of time—as a refugee or student, for instance—a court in the United States cannot touch him. The best our justice system can do is deport him once his crime is discovered.

Without question, it may be more appropriate in some cases to extradite someone who commits genocide to his home country or turn him over to an international tribunal. However, there are also times when a person's home country may not be willing to prosecute him and there is no viable alternative for prosecution. In these cases, extraditing a criminal would be no different than setting him free. This bill will not force our justice system to prosecute those who commit genocide just because they are found on our soil—it simply gives us the option. Nonetheless, in America we are blessed with great resources and the most effective and just legal system in the world. With these blessings comes great responsibility. It is contrary to our system of justice to allow perpetrators of genocide to go free without fear of prosecution.

It simply makes no sense to withhold from our justice system the authority to prosecute someone who is found in the United States and who committed a crime as atrocious as genocide just because he is not American and did not commit the crime here. We have passed tough laws that ensure that we can prosecute anyone found in the United States who has committed terrorist acts or supports terrorism. We do not want to become a safe haven for terrorists, so I ask: Do we want to be a safe haven for those who have committed genocide? The answer should be clear.

Fundamentally, we must decide if genocide is a bad enough crime, no matter where it happens, that it warrants the same treatment as terrorism-related crimes. I deeply believe that it is, and that is why I am proud to co-sponsor this bill today.

By Mr. INOUE (for himself, Mr. STEVENS, Mr. ROBERTS, and Mr. HAGEL):

S. 890. A bill to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. INOUE. Mr. President, the Eisenhower Memorial Commission was created by the U.S. Congress in 1999 as a bipartisan commission for the purpose of considering and formulating plans for the location, design and construction of a permanent memorial to President Dwight D. Eisenhower to perpetuate his memory and his contributions to the United States. Since being fully appointed in 2001, the Commission considered twenty-six different

sites in the District of Columbia. In 2005, it selected a site between the Department of Education and the National Air and Space Museum, two institutions resulting from and greatly influenced by President Eisenhower's leadership.

In 2006, Congress approved the memorial's location within Area I, in compliance with the Commemorative Works Act. The Commission secured full approval for the selected site following extensive review by the National Park Service, the National Capital Memorial Advisory Commission, the National Capital Planning Commission, and the Commission of Fine Arts. Since its inception, the Commission has also taken great care to study and analyze President Eisenhower's legacy. It produced a report by leading scholars and experts on President Eisenhower that provides a definitive statement on the transcending elements of President Eisenhower's enduring legacy. He ranks as one of the preeminent figures in the global history of the 20th century.

The Eisenhower Memorial Commission now needs to move into the design phase. As design begins, the Commission's organization, specifically with regard to contracting and staffing, needs to be updated and revised to enable efficient management and responsible stewardship. The proposed legislation which I introduce today provides for the necessary reorganization. I am joined by Senators STEVENS, ROBERTS, and HAGEL as original cosponsors of the bill.

The legislation enables the Commission to retain the services of full, part-time, and volunteer staff as government employees, without the restrictions of the competitive service requirements. It also provides the authority for the Commission's Executive Architect to manage technical and administrative aspects of design and construction. It provides for staff to be released on the completion of the memorial and enables the Commission to work in collaboration with federal agencies.

President Eisenhower spent his entire life in public service. His extraordinary contributions include serving as Supreme Commander of the Allied Expeditionary Forces in World War II and as 34th President of the United States, but President Eisenhower also served as the first commander of NATO and as President of Columbia University. Dramatic changes occurred in America during his lifetime, many of which he participated in and influenced through his extraordinary leadership as President.

Although President Eisenhower grew up before automobiles existed, he created the Interstate Highway System and took America into space. He created the National Aeronautics and Space Administration, the Department of Health, Education, and Welfare, and the Federal Aviation Administration. He added the State of Hawaii and the State of Alaska to the United States

and ended the Korean War. President Eisenhower desegregated the District of Columbia and sent Federal troops into Little Rock, Arkansas, to enforce school integration. He defused international crises and inaugurated the national security policies that guided the nation for the next three decades, leading to the peaceful end of the Cold War.

A career soldier, President Eisenhower championed peace, freedom, justice and security, and, as President, he stressed the interdependence of those goals. He spent a lifetime fulfilling his duty to his country, always remembering to ask: What is best for America?

President Eisenhower once said, "I know that the American people share my belief that if a danger exists in the world, it is a danger shared by all; and equally, that if hope exists in the mind of one nation, that hope should be shared by all." President Eisenhower's legacy provides hope to all of us—like him, through education and public service, we, as a nation and individually, can rise to meet any challenge. Accordingly, I urge my colleagues to support this legislation.

I ask unanimous consent that the text of my 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. 890

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

SECTION 1. DWIGHT D. EISENHOWER MEMORIAL COMMISSION.

Section 8162 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79; 113 Stat. 1274) is amended—

(1) by striking subsection (j), and inserting the following:

“(j) POWERS OF THE COMMISSION.—

“(1) IN GENERAL.—

“(A) POWERS.—The Commission may—

“(i) make such expenditures for services and materials for the purpose of carrying out this section as the Commission considers advisable from funds appropriated or received as gifts for that purpose;

“(ii) solicit and accept contributions to be used in carrying out this section or to be used in connection with the construction or other expenses of the memorial;

“(iii) hold hearings and enter into contracts;

“(iv) enter into contracts for specialized or professional services as necessary to carry out this section; and

“(v) take such actions as are necessary to carry out this section.

“(B) SPECIALIZED OR PROFESSIONAL SERVICES.—Services under subparagraph (A)(iv) may be—

“(i) obtained without regard to the provisions of title 5, United States Code, including section 3109 of that title; and

“(ii) may be paid without regard to the provisions of title 5, United States Code, including chapter 51 and subchapter III of chapter 53 of that title;

“(2) GIFTS OF PROPERTY.—The Commission may accept gifts of real or personal property to be used in carrying out this section, including to be used in connection with the construction or other expenses of the memorial.

“(3) FEDERAL COOPERATION.—To ensure the overall success of the efforts of the Commission, the Commission may call upon any Federal department or agency to assist in and give support to the Commission. The head of each Federal department or agency shall furnish such information or assistance requested by the Commission, as appropriate, unless prohibited by law.

“(4) POWERS OF MEMBERS AND AGENTS.—

“(A) IN GENERAL.—If authorized by the Commission, any member or agent of the Commission may take any action that the Commission is authorized to take under this section.

“(B) ARCHITECT.—The Commission may appoint an architect as an agent of the Commission to—

“(i) represent the Commission on various governmental source selection and planning boards on the selection of the firms that will design and construct the memorial; and

“(ii) perform other duties as designated by the Chairperson of the Commission.

“(C) TREATMENT.—An authorized member or agent of the Commission (including an individual appointed under subparagraph (B)) providing services to the Commission shall be considered an employee of the Federal Government in the performance of those services for the purposes of chapter 171 of title 28, United States Code, relating to tort claims.

“(5) TRAVEL.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.”;

(2) by redesignating subsection (o) as subsection (q); and

(3) by adding at the end the following:

“(o) STAFF AND SUPPORT SERVICES.—

“(1) EXECUTIVE DIRECTOR.—There shall be an Executive Director appointed by the Commission to be paid at a rate not to exceed the maximum rate of basic pay for level IV of the Executive Schedule.

“(2) STAFF.—

“(A) IN GENERAL.—The staff of the Commission may be appointed and terminated without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title, relating to classification and General Schedule pay rates, except that an individual appointed under this paragraph may not receive pay in excess of the maximum rate of basic pay for GS-15 of the General Schedule.

“(B) SENIOR STAFF.—Notwithstanding subparagraph (A), not more than 3 staff employees of the Commission (in addition to the Executive Director) may be paid at a rate not to exceed the maximum rate of basic pay for level IV of the Executive Schedule

“(3) STAFF OF FEDERAL AGENCIES.—Upon request by the Chairperson of the Commission, the Vice-Chairperson, or the Executive Director, the head of any Federal department or agency may detail, on a nonreimbursable basis, any of the personnel of the department or agency to the Commission to assist the Commission to carry out its duties under this section.

“(4) FEDERAL SUPPORT.—The Commission shall obtain administrative and support services from the General Services Administration on a reimbursable basis. The Commission may use all contracts, schedules, and acquisition vehicles allowed to external clients through the General Services Administration.

“(5) COOPERATIVE AGREEMENTS.—The Commission may enter into cooperative agreements with Federal agencies, State, local, tribal and international governments, and private interests and organizations which will further the goals and purposes of this section.

“(6) TEMPORARY, INTERMITTENT, AND PART-TIME SERVICES.—

“(A) IN GENERAL.—The Commission may obtain temporary, intermittent, and part-time services under section 3109 of title 5, United States Code, at rates not to exceed the maximum annual rate of basic pay payable under section 5376 of that title.

“(B) NON-APPLICABILITY TO CERTAIN SERVICES.—This paragraph shall not apply to services under subsection (j)(1)(A)(iv).

“(7) VOLUNTEER SERVICES.—

“(A) IN GENERAL.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and utilize the services of volunteers serving without compensation.

“(B) REIMBURSEMENT.—The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

“(C) TREATMENT.—A person providing volunteer services to the Commission shall be considered an employee of the Federal Government in the performance of those services for the purposes of—

“(i) chapter 81 of title 5, United States Code, relating to compensation for work-related injuries;

“(ii) chapter 171 of title 28, United States Code, relating to tort claims; and

“(iii) chapter 11 of title 18, United States Code, relating to conflicts of interest.

“(p) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.”.

By Mr. INHOFE (for himself and Mr. COBURN):

S. 891. A bill to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. INHOFE. Mr. President, I rise today, along with my colleague, TOM COBURN, to proudly reintroduce the Child Medication Safety Act, a bill to protect children and their parents from being coerced into administering a controlled substance or psychotropic drug in order to attend a school.

Parents today face many challenges when raising their children, one of which is ensuring that their children receive the best education possible. My views on education come from a somewhat unique perspective in that my wife, Kay, was a teacher at Edison High School in Tulsa for many years and now both of our daughters are teachers. I can assure you that I am one of the strongest supporters of quality education. However, it has come to my attention that schools have been acting as physicians or psychologists by strongly suggesting that children with behavioral problems be put immediately on some form of psychotropic drugs. Schools and teachers are not equipped to make this diagnosis and should not make it mandatory for the student to continue attending the

school. This is clearly beyond their area of expertise. Therefore, I am introducing this legislation to ensure that parents are not required by school personnel to medicate their children.

The Child Medication Safety Act requires, as a condition of receiving funds from the Department of Education, that States develop and implement policies and procedures prohibiting school personnel from requiring a child to obtain a prescription as a condition of attending the school. It should be noted that this bill does not prevent teachers or other school personnel from sharing with parents or guardians classroom-based observations regarding a student's academic performance or regarding the need for evaluation for special education. Additionally, this bill calls for a study by the Comptroller General of the United States reviewing: (1) the variation among States in the definition of psychotropic medication as used in public education, (2) the prescription rates of medication used in public schools to treat children with attention deficit disorder and other such disorders, (3) which medications listed under the Controlled Substances Act are being prescribed to such children, and (4) which medications not listed under the Controlled Substances Act are being used to treat these children and their properties and effects. This GAO report is due no later than one year after the enactment of this Act.

I believe this is an extremely important bill that protects the rights of our children against improper intrusion regarding health issues by those not qualified. If a parent or guardian believes their child is in need of medication, then they have the right to make that decision and consult with a licensed medical practitioner who is qualified to prescribe an appropriate drug. Please join us in support of this legislation that protects the freedoms of our children.

By Mr. INHOFE:

S. 892. A bill to amend the Internal Revenue Code of 1986 to provide for the indexing of certain assets for purposes of determining gain or loss; to the Committee on Finance.

Mr. INHOFE. Mr. President, I rise today to introduce the Capital Gains Inflation Relief Act of 2007. The taxation of inflation is one of the most unjust practices of the tax code. This simple improvement will not only enhance the basic fairness and efficiency of the tax code, but will also immediately increase the net return on capital investment.

Under current law, a taxable capital gain occurs whenever a capital asset is sold at a price higher than the original purchase price. However, the timing of capital gains taxation sets it apart from other types of income. While wages are generally taxed on a yearly basis, the taxation on capital assets occurs at the time the capital asset holder chooses to sell his asset and realize

his gains. The gains on capital assets accrue over the course of the asset's life, which is usually many years. This is generally favorable to the capital asset holder, because he can defer taxation on his gains to a future year. This tax deferral is often cited as the primary reason for holding assets long term.

However, the value of tax deferral is often times overstated because current tax policy taxes the capital asset holder not only on real gains, but also on gains due to inflation. This creates a situation that is patently unfair to the American taxpayer. For example, an American who purchased a share of stock for \$10 in 1950 and sold it for twice that amount today would be subject to capital gains taxes on the nominal gain of \$10, though the transaction was a clear loss when one accounts for inflation. Why should an American taxpayer, who invested in a capital asset in his youth, be forced to pay capital gains taxes, on what can only be viewed as a loss, in his later years? In spite of all our efforts to curb inflation, it will remain a fact of life. This does not mean we should tax hard-working Americans with long-term goals on gains that are due to inflation, gains that they will never actually realize.

Without an inflation index, the tax code incentivizes short-term speculation and discourages long-term capital investment. The current turmoil in the subprime lending market is an example that demonstrates the perils of emphasizing short-term speculation over long-term capital investment. Though inflation has remained relatively modest recently, there is no guarantee of future stability. Inflation indexing would instantly increase the net return on capital investment and consequently encourage more of it. Inflation indexing would also restore core principles of sound tax policy such as "horizontal equity," wherein two taxpayers in identical situations are treated identically by the tax system. Indexing capital gains would improve the basic fairness of the tax code with only a minor increase in administrative costs and a single step of simple multiplication for taxpayer compliance.

The need for indexing is clear. It would help average Americans and improve tax policy by enhancing both the basic fairness and the pro-growth incentive of the tax code. The merits of the capital gains tax are themselves debatable, but if we are to tax capital gains let us make sure they are taxed fairly. Please join with me in supporting this legislation to free the American taxpayer from the unfairness of the current tax policy.

By Mrs. CLINTON:

S. 895. A bill to amend titles XIX and XXI of the Social Security Act to ensure that every child in the United States has access to affordable, quality health insurance coverage, and for other purposes; to the Committee on Finance.

Mrs. CLINTON. Mr. President, I was proud to help create the State Children's Health Insurance Program during the Clinton Administration. It has provided health insurance for 6 million children, including more than 425,000 in New York. SCHIP was the biggest expansion in providing health insurance coverage in more than 30 years—a big first step to providing quality health care coverage for all children.

And now it is time to take the next step. Today, I am introducing new legislation with my colleague from the House of Representatives, Chairman DINGELL: a plan to make quality affordable health care available to every child in America.

The Children's Health First Act will make quality, affordable health care available to all children, and will pave the way to cover the more than nine million children in our country without health coverage.

Our bill cuts red tape to allow States to provide affordable healthcare options for all families to cover their children. It gives States the financial incentives and resources to expand—existing State coverage and find and enroll the 6 million children who are currently eligible for health coverage but are not enrolled. And it provides incentives to expand employer sponsored coverage for children.

As individuals and as a Nation, an ounce of prevention is truly worth a pound of cure. Health care accessible and affordable for all children will keep kids healthy, save lives, control costs, and end heartache and worry for so many parents. This plan is practical and fiscally responsible—it will honor our values and prevent kids from needing more costly healthcare in the future.

Our bill will provide incentives for States to expand SCHIP to more children and provide health coverage for children up to 400 percent of poverty, about \$70,000 for a family of three.

Parents whose incomes are above their State's SCHIP eligibility levels and employers who want to provide coverage to dependents will also have the option to buy-in to the SCHIP program. This will ensure that all families have access to affordable coverage and aren't forced into the private insurance market where affordable options for their children are often out of reach.

And while expanding coverage is critical, enrolling children who are already eligible must also be part of our efforts to ensure every child has health insurance.

Currently, there are 6 million uninsured children who are eligible for public programs but not enrolled. In order to receive expanded Federal funding under our bill, States must undertake strategies designed to enhance outreach and enrollment of currently eligible children.

In addition, the Children's Health First Act would prevent funding shortfalls like those that 14 States are currently facing. Unlike the original

SCHIP bill our legislation would determine funding based on State spending and indexed to medical inflation and child population growth so that states will get the funds they need.

Every child deserves a healthy start in life. This goes to the heart of our values, our responsibility to one another, the promise of our country. Far too many children in our Nation—more than 9 million—do not have health care. And, for the first time in nearly a decade, between 2004 and 2005, the number of uninsured children in New York increased by 61,000—part of a trend nationally.

It's simply wrong that there are working parents who worry about their children playing sports because they can't afford a doctor if their child gets hurt. I've met parents who when their children get sick fret and worry about their children's illness—but have the added anxiety of wondering how they are going to pay for the doctor visit. That just shouldn't happen.

No child in America, the greatest, richest Nation on Earth home to so much promise, should lack for the care he or she needs to grow up to be a healthy, happy adult.

We can tackle this challenge—and provide access to quality, affordable health care for all children in America. It's the right thing to do, and it's the smart thing to do.

I am proud to introduce this legislation. It will help us honor our values, protect our children. We can meet this challenge and that's what I'll be working with Chairman DINGELL and my Senate colleagues to achieve this year.

By Ms. MURKOWSKI (for herself, Mr. SCHUMER, Mr. STEVENS, and Mr. SANDERS):

S. 896. A bill to amend the Public Health Service Act and the Social Security Act to increase the number of primary care physicians and medical residents serving health professional shortage areas, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, I rise again this evening to speak about a growing crisis in rural America. This crisis is found in rural New England, throughout Appalachia, spans the Great Plains, crosses the Western deserts, and reaches the mountains of the great Northwest. It impacts the seniors, children, the women, and the men of rural America. What I am speaking about today is a lack of access to quality health care.

In rural America, patients have long gone without care. Despite the fact that one-fifth of the U.S. population lives in rural America, only 9 percent of the Nation's physicians are practicing in these areas. Over 50 million of these rural Americans live in areas that have a shortage of physicians to meet their basic needs.

Now, physician recruitment to rural America is a big problem. Part of this problem comes about through high student debt, which often forces many students away from a rural practice and

into urban specialty medicine where they can probably command higher salaries.

I recently held a Senate HELP Committee field hearing in Alaska. This was during the February recess. I held this field committee hearing on the physician shortage crisis in rural America. At that hearing, I had a young woman come up and speak. She is a medical student who is currently part of the WAMI Program, the Western States medical program. This young woman, Melissa Howell, is 26 years old. She stated the student debt she has accumulated is a huge concern that hangs over the decisions she makes as she decides where she is going to practice. Simply put, she said that the \$100,000 student debt she faces is "kind of scary." I have to admit, that is kind of scary.

A dozen States already report severe physician shortages. These shortages exist in the areas of cardiology, radiology, neurology, to name a few. But the greatest shortages persistently have been in primary care. In fact, the shortage of primary care physicians in rural areas of the United States represents one of the most intractable health policy problems of the past century.

It will only worsen. In 20 years, 20 percent of the U.S. population will be 65 or older, and this is a percentage larger than at any other time in our Nation's history. Just as this aging population places the highest demand on our health care system, we have some experts who predict a national shortage of close to 200,000 physicians. If that becomes a reality, 84 million patients could be potentially left without a doctor's care.

So the question has to be asked, where are the doctors going? We are losing some of our doctors through attrition. One-third of physicians are 55 years old and older and are likely to retire as this baby boom generation moves into its time of greatest medical need. Additionally, for the last quarter of a century, medical schools have kept their student enrollments virtually flat.

We are also losing a lot of our doctors, quite simply, through frustration. Low Medicare and Medicaid reimbursement rates, coupled with complex regulations and paperwork, leave physicians aggravated, leave them disappointed with the practice of medicine.

In Alaska, we have lived with provider shortages since statehood. I grew up in a part of the State down in the southeastern area where you did not have doctors who were available to deliver babies except on Tuesdays and Thursdays. You hoped you could give birth on a Tuesday or a Thursday. Still, in many parts of our State, we do not have providers who can deliver. If you are out in the Aleutian chain, you are told by your physician's attendant to come to Anchorage, some 600 miles away, to wait out the remaining month

of your pregnancy because they do not have the facilities, do not have the doctors available to take care of you in the event of an emergency.

So we have lived with provider shortages for a long time. Because our State is larger than Texas and California and Montana combined, "rural" brings on a new meaning and the physician shortage crisis is even more amplified, as I have given in my two examples. But we have had some recent events in the State that have created a situation far worse than Alaska has known in the past. Currently, in the State, we have the sixth lowest ratio of physicians to population in the United States. That is when you take into account Anchorage, which is our largest population center. In rural Alaska, it is the worst physician-to-population situation in the Nation. Alaska needs nearly 400 more doctors to provide the same level of care as elsewhere in the country.

One of our problems is we do not have a medical school, and we are not likely to be getting a medical school in the near future. We also have the lowest per capita number of medical school slots in the country and the lowest number of residency slots. We have two small but very successful programs; this is the University of Washington Medical School Partnership and the Alaska Family Residency Program. These two programs help train Alaskans as physicians and also help us bring doctors to Alaska. But despite the success of these programs, each is far too small to meet our population's needs.

Each week, without fail, I receive faxes, phone calls, letters, and e-mails from Alaskan seniors who simply cannot find a doctor to treat them. I wish to read a few excerpts from recent e-mails we have received. The first one is from a gentleman in Anchorage. Keep in mind, Anchorage is our largest population center; about half the population of the State is here.

He writes:

My mother . . . has had difficulty in the extreme in getting a doctor who will take her on as she is a Medicare patient . . . doctors are telling potential patients that they are no longer taking Medicaid. My mother has made in excess of 100 calls to physicians in Anchorage.

Another constituent writes—and this is also from Anchorage:

During the past year, I've tried to find a doctor that accepts Medicare. I used the Anchorage Yellow pages and called over 100 doctors, only to be told that they won't accept any more Medicare patients.

She then writes to say:

I'll tell you ahead of time, we'll be going to the hospital emergency rooms, to receive, even the basic medical care, i.e.: colds, flu, and other basic medical care, that could have been treated through seeing a doctor, at their established practice. This doesn't sound like good fiscal management.

Another constituent—and this was actually in a letter to the editor in the Anchorage Daily News—says:

My friends telephoned more than 80 doctors recently, and not one was accepting new Medicare patients.

A third gentleman from Kenai, AK, writes:

My mom has Medicare and she had to wait 5 months to be seen by a Neurologist because she had been put on a waiting list to be seen due to the fact she was a Medicare patient.

Another woman from Anchorage says:

I just got through trying to find a physician for an elderly Medicare-dependent friend. At this time I have found no one who will take her. Most physicians take no Medicare patients or have a quota which is full. The Providence health care provider list has no one who takes Medicare.

The last e-mail was from Anchorage stating:

Almost no family practice office in Anchorage is accepting new Medicare patients.

This is just a sample of what we get from constituents around the State of Alaska saying: I don't have anyone who can see my mother. I can't get in to see anyone myself.

I mentioned in my comments this is a crisis that is growing. In Alaska, we don't often think of it as being a State where we have a large senior population. We think of some of the Southern States as being the ones that attract our seniors. But the fact is Alaska has the second fastest-growing senior population in the Nation, second only to Nevada.

So again we ask the question: Why aren't Alaska's doctors able to provide care to our seniors? Why are they saying: No, we are not accepting any new Medicare patients? Well, a lot of it has to do with the reimbursement rates. Recent Federal reductions in Alaska Medicare reimbursement rates have been so severe that primary care physicians report that Medicare pays them only 37 cents—it is actually between 37 cents to 40 cents—for every dollar that it costs to treat a patient. So the doctor is spending a dollar in the care provided but is getting reimbursed about 40 cents to every dollar. We had one physician testify at the field hearing, and he said that in order for him to basically break even with his medical practice, he would have to see one Medicare patient every 7 minutes in order for him not to lose money. For those of us who go into our doctor's office, if we only had 7 minutes in there with our medical provider, I don't think we would feel we were getting the care and the attention our medical issues deserve.

Losing money by seeing Medicare patients has meant that many of our physicians have stopped accepting Medicare patients entirely. They are making a decision not to accept any new Medicare patients. Or if you have been a patient of a particular physician and you turn 65, you may have had a good relationship with that physician, but if he tells you: I am sorry, I am not accepting any new Medicare patients, that date of your birthday comes and all of a sudden you don't have the care that you had relied on for some period of time.

During this committee field hearing, we had testimony that revealed that

only one neighborhood health clinic in the entire city of Anchorage—and again, this is a city that has half the State's population—only one neighborhood health clinic is still accepting new Medicare patients.

So if you are lucky enough to find a physician, it often takes weeks or months for an appointment. So when you are faced with this kind of a delay, you have one of two options. You either go to the emergency room if the conditions are severe enough or you go without care entirely, putting it off until perhaps it becomes even more complicated down the road.

We had testify at the field hearing one gentleman who is from the city of Bethel. Bethel is in the western part of the State. He said he was willing to fly the 500-some-odd miles from Bethel to Anchorage if only he could find a primary care doctor who would accept him. He kind of joked because he said he counted himself lucky because he had a heart condition, and he was at least able to get in to see a specialist once in awhile.

The chairman of the Alaska Commission on Aging, Mr. Frank Appel, called the lack of access to health care for seniors "the most critical problem facing Alaska's seniors."

I know Alaska is not alone. The crisis is not just Alaska. It is nationwide. We as a body, as a Congress, should find this situation intolerable.

I haven't been in the Senate for as long as many of my other colleagues, but I have been here long enough to know that we fight a lot about health care. We debate the solvency issues, the funding issues, the insurance, the benefit coverage, universal coverage, health savings accounts, the prescription drug benefit. We debate and argue about a lot of these issues as they relate to health care, and each and every one of these issues is certainly worthy of great debate. But I would submit that not one of those very worthy debates matters in the least to one of the seniors I have mentioned in these letters who can't find a primary care doctor after making 100 phone calls.

So instead of this body debating how health care is delivered, it is time we focus on the fact that it is not delivered in much of America. We have a crisis that, simply put, cannot wait. We have to do two things. We have to help current physicians stay in the practice of medicine, and we must vastly increase our health care work force.

Earlier this year, Senator STEVENS and I introduced the Rural Physician Relief Act, and this is a bill that provides tax incentives for physicians to practice in our most rural and frontier locations in the country. Today, along with my colleagues, Senator SCHUMER, Senator STEVENS, and Senator SANDERS, we are introducing legislation entitled the "Physician Shortage Elimination Act." This legislation will double the funding for the National Health Service Corps, a program that is dedicated to meeting the needs of the un-

derserved. Despite its success over the years, it has been vastly underfunded. We understand that 85 percent of the applicants to this worthy program have to be turned away each year because we don't fund it.

This legislation will also allow rural and underserved physician residency programs to expand by removing barriers that prevent programs from developing rural training programs.

We will also double certain title VII funding to create programs that target disadvantaged youth in rural and underserved areas and nurture them to create a pipeline to careers in health care. We need to get more people interested in the field.

Finally, we must bolster the cornerstone of rural health care, which is the community health center, through additional grants and by allowing them to expand their residency programs.

I would suggest that the prognosis for the quality of health care in America is poor. Fifteen million Americans in underserved areas across the Nation already do without care. Soon, with even greater physician shortages, it could mean that potentially another 84 million patients will be left without a physician's care.

The time for Congress to act is now. In fact, it is past time. I look forward to working with my colleagues on this issue that again is not just Alaska-specific. I think the facts on the ground up North perhaps make the arguments more accentuated, but I think it points to a situation in this Nation that we must deal with now before the crisis is felt throughout the country.

I appreciate the attention of the Chair.

By Ms. MIKULSKI (for herself, Mr. GRASSLEY, Mr. BOND, Mrs. CLINTON, and Ms. COLLINS):

S. 897. A bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to join in cosponsoring the Alzheimer's Family Assistance Act of 2007 introduced by my colleague, Senator MIKULSKI.

As much as we all would like to think that we will remain healthy and strong throughout our lifetimes, many of us will need long-term care. The cost of that care, whether provided in a nursing home, assisted living facility, or in one's own home with the assistance of health aides, can quickly add up. That is why we should do everything we can to make people aware of long-term care insurance and to ensure that policies are affordable.

We need to encourage people to include long-term care insurance in their planning, especially when people are younger and premiums would be lower. The Deficit Reduction Act of 2005, DRA, made good progress in that regard by expanding State long-term care partnership programs. In addition, the DRA established an information

clearinghouse to help individuals learn about long-term care insurance options in their states.

We also need to encourage older individuals to purchase long-term care insurance. By establishing a deduction for long-term care insurance premiums, this legislation will help accomplish that goal. In order to qualify for the deduction, the policy must include several important consumer protections recommended by the National Association of Insurance Commissioners, NAIC. The DRA incorporated the same protections plus some additional NAIC consumer protections into the State long-term care partnership policies. As this bill moves forward, I look forward to working with Senator MIKULSKI to ensure consistency in the application of these consumer protections to long-term care policies. Specifically, I hope we can expand the consumer protections in this bill so they are in line with those included in the DRA.

Finally, this legislation recognizes that individuals and their caregivers may need assistance in paying for medical supplies, nursing care, and other long-term care expenses. The tax credit called for in the bill, which increases from \$1,000 to \$3,000 in 2011 and beyond, will help defray these costs.

Mr. President, I have long supported the policies included in this legislation and commend my colleague for her work on this important issue.

By Mr. DODD (for himself, Ms. MIKULSKI, Mrs. MURRAY, Mr. SANDERS, Mr. DURBIN, Mr. LIEBERMAN, Ms. CANTWELL, Mr. AKAKA, and Mr. LEVIN):

S. 899. A bill to amend section 401(b)(2) of the Higher Education Act of 1965 regarding the Federal Pell Grant maximum amount; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today, joined by my colleagues Senators MIKULSKI, MURRAY, SANDERS, DURBIN, LIEBERMAN, CANTWELL, AKAKA, and LEVIN, to introduce legislation to amend the Higher Education Act to improve access to college for low- and moderate-income students by raising the authorized maximum Pell grant to \$11,600 within 5 years. This bill has the strong support of the American Association of Universities, American Jesuit Colleges and Universities, the American Association of Community Colleges, the National Association of Independent Colleges and Universities, the American Council on Education, and The Higher Education Consortium for Special Education.

Pell grants were first established in the early 1970s by our former colleague, Senator Claiborne Pell. Pell grants are the largest source of Federal grant aid for college students and make it possible for millions of low- and moderate-income students to attend college. The benefits of Pell grant aid cannot be overstated. Pell grants are beneficial

to individual students as well as our society as a whole. Often, our Nation's great innovators and creative minds sharpen their skills on college campuses. By increasing the Pell grant, we make a college education more affordable, and thus, make it more likely that qualified and hard working low- and moderate-income students will attend. It would be a significant loss to this great Nation if a generation of individuals were not able to earn a college degree simply because they could not afford to pay for it.

In 1975, the maximum appropriated Pell grant covered 80 percent of the average student's tuition, fees, room, and board at 4-year public universities. In 2005–2006, the average Pell grant covered 33 percent of the total charges at 4-year public universities. That's not just a drop in aid, it's a free-fall. For low- and moderate-income families, the cost of college has also increased as a percentage of income. In 1999 it took 43 percent of a low-income family's income to pay for a college education. In 1972, it only took 27 percent. The cornerstone of American democracy is providing all citizens with access and opportunities so that through hard work they can achieve the "American dream." We must keep that dream alive by providing students the financial opportunity to attend college.

In order to meet the cost of attending college, many low- and moderate-income students are forced to take out an exorbitant amount in student loans. Upon graduation these students are often faced with an unmanageable debt load. Surveys tell us that students with a significant amount of debt are postponing marriage and having children. Others are choosing their jobs based on where they think they can afford to work. Clearly, we do not want student loan debt to solely drive our young people's goals and aspirations.

Over the past several years, the administration has not raised the maximum Pell grant. On top of leaving millions of children behind by underfunding K–12 education, they are also leaving students behind who have done well in school and want the chance to go on to college. If we are serious about leaving no student behind—if we are serious about having a society where equal opportunity for all is more than just rhetoric—then we must increase the Pell grant.

It has been said that investing in a student's future is investing in our Nation's future. We can start investing in our Nation's future by supporting this bill to increase the maximum appropriated Pell grant to \$11,600. This bill won't bring the Pell grant's purchasing power back to where it was in 1975, but it is a critical first step. I hope that my colleagues will join me in taking this important step toward ensuring all that have the ability to excel in college are given that opportunity.

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. 899

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

SECTION 1. FEDERAL PELL GRANT MAXIMUM AMOUNT.

Section 401(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(2)) is amended—

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

(2) by striking subparagraph (A) and inserting the following:

“(A) Except as provided in subparagraph (B), the amount of the Federal Pell Grant for a student eligible under this part shall be—

“(i) \$7,600 for academic year 2007–2008;

“(ii) \$8,600 for academic year 2008–2009;

“(iii) \$9,600 for academic year 2009–2010;

“(iv) \$10,600 for academic year 2010–2011; and

“(v) \$11,600 for academic year 2011–2012, less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.”; and

(3) by inserting after subparagraph (A) (as amended by paragraph (2)) the following:

“(B) If the Secretary determines that the increase from one academic year to the next in the amount of the maximum Federal Pell Grant authorized under subparagraph (A) does not increase students' purchasing power (relative to the cost of attendance at an institution of higher education) by not less than 5 percentage points, then the amount of the maximum Federal Pell Grant authorized under subparagraph (A) for the academic year for which the determination is made shall be increased by an amount sufficient to achieve such a 5 percentage point increase.”.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 900. A bill to authorize the Boy Scouts of America to exchange certain land in the State of Utah acquired under the Recreation and Public Purposes Act; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise today to introduce the Boy Scouts of America Land Transfer Act of 2007. This important legislation will allow the exchange of two small parcels of land between the Utah Parks Council of the Boy Scouts of America and Brian Head Ski Resort.

In 1983, the Bureau of Land Management granted the Boy Scouts of America roughly 1,300 acres in Parowan, Utah. The land patent was granted with the stipulation that it be used exclusively for purposes of a Boy Scout camp. The Scout camp, known as Camp Thunder Ridge, is situated in the mountains adjacent to Brian Head Ski Resort and near Cedar Breaks National Monument.

When the land was given to the Scout Camp, a local rancher owned a parcel of land adjacent to the camp and another parcel in the middle of the camp. Upon his retirement, the rancher turned over his parcels, totaling 120 acres, to Brian Head Ski Resort. Thus, the ski resort now owns land in the middle of a Boy Scout Camp.

The Boy Scouts and the Resort agree that the land previously owned by the

rancher would best be used as part of Camp Thunder Ridge, while certain parcels of the Scout Camp would be of more use to the Ski Resort.

The Boy Scouts of America Land Transfer Act would allow the Boy Scouts to exchange 120 acres of their land on the south end of the camp with Brian Head for 120 acres on the eastern side of the camp, including the 40 acres located in the middle of the camp. Because of the stipulations of the original BLM patent given to the Scout Camp, legislation is required to authorize this exchange.

While Camp Thunder Ridge is located in a steep, rough, mountainous area, much of the land the Boy Scouts seek is flat, making it particularly important for the camp. Obtaining the land would make it possible for the Scouts to make the camp shooting area and archery range safer and would allow them to improve and expand their camping facilities. It would also allow for the installation of much-needed septic tanks.

I am a strong supporter of the Boy Scouts of America. Scout camps, such as Camp Thunder Ridge, give young men the opportunity to learn vital skills, fulfill merit badge requirements, and otherwise improve themselves. This small land exchange will allow Camp Thunder Ridge to do a better job in helping these young men learn and grow.

For its part, Brian Head Ski Resort is seeking to expand their operations and have received preliminary approval from local officials. The local Planning Commission, however, has required them to build an emergency exit for their property. The only place to build such a road is through land owned by the Boy Scouts. The exchange will allow Brian Head to construct the access road and comply with county fire safety regulations.

The Boy Scouts have been working for more than 20 years to secure the lands in question, and Brian Head needs to build on lands currently owned by the Scouts. Therefore, it would be in the best interest of both parties to authorize this land exchange. In fact, the exchange is desperately needed by both parties, and I urge my colleagues to support this important legislation.

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. DODD, Mr. ROBERTS, Mr. HARKIN, Mr. BOND, Ms. MIKULSKI, Ms. SNOWE, Mr. BINGAMAN, Mr. DOMENICI, Mr. REED, Ms. MURKOWSKI, Mrs. CLINTON, Mr. BENNETT, Mr. OBAMA, Mr. GRASSLEY, Mr. BROWN, and Mr. BURR):

S. 901. A bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, tot he Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it's an honor to join Senator HATCH and my

HELP Committee colleagues today in introducing this bill to reauthorize the community health centers program. The Health Centers Renewal Act extends the program through 2012, it authorizes the funds needed to stabilize existing centers and enable them to increase their capacity and funds for new centers in underserved areas that have no existing center.

The community health centers program has been a success story by any measure over the past 40 years. It began as a two-site demonstration project for "neighborhood health centers" in 1965, with funds for Columbia Point in Massachusetts and Mound Bayou in Mississippi. The health center model was the brainchild of two young physicians and civil rights activists, Dr. H. Jack Geiger and Dr. Count Gibson. Their model was intended to address both health care and the roots of poverty, by giving communities a voice in their health care through a patient-majority community board, by creating jobs and investments in local communities, and by focusing on primary care and reducing health disparities among income groups.

Today, more than 1,000 health centers provide good health care to 16 million patients each year. They provide safety nets in their communities for the most vulnerable Americans, and bring care to 1 of every 4 Americans living in poverty. Nearly 70 percent of health center patients have incomes below the poverty line, and two-thirds are members of racial and ethnic minorities. Health centers give those who are so often disenfranchised in our society a voice in their own health care and in the care available in their community. Health centers are also an incentive for economic growth, providing 50,000 jobs across the country for residents in their communities.

As the number of uninsured and underinsured persons grows each year, the need for health center services increases. More than 40 percent of health center patients have no health insurance and their number is increasing. Another 36 percent of patients have coverage through Medicaid or CHIP, and cuts in these programs affect health centers as well. As the number of patients who rely on health centers continues to grow, we must provide the funds needed to open new centers in areas that are underserved and to provide additional funds to enable existing centers to meet the growing demand for care.

The funding authorized in this bill will provide stability and expanded services in existing centers, and enable new centers to open in areas that have no centers today. The legislation will keep health centers on track to serve 20 million patients by 2010 and more than 23 million patients by 2012. It also provides the funds needed to expand existing health centers to reach more uninsured and underinsured patients, open new centers in underserved areas with no current centers, expand cov-

erage of mental health, dental, and pharmacy services to all centers, invest in information technology, and take other steps to improve health outcomes. Our goal in the bill is to make sure that health centers can provide high-quality care to their patients for years to come, and I look forward to its enactment into law.

I ask unanimous request 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. 901

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 "Health Centers Renewal Act of 2007".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Community, migrant, public housing, and homeless health centers are vital to thousands of communities across the United States.

(2) There are more than 1,000 such health centers serving more than 16,000,000 people at more than 5,000 health delivery sites, located in all 50 States of the United States, the District of Columbia, and Puerto Rico, Guam, the Virgin Islands, and other territories of the United States.

(3) Health centers provide cost-effective, quality health care to poor and medically underserved people in the States, the District of Columbia, and the territories, including the working poor, the uninsured, and many high-risk and vulnerable populations, and have done so for over 40 years.

(4) Health centers provide care to 1 of every 8 uninsured Americans, 1 of every 4 Americans in poverty, and 1 of every 9 rural Americans.

(5) Health centers provide primary and preventive care services to more than 700,000 homeless persons and more than 725,000 farm workers in the United States.

(6) Health centers are community-oriented and patient-focused and tailor their services to fit the special needs and priorities of local communities, working together with schools, businesses, churches, community organizations, foundations, and State and local governments.

(7) Health centers are built through community initiative.

(8) Health centers encourage citizen participation and provide jobs for 50,000 community residents.

(9) Congress established the program as a unique public-private partnership, and has continued to provide direct funding to community organizations for the development and operation of health centers systems that address pressing local health needs and meet national performance standards.

(10) Federal grants assist participating communities in finding partners and recruiting doctors and other health professionals.

(11) Federal grants constitute, on average, 24 percent of the annual budget of such health centers, with the remainder provided by State and local governments, Medicare, Medicaid, private contributions, private insurance, and patient fees.

(12) Health centers make health care responsive and cost-effective through aggressive outreach, patient education, translation, and other enabling support services.

(13) Health centers help reduce health disparities, meet escalating health care needs, and provide a vital safety net in the health care delivery system of the United States.

(14) Health centers increase the use of preventive health services, including immunizations, pap smears, mammograms, and HbA1c tests for diabetes screenings.

(15) Expert studies have demonstrated the impact that these community-owned and patient-controlled primary care delivery systems have achieved both in the reduction of traditional access barriers and the elimination of health disparities among their patients.

SEC. 3. ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FOR HEALTH CENTERS PROGRAM OF PUBLIC HEALTH SERVICE ACT.

Section 330(r) of the Public Health Service Act (42 U.S.C. 254b(r)) is amended by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—For the purpose of carrying out this section, in addition to the amounts authorized to be appropriated under subsection (d), there are authorized to be appropriated—

"(A) \$2,188,745,000 for fiscal year 2008;

"(B) \$2,451,394,400 for fiscal year 2009;

"(C) \$2,757,818,700 for fiscal year 2010;

"(D) \$3,116,335,131 for fiscal year 2011; and

"(E) \$3,537,040,374 for fiscal year 2012."

Mr. HATCH. Mr. President, today I am introducing the Health Centers Renewal Act with my colleagues, Senators KENNEDY, ROBERTS, DODD, BOND, HARKIN, SNOWE, MIKULSKI, DOMENICI, BINGAMAN, MURKOWSKI, REED, BENNETT, CLINTON, GRASSLEY, OBAMA, BURR and BROWN.

The Health Centers program, created over 40 years ago, has an outstanding record of providing quality health care services to many Americans who do not have adequate health insurance. This ranges from children to parents and grandparents, in virtually every corner of the United States. In fact, Health Centers are a necessary component of our nation's health care safety net—they supply health services to over 15 million people in our country.

Health Centers include community health centers, which are local, not-for-profit 501(c)(3) corporations that give community-oriented health care and are governed by Boards of Directors that are made up of at least 51 percent health centers patients, to ensure that the patients and their communities are well represented.

From my work in Utah, I know how important Health Centers are. They have made a tremendous difference for Utah's citizens with insufficient health coverage—Utah community health centers serve close to 85,000 patients. Whenever I come home to Utah, I always hear wonderful things about the work of Community Health Centers.

Since 2001, Congress has consistently increased funding for Community Health Centers to meet President Bush's goal of having 1,200 new or expanded centers. The new dollars have provided services to four million new patients and have added facilities in over 750 communities across the country. By reauthorizing this program, Health Centers will give low-cost health care to many more deserving individuals.

S. 901 I will reauthorize the Health Centers program for 5 more years; it includes funding levels of: \$2,188,745,000

in fiscal year 2008; \$2,451,394,400 in fiscal year 2009; \$2,757,818,700 in fiscal year 2010; \$3,116,335,131 in fiscal year 2011; and \$3,537,040,374 in fiscal year 2012. These numbers are based on the National Association of Community Health Centers; NACHC, growth plan—NACHC's goal is for Community Health Centers to serve 20 million patients a year by 2010 and 30 million patients a year by 2015.

I believe that Community Health Centers are worth every dime that our government invests in them.

Utah Health Centers have made a tremendous difference in the lives of many Utahns—66 percent of patients come from Utah's urban areas and 27 percent are from the rural parts of the state. Ninety-six percent of Utah Health Center patients' incomes are below 200 percent of the Federal Poverty Level. Utah Health Centers have literally changed these patients' lives, serving as a link to the health care safety net system for the medically underserved and uninsured. In rural areas, Health Centers are often the only health care provider.

Community Health Centers have made a huge impact on people's lives. I am pleased and proud to support them by introducing this legislation today.

I urge my colleagues to cosponsor this important bill, which not only provides people with essential health care services, but also ensures that the Health Centers will continue to have the funding necessary to provide these services.

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. KERRY, Mr. LAUTENBERG, Mr. ROCKEFELLER, Ms. LANDRIEU, and Ms. CANTWELL):

S. 902. A bill to provide support and assistance for families of members of the National Guard and Reserve who are undergoing deployment, and for other purposes; to the Committee on Armed Services.

Mr. HARKIN. Mr. President, Americans are divided over the Iraq war, but we are 100 percent united in our determination to support the troops in the field and their families back home.

But just as we have seen shortcomings in the treatment of wounded warriors at Walter Reed, it is clear to me that we are falling short in supporting the families of Guard and Reserve personnel who serve in Iraq and Afghanistan. These families are especially vulnerable because of their isolation, their distance from military bases, and their lack of access to the services that active-duty military families can draw upon.

This is a new era for our National Guard and for the Reserves. They are shouldering a huge share of the combat burden in Iraq and Afghanistan, plus a stepped-up role in homeland security. More than four times as many Guard members have been killed in Iraq as during the entire Vietnam war.

With many Guard and Reserve members on their third or even fourth de-

ployment, and with some deployments being stretched out to 16 months, the stresses on their families are acute. Their children are at greater risk for depression, behavioral disorders, or academic problems. And long family separations often result in financial difficulties and troubled marriages.

To address this quiet crisis, today I am introducing legislation titled the Coming Together for Guard and Reserve Families Act. This bill does several things.

First, it expands and strengthens the existing family assistance program. We need to ensure that there is adequate professional staff to work with Guard and Reserve families and meet their special needs at every point of the deployment cycle—as they prepare for deployment, during the long absence, and during reunification and readjustment.

I am especially concerned that there are few resources for the families of Guard and Reserve members who are wounded or experience mental illness. My bill expands the VA's Disabled Transition Assistance program to ensure that family members have access to family counseling and mental health services during this critical time.

Children of deployed service members often react to parental separation with acting-out behaviors, anxiety, or depression. My bill calls for outreach to professionals who serve children—including school administrators and teachers—to alert them to the special needs of kids in military families, especially those with a parent deployed in a war zone.

Forty-one percent of Guard members and Reservists report symptoms of mental illness—including post-traumatic stress disorder—within 6 months of returning home from deployment. Currently, mental health information is distributed to service members when they return from deployment—and often that's it. But symptoms of PTSD may not appear for months after return. My bill will ensure that families receive mental health information 6 months post-deployment.

Finally, my bill creates a family-to-family mentoring program to enable military spouses to serve as peer counselors to other spouses and family members. It can be extremely valuable for a military spouse to consult with someone who has gone through a similar experience.

The role of our Guard and Reserve members in defending our national security abroad has significantly increased. In turn, we have an expanded obligation to care for their spouses and children, who are facing tremendous stresses, often alone and with no one to turn to.

The aim of my bill is to address the unmet needs of Guard and Reserve families before this becomes the kind of full-fledged crisis we witnessed at Walter Reed. I urge my colleagues to support this urgent and important legislation.

By Mr. DURBIN (for himself, Mr. BENNETT, Mrs. CLINTON, Mr. KERRY, and Mr. HARKIN):

S. 903. A bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, I rise today to honor Dr. Muhammad Yunus for his contributions to the fight against global poverty.

Today, joined by my colleague Senator BENNETT of Utah as well as Senators CLINTON, KERRY and HARKIN, I introduced the Muhammad Yunus Congressional Gold Medal Act.

This bipartisan bill would award Dr. Yunus a Congressional Gold Medal in recognition of his efforts to fight poverty and promote economic and social opportunity.

Along with the Grameen Bank, which he founded, Dr. Yunus was awarded the Nobel Peace Prize in 2006 for developing the concept of microcredit. Through the Grameen system, Dr. Yunus created an economically sound model of extending very small loans, at competitive interest rates, to the very poor. Through this system, he has been transforming lives, one loan at a time.

He began in 1976 with a loan of just \$27, out of his own pocket, to 42 village craftspeople in Bangladesh. Over the past 30 years, his model has been emulated around the world.

I met Dr. Yunus on my first trip to Bangladesh, and there I saw firsthand the economic miracle that microcredit can help create.

Nearly half the world's population lives on less than \$2 a day. We can not hope to achieve lasting global peace and stability until we find a means by which the world's poorest can begin to lift themselves out of poverty.

The microcredit movement that Dr. Yunus pioneered has made enormous strides towards that goal. Over 125 million households have already been transformed by microcredit loans, and more are joining them every day.

Dr. Yunus' work has had a particularly strong impact on improving the economic prospects of women. Women disproportionately shoulder the burden of poverty. They also make up over 95 percent of microcredit borrowers.

I have long believed that if you want to predict the economic prospects of a country, ask how it treats its women. If a country sends its daughters to school, if its wives and mothers have economic and political rights and opportunities, then it is likely to prosper. But if it treats its women as second-class citizens, its chances for development diminish dramatically. Microcredit opens doors for women and in so doing it creates new opportunities for their sons and daughters alike.

Muhammad Yunus's work has also affected the lives of millions of Americans. Although Dr. Yunus launched his movement in 1976 in Bangladesh—a long time ago and a long way away—it

has come home to us here in America and is still relevant today.

There are now an estimated 21 million microentrepreneurs in the U.S., accounting for approximately 16 percent of private employment in the country. Over \$318 million worth of microloans have been made to American entrepreneurs in the past 15 years.

Culminating with his Nobel Peace Prize, Dr. Yunus has been recognized around the world as a leading figure in the effort to fight poverty and promote economic and social opportunity.

It is time that we properly recognize him here in Congress with our most distinguished honor.

Dr. Yunus would join a long and illustrious line of Congressional Gold Medal recipients that stretches back to 1776, when the award was created. Although most of the recipients have been American, many have not: Prime Minister Tony Blair, Pope John Paul II, and His Holiness, the Fourteenth Dalai Lama, are just a few. We hope that Dr. Yunus will join them.

I want to thank Senator BENNETT and my other colleagues for joining me today in honoring Dr. Yunus. Dr. Muhammad Yunus is a great man who deserves our admiration and our thanks.

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. 903

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

SECTION 1. FINDINGS.

Congress finds that—

(1) Dr. Muhammad Yunus is recognized in the United States and throughout the world as a leading figure in the fight against poverty and the effort to promote economic and social change;

(2) Muhammad Yunus is the recognized developer of the concept of microcredit, and Grameen Bank, which he founded, has created a model of lending that has been emulated across the globe;

(3) Muhammad Yunus launched this global movement to create economic and social development from below, beginning in 1976, with a loan of \$27 from his own pocket to 42 crafts persons in a small village in Bangladesh;

(4) Muhammad Yunus has demonstrated the life-changing potential of extending very small loans (at competitive interest rates) to the very poor and the economic feasibility of microcredit and other microfinance and microenterprise practices and services;

(5) Dr. Yunus's work has had a particularly strong impact on improving the economic prospects of women, and on their families, as over 95 percent of microcredit borrowers are women;

(6) Dr. Yunus has pioneered a movement with the potential to assist a significant number of the more than 1,000,000,000 people, mostly women and children, who live on less than \$1 a day, and the nearly 3,000,000,000 people who live on less than \$2 a day, and which has already reached 125,000,000 households, by one estimate;

(7) there are now an estimated 21,000,000 microentrepreneurs in the United States (accounting for approximately 16 percent of pri-

vate (nonfarm) employment in the United States), and the Small Business Administration has made over \$318,000,000 in microloans to entrepreneurs since 1992;

(8) Dr. Yunus, along with the Grameen Bank, was awarded the Nobel Peace Prize in 2006 for his efforts to promote economic and social opportunity and out of recognition that lasting peace cannot be achieved unless large population groups find the means, such as microcredit, to break out of poverty; and

(9) the microcredit ideas developed and put into practice by Muhammad Yunus, along with other bold initiatives, can make a historical breakthrough in the fight against poverty.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design, to Dr. Muhammad Yunus, in recognition of his many enduring contributions to the fight against global poverty.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3, under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There are authorized to be charged against the United States Mint Public Enterprise Fund, such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 4 shall be deposited into the United States Mint Public Enterprise Fund.

Mr. KERRY. Mr. President, I rise today to recognize Dr. Muhammad Yunus. For those who don't already know, Dr. Yunus is a modest man of great ideas, now revered around the world, as the father of microcredit and the founder of the Grameen Bank. His concept of microcredit has helped thousands of people work their way out of poverty. For his work to beat global poverty, I am very proud to join my colleagues, Senators DURBIN and BENNETT, in introducing a bill to honor Dr. Yunus with a Congressional Gold Medal.

When I look at the success of Dr. Yunus's idea and the microenterprise programs it has inspired over the past 30 years, one thing that amazes me the

most is that it all began with a loan of 27 U.S. dollars. The beauty of microcredit is that such a small amount of money can have such tremendous and lasting effects to foster entrepreneurship among those who would not qualify for typical bank loans. By offering loans at competitive interest rates, or no interest, Dr. Yunus's Grameen Bank has been able to give individuals suffering from poverty the power to determine their own futures.

Last year, Dr. Yunus and his Grameen Bank were honored with a Nobel Peace Prize for his economic imagination. Dr. Yunus's innovation and entrepreneurship are certainly commendable and worthy of such an honor, as well as the distinction of a Congressional Gold Medal. In accepting his Nobel Peace Prize, Dr. Yunus challenged the world to think of an entrepreneur as not only being motivated by profit, but also by "doing good to people and the world."

The effectiveness of microcredit programs is evident by the success stories they have inspired all around the world. As chairman of the Small Business and Entrepreneurship Committee, I have seen first hand the power of microcredit in this country, through the SBA's—Small Business Administration's—microloan programs. In my home State of Massachusetts, Thondup and Dolma Tsering, two Tibetan refugees in the United States, were able to start their own restaurant in 2005, with assistance from the Massachusetts Small Business Development Center and financing from the Western Massachusetts Enterprise Fund. Through financing and support, otherwise not available to them from the banking community, they are now the successful owners of Lhasa Cafe in Northampton. As small business owners, the Tserings are socially responsible and support local farmers and their community.

From Dr. Yunus's first microloans to 42 entrepreneurs in Bangladesh in 1976, the concept of microcredit has come a long way. Here in the United States, where SBA has had a similar program since 1992, more than \$328 million in microloans have been made to deserving entrepreneurs.

I have long been a supporter of funding microloan programs, which offer current and potential small business owners the opportunity to achieve financial independence, financial security, and dignity through work. Sometimes they use it to work their way out of poverty, but sometimes they use it to patch together income when they need more money, lose a job, want to buy a house or car, or maybe pay for college or send a child to college. These entrepreneurs create jobs, provide services and products to our communities, and generate tax revenue to benefit the economy. Funding microloan programs not only makes economic sense; it makes social sense as well.

In spite of growing support for microloan programs, and in spite of the

return on investment to our economy, microenterprise does not get the support in this country that it does in other countries. In 2005, the administration provided approximately \$211 million for the development of foreign microenterprise programs through the Agency for International Development, USAID. In fiscal year 2006, we are told that the administration provided more than \$54 million for microloans in Iraq:

The efforts of the U.S. government in its assistance to Iraq have been broad based. . . . For example, over \$54 million in micro-loans have been disbursed, resulting in 26,700 loans in twelve cities, and the program is set to expand to even more areas. Also, a Loan Guarantee Corporation is currently being established to encourage private banks to make loans to small businesses.—Ambassador Zalmay Khalilzad, U.S. Ambassador to Iraq, May 9, 2006.

And for fiscal year 2007, we are told that the administration is requesting supplemental funding for Iraq that includes at least \$160 million for microloans.

We will help local leaders improve their capacity to govern and deliver public services. Our economic efforts will be more targeted on specific local needs with proven records of success, like micro-credit programs. And we will engage with leading private sector enterprises and other local businesses, including the more promising state-owned firms, to break the obstacles to growth.—Secretary of State Condoleezza Rice, Foreign Relations Committee hearing on the administration's plan for Iraq, January 11, 2007.

At the same time, the President has proposed for fiscal years 2005, 2006, 2007, and 2008 eliminating all funding for the SBA's microloan programs.

Today I not only honor and recognize the genius of Dr. Yunus, but also call attention to President Bush's lack of support for U.S. microloans and call on the administration to reverse its policy. If we can support microloans in Baghdad, we should support microloans in Boston, and every other city that's home to a would-be entrepreneur.

I am honored to add my name in support of Dr. Muhammad Yunus, and I am gratified to see the support he has received among my colleagues. But I also implore my colleagues to pay tribute to American entrepreneurs and to fund the SBA's microloan program. We must honor Dr. Yunus's ingenuity with more than words; we must honor him with our actions.

By Ms. SNOWE (for herself, Mr. PRYOR, and Mr. CRAIG):

S. 904. A bill to provide additional relief for small business owners ordered to active duty as members of reserve components of the Armed Forces, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to introduce the Veterans Small Business Opportunity Act of 2007. Senators PRYOR, CRAIG, and I are introducing this legislation to assist veterans and small businesses that employ Guard and reservists. Our bill improves the Small Business Administration's,

SBA's, Military Reservist Economic Injury Disaster Loan, MREIDL, program. Additionally, this bill increases procurement opportunities, capital access, and other types of business development assistance for veterans and service-disabled veterans.

We all know today's small business men and women play a vital role in the economic stability and prosperity of our Nation. Quite often, these same entrepreneurs are the veterans who have protected our Nation in years past, or who serve in the Armed Forces today. When our Nation's patriotic men and women are called to duty, they often leave behind thriving small businesses, and as a result, many of these businesses experience production slowdowns and lost sales, or incur additional expenses to compensate for an employee's absence.

In recent years, the Department of Defense has placed a greater reliance on our country's Guard and Reserve Forces. In fact, since September 2001, nearly 600,000 Guard and Reserve members have been called up in support of current operations, comprising nearly one-third of deployed service members in Iraq and Afghanistan. Furthermore, Guard and Reserve members were charged with assisting recovery efforts in the gulf coast region in the aftermath of Hurricanes Katrina and Rita.

In my 4 years as chair of the Senate Committee on Small Business and Entrepreneurship, and now as ranking member, I have fought to support our patriotic small businesses affected by the Guard and Reserve call-ups. My home State of Maine has one of the highest Guard and Reserve deployment levels in the country—over 50 percent have been deployed to Iraq and Afghanistan. In response to this I commissioned a Congressional Budget Office, CBO, study which found that 35 percent of Guard and reservists work for small businesses or are self-employed. In addition, the small businesses that employ them may be “paying” a disproportionate and unfair share of the burden of increased Guard and Reserve member call-ups. The burden is further magnified when it is the small business owner or a key employee who is deployed.

Our legislation will raise the maximum MREIDL amount from \$1,500,000 to \$2,000,000. A maximum military reservist loan amount of \$2,000,000 is the same level as many of the SBA's other loan programs, including: 7(a) loans, international trade loans, and 504 Certified Development Corporation loans that serve a public policy goal.

Currently, some of the SBA's contracting and business development programs have defined time limits for participation. If the firm's time for participation expires prematurely, then competitive opportunities, investments, and jobs become lost. Today, small business owners who get called-up to active duty in the National Guard or Reserve are effectively penalized because their active duty time is

counted against the time limitation participation in the SBA's programs. The Veterans Small Business Opportunity Act amends the Small Business Act by allowing small businesses owned by veterans and service-disabled veterans to extend their SBA program participation time limitations by the duration of their owners' active duty service after September 11, 2001.

Additionally, this bill will allow the SBA Administrator, either directly or through banks, to offer loans up to \$25,000 without requiring collateral from a loan applicant. Currently, the SBA offers military reservist loans up to \$5,000 without collateral. This provision would increase that level to eligible small businesses.

The bill will also require the Administrator to give military reservist loan applications priority for processing and ensure that Guard and Reserve members are adequately assisted with their loan application by incorporating the support and expertise of SBA entrepreneurial development partners, such as Small Business Development Centers and Veterans Business Outreach Centers.

This legislation increases the authorization of appropriations for the SBA's Office of Veteran Business Development to \$2 million for fiscal year 2008, \$2.1 million for fiscal year 2009 and \$2.2 million for fiscal year 2010. Increased funding for SBA's Office of Veterans Business Development help them better assist our Nation's veterans and provide the business services they need.

This legislation will also strengthen the access of veterans and service-disabled veterans to Federal contracts and subcontracts. Under the Small Business Act and the President's Executive Order 13360, Providing Opportunities for Service-Disabled Veteran Businesses To Increase Their Federal Contracting and Subcontracting, Federal agencies must award at least 3 percent of prime contracts and subcontracts to small businesses owned by service-disabled veterans. The order states that, to achieve these goals, Federal agencies “shall more effectively” use the authorities in the Small Business Act to reserve and award contracts to service-disabled veterans. During the Senate Small Business and Entrepreneurship Committee hearing held in January, it became very clear that Federal agencies have been short-changing service-disabled veteran-owned small businesses to the tune of over \$7.5 billion a year in government contracts during fiscal year 2003 through fiscal year 2005. To remedy this unacceptable situation, our legislation puts the force of a congressional statute behind the requirements of the President's Executive order.

In addition, our legislation ensures that veterans and service-disabled veterans do not face confusing and duplicative red tape before they can be eligible to access the Federal procurement market. Currently, the Department of

Veterans Affairs and the SBA both operate registration databases for small businesses owned by veterans and service-disabled veterans. A veteran must often register in both databases to be properly considered for bidding. Surely, in this information age, we can have a better process. Registration data can easily be made to migrate from one database to the other. Our legislation requires that a single registration point for both of these databases be established within a year. Such one-stop registration must be reliable and compliant with statutory provisions concerning veteran and service-disabled veteran status certifications for small businesses.

To increase the capacity of service-disabled veteran-owned firms, my legislation permits the SBA, in cooperation with the Department of Veterans Affairs, to develop a business development assistance program, including mentor-protégé assistance, to be administered by the SBA. Our legislation contains a strict fairness requirement that any such program must be developed in such a way as to ensure success of other small business contracting programs. Within a year, the SBA is required to submit a report to Congress on its proposals for this program. In 2004, I succeeded in amending the Department of Defense Mentor-Protégé Program statute by expanding it to service-disabled veterans. Since then, over \$204 million in contracts and subcontracts have been awarded to service-disabled veteran-owned small businesses as a result of the \$17 million in mentor-Protégé assistance. This represents a stunning \$12 return for every \$1 in assistance investment. I believe the success of this initiative should be replicated. The SBA is already administering a Mentor-Protégé Program as part of the 8(a) business development program for small disadvantaged businesses, and both the SBA and the DOD programs would provide useful examples for helping our disabled veterans succeed.

Finally, our legislation creates an interagency task force among Federal agencies charged with improving procurement opportunities for service-disabled veterans. The scope of this task force will, in addition to procurement, include franchising, capital access, and other types of business development assistance. In examining the implementation of Executive Order 13360 and other veterans business development initiatives, our committee found that the responsible agencies were not talking to each other on a regular basis, and that no overall "game plan" was in place to coordinate various Federal efforts.

I would like to thank Senators PRYOR and CRAIG for working with me on this critical issue and I urge my colleagues to support this bill.

Mr. CRAIG. Mr. President, I rise to comment on a bill that is being introduced by Senator SNOWE today, the Veterans Small Business Opportunity

Act of 2007. I am proud to join with Senator SNOWE and Senator PRYOR as an original cosponsor of this important bill.

This legislation will benefit patriot "citizen-soldiers" who are called from their employment at America's small businesses to serve our country in uniform. In States across the Nation, small businesses are being affected by the mobilization of our Guard and Reserve personnel. In my home State, the Idaho National Guard's 116th Brigade Combat Team returned in 2005 from an 18-month deployment to Iraq. I visited members of the 116th while they were in Iraq and discovered that a good number had left jobs at small businesses across Idaho. I also held a hearing in Idaho during the 109th Congress to examine the reemployment rights of returning Guard and Reserve members.

At that hearing, it was emphasized that, although legal rights to reemployment are critical, they do little for those who have no employer, or no small business, to return to. To me, it was clear that we should do more to help small businesses in coping with the financial hardships of frequent and lengthy mobilizations of its employees or owners during the war on terrorism. I believe we can provide some of that needed assistance with this legislation, which includes key provisions from The Patriot Loan Act of 2006, a bill that Senator SNOWE and I introduced last year.

This bill would enhance the U.S. Small Business Administration's Military Reservist Economic Injury Disaster Loan, or MREIDL, Program. That program provides loan assistance to small businesses to help them meet ordinary and necessary operating expenses after essential employees are called to active duty in their roles as citizen-soldiers.

This bill would raise the maximum military reservist loan amount from \$1.5 million to \$2 million. It would also allow the Small Business Administration, by direct loan or through banks, to offer unsecured loans of up to \$25,000, an increase from the current \$5,000 limit. In addition, this bill would ensure proactive outreach to Guard and Reserve members about the MREIDL Program and other small business programs by requiring SBA and the Department of Defense to develop a joint Web site and printed materials with information about those programs.

For the brave men and women who serve our Nation in the Guard and Reserve, we must do what we can to ensure that their sacrifices do not place them in financial harm's way when they return home. I urge my colleagues to support these measures, and I thank Senator SNOWE for her leadership in introducing this bill.

By Mr. INHOFE:

S. 905. A bill to amend the Internal Revenue Code of 1986 to eliminate the taxable income limit on percentage de-

pletion for oil and natural gas produced from marginal properties; to the Committee on Finance.

Mr. INHOFE. Mr. President, the independent producers of oil and gas are the backbone of our domestic supply of energy. They have played and continue to play a critical role in meeting our domestic needs, especially as the big oil companies' focus mainly offshore. In fact, independents develop 90 percent of our Nation's wells. According to the Department of Energy, independent producers supply 68 percent of American oil production and 82 percent of overall American natural gas.

Therefore, I rise today to introduce legislation that eliminates the taxable income limit on percentage depletion for oil and natural gas produced from marginal wells; wells producing 15 barrels of day and less than 90 thousand cubic feet of natural gas.

Under current law, the percentage depletion method is limited to only independent producers and royalty owners. It is a form of cost recovery for capital initially invested toward production of oil and gas wells. Generally, the percentage depletion rate is 15 percent of the taxpayer's gross income from an oil and gas producing property and is limited to a daily average of 1,000 barrels of oil or 6,000 thousand cubic feet of natural gas. However, under the net income limitation, percentage depletion is limited to 100 percent of the net income from an individual property. In the case of marginal wells, where total deductions often do exceed this net-income, this limitation discourages producers from investing in the continued production from marginal wells.

As a result Congress has suspended the net-income limitation for 1998 through 2005; and again for 2006 and 2007, with the passage of the Tax Relief and Health Care Act of 2006, H.R. 6111.

My bill would simply clarify the policy by doing away with the taxable net income limitation altogether.

In my own State of Oklahoma, it is the small independents, basically mom-and-pop operations, producing the majority of oil and natural gas, with 85 percent of Oklahoma's oil coming from marginal wells.

Because marginal wells supply such a significant amount of our oil and gas, it is vital we keep them in operation. According to the Energy Department, between 1994 and 2003, we lost 110 million barrels of crude oil due to plugged marginal wells. Thus, when we lose marginal wells, we become more dependent upon foreign sources of energy, at a time when virtually all agree that U.S. policies should encourage reliance upon domestic sources. Furthermore, we lose domestic jobs to foreign nations.

My bill would allow independents the necessary capital to continue to produce from these existing marginal wells—which is critical to the Nation's overall energy security. 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. 905

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

SECTION 1. ELIMINATION OF TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) IN GENERAL.—Subparagraph (H) of section 613A(c)(6) of the Internal Revenue Code of 1986 (relating to oil and natural gas produced from marginal properties) is amended to read as follows:

“(H) NONAPPLICATION OF TAXABLE INCOME LIMIT WITH RESPECT TO MARGINAL PRODUCTION.—The second sentence of subsection (a) of section 613 shall not apply to so much of the allowance for depletion as is determined under subparagraph (A).”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

By Mr. OBAMA (for himself and Ms. MURKOWSKI):

S. 906. A bill to prohibit the sale, distribution, transfer, and export of elemental mercury, and for other purposes; to the Committee on Environment and Public Works.

Mr. OBAMA. Mr. President, I am pleased to be joined today by my esteemed colleague from Alaska, Ms. MURKOWSKI, in introducing the Mercury Market Minimization Act of 2007.

As most of us in this Chamber know, elemental mercury is a poisonous neurotoxin that can cause serious disability or death if ingested. Unfortunately, many people in the United States, and many millions more worldwide, do indeed ingest mercury—unintentionally, however, as a result of industrial emissions or practices, or poor waste management and storage techniques. When mercury enters into the environment, it often shows up in plants and animals, and that means a major source of mercury ingestion for humans comes as a result of eating certain types of fish. That, in turn, causes serious developmental problems in half a million children in our country, and similar health problems in adults, especially women at childbearing age.

Last year, an investigative report published in the *Chicago Tribune* outlined the extent of mercury contamination in fish. After concluding that the fish sampling efforts conducted by the Federal Government were limited and outdated, the *Tribune* conducted its own sampling, and the results showed surprisingly high levels of mercury concentrations in freshwater and saltwater fish purchased by consumers in the Chicago region—higher levels than had been documented by the Federal Government. Mercury was found in both freshwater and saltwater species—tuna, swordfish, orange roughy, and walleye, to name a few examples. The *Tribune* also reported on how existing programs at the Food and Drug Administration and the Environmental Protection Agency have failed to adequately test and evaluate mercury levels in fish.

For those of us who like fish, it causes us to pause when we first learn of the range of species with high mercury levels. For pregnant women and other at-risk groups, however, this doesn't just cause pause, it creates serious concerns about health consequences. Meanwhile, experts tell us that fish is an excellent source of critical nutrients and other compounds indispensable for good health. More of us should eat more fish.

So the real long-term solution is not to eat less fish, or to criticize those who commercially provide us with fish as food. It's not about issuing advisories, or printing labels on tuna cans, or posting placards at the supermarket, or creating inspection bureaucracies, or collecting statistics. If we're serious about eliminating mercury from fish, we need to reduce mercury in the environment.

Half of mercury settles where it is emitted, and the other half gets transported around the globe where we lose track of it, and it winds up in oceans, lakes, and rivers nowhere near mercury sources. From there, up it goes, through the food chain. If mercury is both local, and global, then the solution is not up to one state, or one nation, but up to all states and nations. The bill we introduce today was crafted based on that premise.

The Mercury Market Minimization Act, or M3 Act, establishes a ban on U.S. exports of mercury by the year 2010. Such a ban, when coupled with goal of the European Union to ban mercury exports by 2011, and the insufficient capacity in the world's mercury mines to respond, will result in a tightening of the global supply of commercially available elemental mercury in sufficient quantities that developing nations that still use mercury will be compelled to switch to the affordable alternatives that are already widespread in industrialized nations.

The M3 Act also requires those Federal agencies that now hold mercury in stockpiles to keep that mercury. Right now, the Department of Energy, and the Department of Defense, possess tons of mercury left over from various operations over the years. While it is the policy of these agencies to keep this mercury—not to sell it, not to transfer it, not to release it from their possession—it is not the law. The M3 act codifies these policies. In December of 2006, it was widely understood that the Department of Energy was considering the sale of its mercury stockpiles. After various inquiries into the matter, the Department of Energy ultimately announced that it would not sell its stockpiles. That underscores why a prohibition of stockpile sales must be enacted into law by the M3 act if we are to be assured that mercury remains safely stored, away from the environment, and not sold overseas to places where tracking and emissions and waste disposal laws may be inadequate.

Finally, the M3 Act calls for the creation of a committee to explore and

make recommendations on the issues associated with the development of a permanent repository of mercury collected as a result of an export prohibition. Mercury is not like spent nuclear fuel, or other substances that may create community concerns, in that when mercury is stored in stainless steel containers in refrigeration, it remains benign. Every community must be provided the opportunity to evaluate for themselves if and when mercury is stored nearby in secure and stable storage. I do believe, however, that when mercury is safely and permanently stored, it means less microscopic mercury on one's dinner plate, less mercury in our kids' tuna fish sandwiches, and less mercury in the air we breathe.

Last month, a United States delegation, led by the State Department, participated in an international meeting in Kenya, sponsored by the United Nations Environmental Programme, where world representative discussed how to reduce mercury pollution. Two years ago, the U.S. Government could have taken a bolder stance, and did not. This time, with the decision of the E.U. to ban mercury exports, the United States had an opportunity to partner with its allies to eliminate a major part of worldwide elemental mercury contamination. Again, the State Department did not.

It is not often that policy options, such as this, might be considered “low-hanging fruit”—in that a small act of international leadership by the United States government could have far reaching benefits for the health of our kids, as well as millions of low-income hardworking artisanal gold miners whom we will never meet. But the United States, so far, has not acted. This bill, the M3 bill, is designed to change that course and the mark the beginning of the end of a global market of an outdated and obsolete poison. I hope my colleagues will support this bill, and I ask unanimous consent that a copy of this legislation 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. 906

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 “Mercury Market Minimization Act of 2007”.

SEC. 2. FINDINGS.

Congress finds that—

(1) mercury and mercury compounds are highly toxic to humans, ecosystems, and wildlife;

(2) as many as 10 percent of women in the United States of childbearing age have mercury in the blood at a level that could put a baby at risk;

(3) as many as 630,000 children born annually in the United States are at risk of neurological problems related to mercury;

(4) the most significant source of mercury exposure to people in the United States is ingestion of mercury-contaminated fish;

(5) the Environmental Protection Agency reports that, as of 2004—

(A) 44 States have fish advisories covering over 13,000,000 lake acres and over 750,000 river miles;

(B) in 21 States the freshwater advisories are statewide; and

(C) in 12 States the coastal advisories are statewide;

(6) the long-term solution to mercury pollution is to minimize global mercury use and releases to eventually achieve reduced contamination levels in the environment, rather than reducing fish consumption since uncontaminated fish represents a critical and healthy source of nutrition worldwide;

(7) mercury pollution is a transboundary pollutant, depositing locally, regionally, and globally, and affecting water bodies near industrial sources (including the Great Lakes) and remote areas (including the Arctic Circle);

(8) the free trade of mercury and mercury compounds on the world market, at relatively low prices and in ready supply, encourages the continued use of mercury outside of the United States, often involving highly dispersive activities such as artisanal gold mining;

(9) the intentional use of mercury is declining in the United States as a consequence of process changes to manufactured products (including batteries, paints, switches, and measuring devices), but those uses remain substantial in the developing world where releases from the products are extremely likely due to the limited pollution control and waste management infrastructures in those countries;

(10) the member countries of the European Union collectively are the largest source of mercury exports globally;

(11) the European Union is in the process of enacting legislation that will prohibit mercury exports by not later than 2011;

(12) the United States is a net exporter of mercury and, according to the United States Geologic Survey, exported 506 metric tons of mercury more than the United States imported during the period of 2000 through 2004; and

(13) banning exports of mercury from the United States will have a notable effect on the market availability of mercury and switching to affordable mercury alternatives in the developing world.

SEC. 3. PROHIBITION ON SALE, DISTRIBUTION, OR TRANSFER OF MERCURY BY DEPARTMENT OF DEFENSE OR DEPARTMENT OF ENERGY.

Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended by adding at the end the following:

“(f) MERCURY.—

“(1) PROHIBITION ON SALE, DISTRIBUTION, OR TRANSFER OF MERCURY BY FEDERAL AGENCIES.—Except as provided in paragraph (2), effective beginning on the date of enactment of this subsection, no Federal agency shall convey, sell, or distribute to any other Federal agency, any State or local government agency, or any private individual or entity any elemental mercury under the control or jurisdiction of the Federal agency.

“(2) EXCEPTION.—Paragraph (1) shall not apply to a transfer between Federal agencies of elemental mercury for the sole purpose of facilitating storage of mercury to carry out this Act.”.

SEC. 4. PROHIBITION ON EXPORT OF MERCURY.

Section 12 of the Toxic Substances Control Act (15 U.S.C. 2611) is amended—

(1) in subsection (a) by striking “subsection (b)” and inserting “subsections (b) and (c)”; and

(2) by adding at the end the following:

“(c) PROHIBITION ON EXPORT OF MERCURY.—“(1) ELEMENTAL MERCURY.—Effective January 1, 2010, the export of elemental mercury from the United States is prohibited.

“(2) REPORT TO CONGRESS ON MERCURY COMPOUNDS.—

“(A) REPORT.—

“(i) IN GENERAL.—Not later than 1 year after the date of enactment of the Mercury Market Minimization Act of 2007, the Administrator shall publish and submit to Congress a report on mercuric chloride, mercurous chloride or calomel, mercuric oxide, and other mercury compounds, if any, that may currently be used in significant quantities in products or processes.

“(ii) INCLUSIONS.—The report shall include an analysis of—

“(I) the sources and amounts of each mercury compound produced annually in, or imported into, the United States;

“(II)(aa) the purposes for which each of the compounds are used domestically;

“(bb) the quantity of the compounds currently consumed annually for each purpose; and

“(cc) the estimated quantity of the compounds to be consumed for each purpose during calendar year 2010 and thereafter;

“(III) the sources and quantities of each mercury compound exported from the United States during each of the preceding 3 calendar years;

“(IV) the potential for the compounds to be processed into elemental mercury after export from the United States; and

“(V) other information that Congress should consider in determining whether to extend the export prohibition to include 1 or more of those mercury compounds.

“(B) PROCEDURE.—

“(i) IN GENERAL.—Except as provided in clause (ii), for the purpose of preparing the report under this paragraph, the Administrator may use the information gathering authorities of this title, including sections 10 and 11.

“(ii) EXCEPTION.—Subsection (b)(2) of section 11 shall not apply to activities under this subparagraph.

“(3) EXCESS MERCURY STORAGE ADVISORY COMMITTEE.—

“(A) ESTABLISHMENT.—There is established an advisory committee, to be known as the ‘Excess Mercury Storage Advisory Committee’ (referred to in this paragraph as the ‘Committee’).

“(B) MEMBERSHIP.—

“(i) IN GENERAL.—The Committee shall be composed of 9 members, of whom—

“(I) 2 members shall be jointly appointed by the Speaker of the House of Representatives and the Majority Leader of the Senate—

“(aa) 1 of whom shall be designated to serve as Chairperson of the Committee; and

“(bb) 1 of whom shall be designated to serve as Vice-Chairperson of the Committee;

“(II) 1 member shall be the Administrator;

“(III) 1 member shall be the Secretary of Defense;

“(IV) 1 member shall be a representative of State environmental agencies;

“(V) 1 member shall be a representative of State attorneys general;

“(VI) 1 member shall be a representative of the chlorine industry;

“(VII) 1 member shall be a representative of the mercury waste treatment industry; and

“(VIII) 1 member shall be a representative of a nonprofit environmental organization.

“(ii) APPOINTMENTS.—Not later than 45 days after the date of enactment of this subsection, the Administrator, in consultation with the appropriate congressional committees, shall appoint the members of the Committee described in subclauses (IV) through (VIII) of clause (i).

“(C) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Committee have been appointed, the

Committee shall hold the initial meeting of the Committee.

“(D) MEETINGS.—The Committee shall meet at the call of the Chairperson.

“(E) QUORUM.—A majority of the members of the Committee shall constitute a quorum.

“(F) REPORT.—Not later than 1 year after the date of enactment of this subsection, the Committee shall submit to Congress a report describing the findings and recommendations of the Committee, if any, relating to—

“(i) the environmental, health, and safety requirements necessary to prevent—

“(I) the release of elemental mercury into the environment; and

“(II) worker exposure from the storage of elemental mercury;

“(ii) the estimated annual cost of storing elemental mercury on a per-pound or per-ton basis;

“(iii) for the 40-year period beginning on the date of submission of the report, the optimal size, number, and other characteristics of Federal facilities required to store elemental mercury under current and anticipated jurisdictions of each Federal agency;

“(iv) the estimated quantity of—

“(I) elemental mercury that will result from the decommissioning of mercury cell chlor-alkali facilities in the United States; and

“(II) any other supplies that may require storage to carry out this Act;

“(v) for the 40-year period beginning on the date of submission of the report, the estimated quantity of elemental mercury generated from the recycling of unwanted products and other wastes that will require storage to comply with the export prohibitions under this Act;

“(vi) any legal, technical, economic, or other barrier that may prevent the private sector from storing elemental mercury produced by the private sector during the 40-year period beginning on the date of submission of the report, including a description of measures to address the barriers;

“(vii) the advantages and disadvantages of consolidating the storage of mercury produced by public and private sources under the management of the public or private sector;

“(viii) the optimal plan of the Committee for storing excess mercury produced by public and private sources; and

“(ix) additional research, if any, required to determine a long-term disposal option for the storage of excess mercury.

“(G) COMPENSATION OF MEMBERS.—

“(i) IN GENERAL.—

“(I) NON-FEDERAL EMPLOYEES.—A member of the Committee who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Committee.

“(II) FEDERAL EMPLOYEES.—A member of the Committee who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

“(ii) TRAVEL EXPENSES.—A member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Committee.

“(H) STAFF AND FUNDING.—The Administrator shall provide to the Committee such funding and additional personnel as are necessary to enable the Committee to perform the duties of the Committee.

“(I) TERMINATION.—The Committee shall terminate 180 days after the date on which the Committee submits the report of the Committee under subparagraph (F).

“(4) INAPPLICABILITY OF UNREASONABLE RISK REQUIREMENT.—Subsection (a) shall not apply to this subsection.”.

By Mrs. CLINTON:

S. 907. A bill to establish an Advisory Committee on Gestational Diabetes, to provide grants to better understand and reduce gestational diabetes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am pleased to introduce the Gestational Diabetes Act of 2007 with my colleague Senator COLLINS, to bring attention to an important health issue facing women and children.

I don't need to tell anyone that we have an obesity epidemic in the United States. Many of us realize that as parents, it is our responsibility to pass on good nutritional habits to our children. But many women may not realize that watching what you eat, exercising regularly, and having control of your blood sugar levels are serious health considerations during pregnancy. In fact, these factors are serious enough that they can affect both the health of the mother and the life of the child into adulthood.

More women than ever are entering their pregnancies overweight but without an understanding of how their own weight and nutritional habits can trigger gestational diabetes—a type of diabetes that only occurs during pregnancy. Women who are overweight before pregnancy are not only at greater risk of having gestational diabetes but are also more likely to have a c-section and are at an increased risk for other serious pregnancy complications.

In New York, gestational diabetes is on the rise. In New York City alone, gestational diabetes has risen by nearly 50 percent in about 10 years. This means that gestational diabetes affects 1 in 25 women, about 400 women per month. But across the Nation, between 4 and 8 percent of pregnant women in the United States are affected by gestational diabetes. Infants of women who have gestational diabetes are at increased risk for obesity and developing type 2 diabetes as adolescents or adults.

As women, we need to pay attention to our health. We are always worrying about the health of our children, our husbands, and our parents, but we often forget to take care of ourselves.

Today, I am introducing the Gestational Diabetes Act, also known as the GEDI Act. This legislation will increase our understanding of gestational diabetes by determining the factors that contribute to this condition and help mothers who had gestational diabetes reduce their risk of developing type 2 diabetes post-pregnancy.

The GEDI Act will provide funding for projects to assist health care providers, as well as for communities to find ways to reach out to women so that they understand how their own good health during pregnancy can decrease serious health risks for their children.

The GEDI Act would expand research to determine and develop interventions to lower the incidence of gestational diabetes. We need to alert women to the risk before this condition becomes an epidemic and, as we have seen so many times before, education is critical.

We should be doing everything we can to address the impact of obesity during pregnancy and to reduce the prevalence of gestational diabetes in pregnant women. The GEDI Act is an important step in assuring that women understand this critical issue and that we fully understand how to equip pregnant women to make the best choices for their health.

The GEDI Act is supported by the American Diabetes Association, American College of Obstetricians and Gynecologists, National Research Center for Women & Families, International Community Health Services, American Association of Diabetes Educators, and the American Association of Colleges of Pharmacy.

By Mr. BINGAMAN (for himself, Mr. AKAKA, Mr. KERRY, and Mrs. CLINTON):

S. 909. A bill to amend title XIX of the Social Security Act to permit States, at their option, to require certain individuals to present satisfactory documentary evidence of proof of citizenship or nationality for purposes of eligibility for Medicaid, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, the legislation I am introducing today is designed to make several very important changes to current law to ensure that U.S. citizens receive the Medicaid to which they are entitled.

Since July 1, 2006, most U.S. citizens and nationals applying for or renewing their Medicaid coverage face a new Federal requirement to provide documentation of their citizenship status. Recent reports indicate that tens-of-thousands of U.S. citizens, and in particular children, inappropriately are being denied Medicaid benefits simply because they don't have access to newly required documentation. The articles below and report by the Center on Budget and Policy Priorities highlight this very serious problem. Hospitals, physicians, and pharmacies may not be willing to treat these individuals until they have a source of payment, but they cannot qualify for Medicaid until they produce a birth certificate and ID.

This new Federal requirement was added to Medicaid by the Deficit Reduction Act of 2005, DRA, enacted February 8, 2006. The Tax Relief and

Health Care Act of 2006, TRHCA, signed into law December 20, 2006, included some amendments to the DRA citizenship documentation requirement, primarily to exempt certain groups. Prior to enactment of the DRA, States were permitted to use their discretion in requiring such citizenship documentation.

Under Section 6036 of the DRA, citizens applying for or renewing their Medicaid coverage must provide “satisfactory documentary evidence of citizenship or nationality.” The DRA specifies documents that are acceptable for this purpose and authorizes the HHS Secretary to designate additional acceptable documents. No Federal matching funds are available for services provided to individuals who declare they are citizens or nationals unless the State obtains satisfactory evidence of their citizenship or determines that they are subject to a statutory exemption.

It is important to note that citizenship documentation requirements do not affect Medicaid rules relating to immigrants—they apply to individuals claiming to be citizens. Most new legal immigrants are excluded from Medicaid during their first 5 years in the U.S. and undocumented immigrants remain eligible for Medicaid emergency services only.

The legislation I am introducing would make several very important changes to current law to ensure that U.S. citizens receive the Medicaid to which they are entitled.

First, the legislation would restore citizenship verification to a State option. Specifically, States would be permitted to determine when and to what extent citizenship verification is required of U.S. Citizens. States would also be permitted to utilize the standards most appropriate to the their population as long as such standards were no more stringent than those currently used by the Social Security Administration and includes native American tribal documents when appropriate.

Second, the legislation would ensure that individuals are afforded a reasonable time period to provide citizenship documentation utilizing the same reasonable time period standard that is available to legal immigrants to provide satisfactory evidence of their immigration status.

Third the legislation protects children who are U.S. citizens by virtue of being born in the United States from being denied coverage after birth because of citizenship verification requirements.

Fourth, the legislation also clarifies ambiguities in federal law to ensure that these citizen children, regardless of the immigration status of their parents, are treated like all other low-income children born in the United States and are deemed eligible to receive Medicaid services for one year.

Finally, the legislation also ensures that the thousands of citizen children and adults, who were erroneously denied Medicaid coverage, may receive

retroactive Medicaid eligibility for coverage they were inappropriately denied because of citizenship verification requirements.

I urge my colleagues in the Senate to support this critical legislation, which protects low-income U.S. citizens from being inappropriately denied Medicaid coverage because of lack of documentation.

I ask unanimous consent that the text of the bill and supporting documentation 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. 909

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

SECTION 1. STATE OPTION TO REQUIRE CERTAIN INDIVIDUALS TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE OF PROOF OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID.

(a) IN GENERAL.—Section 1902(a)(46) of the Social Security Act (42 U.S.C. 1396a(a)(46)) is amended—

- (1) by inserting “(A)” after “(46)”;
- (2) by adding “and” after the semicolon; and
- (3) by adding at the end the following new subparagraph:

“(B) at the option of the State and subject to section 1903(x), require that, with respect to an individual (other than an individual described in section 1903(x)(1)) who declares to be a citizen or national of the United States for purposes of establishing initial eligibility for medical assistance under this title (or, at State option, for purposes of renewing or re-determining such eligibility to the extent that such satisfactory documentary evidence of citizenship or nationality has not yet been presented), there is presented satisfactory documentary evidence of citizenship or nationality of the individual (using criteria determined by the State, which shall be no more restrictive than the criteria used by the Social Security Administration to determine citizenship, and which shall accept as such evidence a document issued by a federally-recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood, and, with respect to those federally-recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, such other forms of documentation (including tribal documentation, if appropriate) that the Secretary, after consulting with such tribes, determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subparagraph));”.

(b) LIMITATION ON WAIVER AUTHORITY.—Notwithstanding any provision of section 1115 of the Social Security Act (42 U.S.C. 1315), or any other provision of law, the Secretary of Health and Human Services may not waive the requirements of section 1902(a)(46)(B) of such Act (42 U.S.C. 1396a(a)(46)(B)) with respect to a State.

(c) CONFORMING AMENDMENTS.—Section 1903 of such Act (42 U.S.C. 1396b) is amended—

- (1) in subsection (i)—
- (A) in paragraph (20), by adding “or” after the semicolon;
- (B) in paragraph (21), by striking “; or” and inserting a period; and
- (C) by striking paragraph (22); and

(2) in subsection (x) (as amended by section 405(c)(1)(A) of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109-432))—

- (A) by striking paragraphs (1) and (3);
- (B) by redesignating paragraph (2) as paragraph (1);

(C) in paragraph (1), as so redesignated, by striking “paragraph (1)” and inserting “section 1902(a)(46)(B)”;

(D) by adding at the end the following new paragraph:

“(2) In the case of an individual declaring to be a citizen or national of the United States with respect to whom a State requires the presentation of satisfactory documentary evidence of citizenship or nationality under section 1902(a)(46)(B), the individual shall be provided at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under this subsection as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status.”.

SEC. 2. CLARIFICATION OF RULES FOR CHILDREN BORN IN THE UNITED STATES TO MOTHERS ELIGIBLE FOR MEDICAID.

Section 1903(x) of such Act (42 U.S.C. 1396b(x)), as amended by section 1(c)(2), is amended—

- (1) in paragraph (1)—
- (A) in subparagraph (C), by striking “or” at the end;

(B) by redesignating subparagraph (D) as subparagraph (E); and

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

“(D) pursuant to the application of section 1902(e)(4) (and, in the case of an individual who is eligible for medical assistance on such basis, the individual shall be deemed to have provided satisfactory documentary evidence of citizenship or nationality and shall not be required to provide further documentary evidence on any date that occurs during or after the period in which the individual is eligible for medical assistance on such basis); or”;

(2) by adding at the end the following new paragraph:

“(3) Nothing in subparagraph (A) or (B) of section 1902(a)(46), the preceding paragraphs of this subsection, or the Deficit Reduction Act of 2005, including section 6036 of such Act, shall be construed as changing the requirement of section 1902(e)(4) that a child born in the United States to an alien mother for whom medical assistance for the delivery of such child is available as treatment of an emergency medical condition pursuant to subsection (v) shall be deemed eligible for medical assistance during the first year of such child's life.”.

SEC. 3. EFFECTIVE DATE.

(a) RETROACTIVE APPLICATION.—The amendments made by this Act shall take effect as if included in the enactment of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 4).

(b) RESTORATION OF ELIGIBILITY.—In the case of an individual who, during the period that began on July 1, 2006, and ends on the date of enactment of this Act, was determined to be ineligible for medical assistance under a State Medicaid program solely as a result of the application of subsections (i)(22) and (x) of section 1903 of the Social Security Act (as in effect during such period), but who would have been determined eligible for such assistance if such subsections, as amended by sections 1 and 2, had applied to the individual, a State may deem the individual to be eligible for such assistance as of the date that the individual was determined to be ineligible for such medical assistance on such basis.

[From the Associated Press, Nov. 29, 2006]

KS: SEBELIUS: NEW MEDICAID RULES COULD COST STATE MILLIONS

(By John Hanna)

The state could face millions of dollars in additional costs because of federal rules requiring Medicaid recipients to verify their citizenship, Gov. Kathleen Sebelius said Wednesday.

Sebelius said she's worried the state will have to pick up the full cost of caring for some poor, frail and elderly Kansans who are living in nursing homes, instead of sharing the cost with the federal government. Also, she said, she will propose adding state employees to verify the citizenship status of Medicaid recipients and applicants.

The governor told reporters she hopes Congress reviews the issue and other attempts to prevent illegal immigrants from obtaining social services or using driver's licenses as identification.

“There was no input from the states on how realistic these were or what the cost was,” Sebelius said during a brief news conference following an unrelated meeting.

Under Medicaid requirements that took effect July 1, recipients must provide either a passport or two other documents, such as a birth certificate and a driver's license, to verify citizenship.

While the measure is targeted at illegal immigrants, some advocates for the needy have worried that citizens will either lose or be denied services because they have trouble finding the necessary documents.

State officials say the number of Kansans covered by Medicaid dropped almost 7 percent since July 1, down to 253,000 from 271,000. They believe much of the decline can be attributed to the new requirements.

Typically, every \$1 the state spends on Medicaid is matched by about \$1.50 from the federal government. If someone loses their coverage, then the state faces paying the entire bill for their services, Sebelius said.

“You're at 100 percent state dollars or push them out the door,” she said.

Also, Sebelius said, the state needs to “ramp up” its staffing to handle the additional verification work. The governor is working on the budget proposal she'll submit to the 2007 Legislature, which convenes Jan. 8.

“We're certainly going to put some of them in place,” she said. “We're trying to make a careful analysis of how many we need.”

She said that if the state refuses to comply with the law, it could face the loss of all federal health care dollars.

“We don't have a lot of latitude to say we're not going to do this,” she said. “There are literally hundreds of millions of dollars at stake.”

Meanwhile, Sebelius expressed concern about a federal law on driver's licenses passed last year.

Starting in 2008, federal agencies won't treat a state's licenses as valid ID unless a state requires license applicants to document that they're living in the United States legally. Lack of ID could prevent someone from entering a federal building or boarding a plane.

Sebelius said the law will require local driver's licenses offices to certify that someone has the proper documentation and to store the information.

“Exactly how that's going to happen, we're not quite sure,” Sebelius said. “We don't basically have any of the equipment that's required to do that in any of the rural areas.”

[From the Associated Press, Nov. 29, 2006]

**KS: THOUSANDS IN KANSAS OFF MEDICAID
FOLLOWING CITIZENSHIP RULES**

Thousands of low-income Kansans have lost or been denied state health care coverage because of new rules requiring them to prove they are American citizens, state officials say.

Since the federally mandated rules took effect July 1, the number of Medicaid recipients in Kansas has decreased by about 18,000, to 253,000. While officials can't determine exactly how much of the 7 percent drop can be attributed to the new rules, they believe much of it can.

"The impact to the consumer has been severe," said John Anzivino, a vice president for MAXIMUS, a Reston, Va., company that helps administer the joint federal-state Medicaid program in Kansas. "From our perspective, this has possibly been the most dramatic change and challenge to the Medicaid program since its inception."

The new rules were included in last year's federal deficit reduction law and were designed to prevent illegal immigrants from enrolling in the state programs providing health coverage.

But consumer advocates said many vulnerable people who legitimately were eligible for assistance would lose coverage because they couldn't produce the necessary documentation.

"We expect that many of these that have lost coverage will regain coverage once they have gathered and provided the necessary documentation," Marcia Nielsen, executive director of the Kansas Health Policy Authority, told the Lawrence Journal-World. "They will, however, experience a gap in coverage that could prove to be significant for some."

Medicaid applicants can prove their citizenship by providing a passport. Or they can provide other documents that verify both their citizenship, such as a birth certificate, and their identities, such as a driver's license.

Anzivino said most people seeking benefits don't have a passport and are left scrambling to find birth certificates and other documents.

The number of calls each month to a Kansas Medicaid clearinghouse has more than doubled to 49,000 from 23,000, official said.

Meanwhile, Rep. Dennis Moore, a Democrat whose district is centered on the state's portion of the Kansas City area, said federal officials were aware of states' problems with the new rules and probably would work on it when the new Congress takes office in January.

[From the Baltimore Sun, Jan. 22, 2007]

**MD: MEDICAID CALLED HARDER FOR POOR;
HEALTH ADVOCATES FEAR DOCUMENT RULES
CAUSE MANY TO LOSE COVERAGE**

(By Kelly Brewington)

Public health advocates fear that a new federal regulation requiring Medicaid applicants to supply proof of identity and citizenship has resulted in thousands of poor Marylanders losing their health insurance.

The requirement, part of the federal Deficit Reduction Act that went into effect in Maryland in September, was designed to prevent illegal immigrants from fraudulently receiving Medicaid, the nation's premier health insurance program for the poor.

But advocates and health officers in some Maryland counties insist the rule has burdened citizens who need health care the most and is likely responsible for thousands of Marylanders being kicked off the Medicaid rolls.

"It's a completely unnecessary law and Congress made a big mistake in passing it,"

said Laurie Norris, an attorney with the Public Justice Center. "The people who are on Medicaid in Maryland are supposed to be on Medicaid."

The announcement of the regulations last June sparked an uproar among advocates and state health officials, who were given a July 1 deadline to enforce the mandate or risk losing federal funding. The officials complained they were not given enough time to train staff and inform Maryland's approximately 650,000 affected Medicaid recipients that they must furnish such identification as birth certificates, driver's licenses and passports.

Nationwide, advocates feared huge enrollment declines, saying many of Medicaid's neediest recipients don't possess the necessary documents and would have to struggle to come up with the money to obtain them. Maryland, for instance, does not automatically issue birth certificates, which may be ordered for \$12.

Last summer, the federal government exempted from the requirement elderly and disabled Medicaid recipients who receive Supplemental Security Income from Social Security, and last month it extended the exemption to foster children. Still, states such as Virginia, Iowa, Wisconsin and New Hampshire noted plunging Medicaid enrollment figures and backlogs related to the regulation, according to a report released earlier this month by the Kaiser Family Foundation's Commission on Medicaid and the Uninsured. In Virginia, 12,000 children have been dropped from Medicaid rolls in the requirement's first four months of implementation, the report stated.

In Maryland, Medicaid enrollment numbers are down overall, but state health officials say they are unsure whether the drop is due to the new rule, a point that has frustrated county health officers eager for evidence of the regulation's impact that they could use to push for change.

From August through December 2006, the state Department of Health and Mental Hygiene recorded about 6,000 fewer Medicaid enrollees statewide compared with the same period in 2005. Maryland officials say the enrollment computer system is not configured to determine the exact cause of the decline.

"It is imperative that the state disclose data to demonstrate the impact of this law," said Dr. Joshua Sharfstein, Baltimore health commissioner. "There are warning signs that a major erosion in health coverage could be happening as a result of this new law. This is really concerning. . . ."

Charles Lehman, who oversees eligibility issues in the state's Medicaid office, said the agency has concentrated its limited resources on "keeping people on Medicaid rather than tracking the people going off."

"It may not sound like we are doing everything we can, but really, we are, with the resources we have," he said. "It's not just the clients, not just the caseworkers, everyone has been impacted by this."

Officials said while applicants are typically allowed a 30-day grace period, caseworkers will not discontinue the insurance if applicants are "making a good-faith effort" to obtain the documents.

"I think we have done a good job applying the law appropriately but not in a way that arbitrarily cuts people off," said Lehman. "We have made our best effort to keep people on."

The department has spent \$1 million for a toll-free number to help applicants, 866-676-5880.

The state health department has also partnered with other state databases to verify the citizenship and identity of beneficiaries, without requiring recipients to hand over documents. In July, the agency

searched birth certificate records for about 600,000 Medicaid enrollees at the cost of \$12 per search, said Lehman.

But the effort has not gone as smoothly as hoped, said Norris, with the Public Justice Center. For instance, the databases are not automatically synched—staff must print out the information and check it by hand.

"The state has been severely hampered in information technology," she said.

Norris alerted state lawmakers to the problem at a briefing in Annapolis last week. The problems come during a push by advocates and some lawmakers and business groups to expand Medicaid and help about 780,000 uninsured Marylanders.

Officials with local agencies have increased outreach and said they have allowed people extra time to provide the documents they need.

Nevertheless, in Anne Arundel County, for example, denial rates for the state's Medicaid program for pregnant women and children have jumped from an average of 18 percent from June through December 2005 to 42 percent for the same period in 2006.

"It's really shocking," said Frances Phillips, the county's health officer. "This is so serious because the people we are talking about are either children with no insurance and no way to access health care, or pregnant women."

Many applicants eventually produce the documents and get back on Medicaid, Phillips noted. But for vulnerable populations, any discontinuation in coverage can be harmful, she said.

A health department program in which nurses make home visits to women with at-risk pregnancies has focused on educating women on the documentation. "We just feel that this is so critical," said Phillips. " . . . We touch base with the women, find out what is going on with them and make sure they get insurance."

In Baltimore, outreach workers with Baltimore HealthCare Access Inc., which assists some of the city's estimated 200,000 Medicaid enrollees, are making home visits and contacting state agencies on applicants' behalf.

The agency received \$5,000 from the Abell Foundation to help applicants cover the cost of documents.

"We are plowing away that money pretty quickly," said Kathleen Westcoat, the organization's president.

The funding helped Brenda Kent, 36, pay for her birth certificate last month. She lost her wallet two months before she was due to apply for Medicaid benefits for herself, her twin sons and a daughter.

"I didn't know how I was supposed to get it," said Kent, who does not work. "If they didn't help me with the cost, it would have taken me longer to do it."

[From the Associated Press, Sept. 1, 2006]

**NC: U.S. CITIZENSHIP PROOF REQUIRED FOR
MEDICAID IN N.C.**

A requirement that Medicaid recipients in North Carolina prove they hold U.S. citizenship probably won't uncover a large amount of fraud, a state official says.

Starting Sept. 1, new Medicaid applicants and nearly every current beneficiary must provide documentation of their citizenship as part of a new federal law designed to prevent illegal immigrants from receiving the health care coverage.

"I would be very surprised if we had a problem in our state with any large number of people receiving benefits who were not entitled to receive them," said Mark Benton, senior deputy director for the state Division of Medical Assistance.

The law was to have taken effect nationwide July 1, but North Carolina delayed its start while it prepared for the changes.

Under the old rules, social services workers were supposed to ask applicants about their citizenship status. They were permitted to accept an applicant's word unless there was reasonable doubt.

Now, the person seeking Medicaid will have to provide a U.S. passport, or an original birth certificate with a driver's license, or other combinations of eligible documents.

Regardless of citizenship, people who need emergency care will continue to receive it through Medicaid, although this type of care is for a limited time period.

Officials say there is no way to know how many illegal immigrants are on Medicaid. Some argue illegal immigrants aren't enrolling in large numbers in a government program like this for fear of being deported.

Illegal immigrants received emergency care of nearly \$53 million in 2005, more than double the amount from 2000, according to the division.

The changes nationwide will save Medicaid, the government-run health care program for the poor and disabled, about \$735 million by 2015, according to Congressional Budget Office estimates.

CHILDREN DROPPING OFF MEDICAID ROLLS

(AP) For several years, there has been a steady increase in the number of children enrolling in Virginia's health insurance program for the poor. Beginning July 1, state officials say, an unprecedented slide began.

Over the following five months, about 12,000 children dropped off the state's Medicaid rolls.

"An entire year's growth has been wiped out," said Cynthia Jones, chief deputy director for the state's Department of Medical Assistance Services.

The drop-off, Jones points out, began about the time a new federal law took effect. The law states that U.S. citizens applying for Medicaid or renewing their participation must present proof of their citizenship and identity. The law emerged out of concern that illegal immigrants were obtaining access to health insurance coverage sponsored by the government.

But some officials say that's not who is losing coverage.

Besides Virginia, some other states are also reporting declines in children enrolled in Medicaid or a decline in applications. They include Iowa, Louisiana, New Hampshire and Wisconsin. Health researchers say they don't know if the states are representative of a nationwide pattern.

The states singled out as experiencing enrollment declines were included in a report issued Tuesday by the Kaiser Family Foundation, which conducts health research, and by the Center on Budget and Policy Priorities, a liberal think tank.

The states experiencing declines are adamant that U.S. citizens and certain legal immigrants are dropping off the Medicaid rolls, not illegal immigrants.

"There is no evidence that the decline is due to undocumented aliens leaving the program," said Anita Smith of the Iowa Department of Human Services. "Rather, we believe that these new requirements are keeping otherwise eligible citizens from receiving Medicaid because they cannot provide the documents required to prove their citizenship or identity."

Medicaid is a health insurance program serving about 55 million people that is financed by the federal government and the states. The declines cited would indicate that just a fraction of the people enrolled in the program have dropped out as a result of the documentation requirements, but they do represent vulnerable populations, such as pregnant women and children.

"We've delayed coverage for those children, and if those children need medical care, there's going to be ramifications for them," said Donna Cohen Ross, outreach director for the Center on Budget and Policy Priorities.

But the agency that oversees Medicaid questioned claims that would link enrollment declines to the new documentation requirements.

"We believe we've given the states tools they need to both implement the law and provide sufficient flexibility to assist individuals in establishing their citizenship," said Jeff Nelligan, spokesman for the Centers for Medicare and Medicaid Services. "We continue to monitor state implementation and are not aware of any data that shows there are significant barriers to enrollment."

"If states are experiencing difficulties, they should bring them to our attention as we certainly want to understand why they are not using the flexibilities we have provided."

After Congress passed the documentation requirements, Medicaid officials released rules that established which documents would suffice in meeting the law.

Primary evidence, namely a U.S. passport or a certificate of U.S. citizenship, is considered the ideal. Secondary evidence or lower-tier evidence must be accompanied by a document showing identity. Such evidence includes birth certificates, insurance records, and as a last resort, written affidavits.

Original documents or copies certified by the issuing agency are required by the regulation. Copies are not acceptable. The federal government excluded millions of seniors and disabled people from the new documentation requirements. In December, Congress also approved an exception for foster children.

NEW MEDICAID CITIZENSHIP DOCUMENTATION REQUIREMENT IS TAKING A TOLL: STATES REPORT ENROLLMENT IS DOWN AND ADMINISTRATIVE COSTS ARE UP

(By Donna Cohen Ross)

INTRODUCTION

A new federal law that states were required to implement July 1 is creating a barrier to health-care coverage for U.S. citizens—especially children—who are eligible for health insurance through Medicaid. The new law, a provision of the Deficit Reduction Act of 2005, requires U.S. citizens to present proof of their citizenship and identity when they apply for, or seek to renew, their Medicaid coverage. Prior to enactment of the law, U.S. citizens applying for Medicaid were permitted to attest to their citizenship, under penalty of perjury.

In the six months following implementation of the new requirement, states are beginning to report marked declines in Medicaid enrollment, particularly among low-income children. States also are reporting significant increases in administrative costs as a consequence of the requirement.

This analysis presents the data available so far on this matter. The available evidence strongly suggests that those being adversely affected are primarily U.S. citizens otherwise eligible for Medicaid who are encountering difficulty in promptly securing documents such as birth certificates and who are remaining uninsured for longer periods of time as a result.

The new requirement also appears to be reversing part of the progress that states made over the past decade in streamlining access to Medicaid for individuals who qualify, and especially for children. For example, to improve access to Medicaid and reduce administrative costs, most states implemented mail-in application procedures, and many states reduced burdensome documentation

requirements. The new Medicaid citizenship documentation requirement now appears to be pushing states in the opposite direction, by impeding access to Medicaid. Families must furnish more documentation and may be required to visit a Medicaid office in person to apply or renew their coverage, bypassing simpler mail-in and on-line enrollment opportunities, because they must present original documents such as birth certificates that can take time and money to obtain. This is likely to cause the most difficulty for working-poor families that cannot afford to take time off from work to visit the Medicaid office and for low-income families residing in rural areas.

The new citizenship documentation requirement—which the Bush Administration did not request and the Senate initially did not adopt, but which the House of Representatives insisted upon in conference—was presented by its proponents as being necessary to stem a problem of undocumented immigrants securing Medicaid by falsely declaring themselves to be U.S. citizens. The new requirement was adopted despite the lack of evidence that such a problem existed. In response to a report in 2005 by the Inspector General of the Department of Health and Human Services, Mark McClellan, then the Administrator of the Centers for Medicare and Medicaid Services at HHS, noted: "The [Inspector General's] report does not find particular problems regarding false allegations of citizenship, nor are we aware of any."

IMPACT OF THE CITIZEN DOCUMENTATION REQUIREMENT ON MEDICAID APPLICANTS AND BENEFICIARIES: THE EARLY EVIDENCE

Medicaid enrollment figures for all states for the period since the new requirement was implemented on July 1 are not yet available. By contacting several individual states that do have such data, however, we were able to secure enrollment information from Wisconsin, Kansas, Iowa, Louisiana, Virginia and New Hampshire. The data show the following:

All six states report a significant drop in enrollment since implementation of the requirement began.

Medicaid officials in these states attribute the downward trend primarily or entirely to the citizenship documentation requirement.

Two types of problems are surfacing:

Medicaid is being denied or terminated because some beneficiaries and applicants cannot produce the specified documents despite, from all appearances, being U.S. citizens; and

Medicaid eligibility determinations are being delayed, resulting in large backlogs of applications, either because it is taking time for applicants to obtain the required documents or because eligibility workers are overloaded with the new tasks and paperwork associated with administering the new requirement.

Some states have designed mechanisms specifically to track enrollment changes resulting from the new procedures. Wisconsin, for example, has established computer codes to distinguish when Medicaid eligibility is denied or discontinued due to a lack of citizenship or identity documents. In other states, a comparison of current and past enrollment trends strongly suggests that the new requirement is largely responsible for the enrollment decline. For example, in many states aggressive "back to school" outreach activities conducted in August and September usually result in increased child enrollment in September and October. In 2006, however, states such as Virginia and Louisiana reported that child enrollment declined despite vigorous promotional campaigns, indicating that the new requirement undermined the value of the outreach efforts.

The Medicaid enrollment declines identified in this memo do not appear to be driven by broader economic trends or a change in the employment of low-income families. If that were the case, parallel enrollment decline trends would appear in the Food Stamp Program, which is the means-tested program whose enrollment levels are most responsive to such developments. Instead, Food Stamp caseloads have been increasing slightly in recent months. Moreover, each of the states identified in this memo as having sustained a drop in Medicaid enrollment saw its food stamp caseload rise during a similar period.

Both Medicaid and the Food Stamp Program serve similar populations of low-income families and are often administered by the same agencies and caseworkers. A key difference is that the citizenship documentation rules were applied to Medicaid but there were no such changes in the Food Stamp Program. It thus appears that the changes in Medicaid enrollment are a result of changes in Medicaid policies—particularly citizenship documentation—that do not affect eligibility for food stamps.

The following states have documented declines in Medicaid enrollment since the implementation of the Medicaid citizenship documentation requirement:

Wisconsin: In five months—between August and December 2006—a total of 14,034 Medicaid-eligible individuals were either denied Medicaid or lost coverage as a result of the documentation requirement. The loss of Medicaid coverage occurred despite Wisconsin's efforts to minimize the impact of the requirement by obtaining birth records electronically from the state's Vital Records agency. Obtaining proof of identity, rather than proof of citizenship, was the major problem for people in Wisconsin who were otherwise eligible during this period: 69 percent of those who were denied Medicaid or who lost Medicaid coverage due to the new requirement did not have a required identity document, as compared to 17 percent who did not provide the required citizenship documents and 14 percent who were missing both a citizenship and identity document. This indicates that most of those who were denied were, in fact, U.S. citizens.

Kansas: The Kansas Health Policy Authority (KHPA) reports that between 18,000 and 20,000 applicants and previous beneficiaries, mostly children and parents, have been left without health insurance since the citizenship documentation requirement was implemented. About 16,000 of these individuals are "waiting to enroll" or "waiting to be re-enrolled;" the state says these eligibility determinations are being delayed because of a large backlog of applications related to the difficulties confronting individuals and eligibility workers alike who are attempting to comply with the new rule. Documents on the KHPA website state that the "majority of families with pending applications will qualify for coverage under the new requirements when we are able to complete processing." In the meantime, these children and parents are barred from getting the health coverage for which they qualify and are, in most cases, uninsured.

Iowa: Iowa has identified an unprecedented decline in Medicaid enrollment that state officials attribute to the Medicaid citizenship documentation requirement. Prior to July 1, 2006, overall Medicaid enrollment had steadily increased for the past several years. While sporadic declines occurred in rural counties, no county in the state's larger population centers experienced a decline in the months leading up to the implementation of the new requirement. However, between July and September 2006, Medicaid enrollment sustained the largest decrease in the past five years; this also was the first time in five

years that the state has experienced an enrollment decline for three consecutive months.

Although other factors may contribute to the recent decrease in enrollment, state officials point out the state is now experiencing a more severe effect on enrollment than it has following any of the Medicaid changes that have occurred over the past several years. The state's conclusion that the citizenship documentation requirement is driving the decline is supported by the fact that enrollment has dropped among the populations subject to the requirement (children and families) but has remained steady among groups not affected by the requirement (individuals receiving Medicare and SSI).

Louisiana: In two months—September and October of 2006—Louisiana experienced a net loss of more than 7,500 children in its Medicaid program despite a vigorous back-to-school outreach effort and a significant increase in applications during the month of September.

According to state officials, the enrollment decline is not driven by population loss from Hurricane Katrina and contrasts dramatically with enrollment spikes that usually occur in September and have reached up to 13,000 in the past. The reason for the drop-off is two-fold, according to the state: for some people, Medicaid is being denied or terminated because they have not presented the required citizenship or identity documents. In addition, the additional workload generated by the new requirement is diverting the time and effort eligibility workers normally would spend on activities to ensure that Medicaid beneficiaries do not lose coverage at renewal.

Virginia: Since July, enrollment of children in the state's Medicaid program has declined steadily each month. By the end of November, the total net decline stood at close to 12,000 children. During the same period, enrollment of children in the state's separate SCHIP program, not subject to the new requirement, increased. Virginia also reported a substantial backlog in application processing at its central processing site, with 2,600 cases pending approval for Medicaid in September, when normally no more than 50 such cases are pending at the end of a month.

After the plunge in children's Medicaid enrollment over several months, a small increase occurred in December 2006 (although Medicaid enrollment for children then began dropping again in January). State officials say the December "up-tick" suggests that some families are finally "getting over the hurdles" imposed by the new law and children (who were eligible at the time they applied but lacked the required documentation) are getting health coverage after a significant delay during which they were without coverage.

New Hampshire: Data from the New Hampshire Healthy Kids Program, a private organization that processes mail-in applications for the state's Medicaid and SCHIP programs, indicate that the percentage of applications submitted with all necessary documents in September of this year dropped by almost half compared to the percentage of complete applications submitted in September 2005. If applicants do not supply missing documentation within 28 days, New Hampshire closes the application. The percentage of applications closed due to missing documents has also increased significantly: from around 10 percent of applications before the new requirement to 20 percent in August 2006. In addition, New Hampshire Healthy Kids reports that between June 2006 and September 2006, enrollment of children in Medicaid dropped by 1,275.

IMPACT ON STATE ADMINISTRATIVE COSTS

Data on state Medicaid administrative costs for the months since July 1 are not available from CMS or any other national source. Several states, however, have examined the impact of the new Medicaid citizenship documentation requirement on their administrative expenditures. Their findings are as follows:

Illinois: Illinois is projecting \$16 million to \$19 million in increased staffing costs in the first year of implementation of the requirement.

Arizona: The Arizona legislature has allocated \$10 million to implement the citizenship documentation requirement. This included the costs associated with staffing, training and payments for obtaining birth records.

Colorado: The FY07-08 budget request for the Colorado Department of Health Care Policy and Financing includes a request for an additional \$2.8 million for county administration costs. This request is based on an assumption by the Centers for Medicare and Medicaid Services (CMS) that it will take an additional 5 minutes per application for a caseworker to process citizenship and identity documents. The Department stated in a Joint Budget Committee Hearing that this amount "may not be sufficient for Colorado counties and special record storage needs."

Washington: Washington State is projecting additional costs associated with hiring 19 additional FTEs in FY07 due to the new requirement, and retaining seven of them in FY08 and FY09. The state estimates that the costs will be \$2.7 million on FY07 and \$450,000 in each of the succeeding two years.

Wisconsin: Wisconsin is expecting increased costs of \$1.8 million to cover the increased workload associated with administering the requirement in FY07 and \$600,000 to \$700,000 per year for the two years after that.

Minnesota: Minnesota is estimating that it will spend \$1.3 million in FY07 for new staff, birth record fees and other administrative expenses.

CONCLUSION

Based on these findings and reports, and strong anecdotal evidence, it seems increasingly clear that the new Medicaid citizenship documentation requirement is having a negative impact on Medicaid enrollment, especially among children. Insufficient information is available to determine the precise extent to which individuals whose Medicaid eligibility has been delayed, denied or terminated are U.S. citizens, eligible legal immigrants, or ineligible immigrants. However, the fact that significant numbers of individuals are being approved for Medicaid after delays of many months, during which they were uninsured, demonstrates that the requirement is adversely affecting substantial numbers of U.S. citizens, especially children who are citizens. Moreover, a large body of research conducted over a number of years has conclusively shown that increasing documentation and other administrative burdens generally results in eligible individuals failing to obtain coverage as a result of the enrollment and renewal processes having become more complicated to understand and more difficult to navigate. Regarding the Medicaid enrollment declines, Anita Smith, Chief of the Bureau of Medical Supports for the Iowa Department of Human Services, has stated: "There is no evidence that the [enrollment] decline is due to undocumented aliens leaving the program. Rather, we believe that these new requirements are keeping otherwise eligible citizens from receiving Medicaid because they cannot provide the documents required to prove their citizenship or identity."

A number of governors across the nation are announcing their intentions to push new initiatives to cover the uninsured, particularly children. These proposals are being designed to build upon existing public coverage programs, of which Medicaid is the largest, and invariably these proposals call for the enrollment of individuals who are currently eligible for existing programs but remain uninsured. Success will depend, in large measure, on policies and procedures that facilitate rather than frustrate such efforts so that eligible individuals can obtain the benefits for which they qualify. The Medicaid citizenship documentation requirement, which appears to be an extremely blunt instrument, stands to undercut such efforts by placing a daunting administrative obstacle in the way of many low-income U.S. citizens who otherwise have shown that they qualify or by discouraging potentially eligible citizens from applying because the process appears too complex or intimidating. The requirement also appears to be deflecting state human and financial resources away from activities designed to reach eligible children and families and to enroll them in the most efficient and effective manner.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. DURBIN, Mr. INOUE, Mr. BIDEN, Mr. LEVIN, Mr. KERRY, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. AKAKA, Mrs. BOXER, Mr. FEINGOLD, Mr. SCHUMER, Mr. LAUTENBERG, Mr. MENENDEZ, and Mr. CASEY):

S. 910. A bill to provide for paid sick leave to ensure that Americans can address their own health needs and the health needs of their families; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President day in and day out across America, millions of men and women go to work in jobs that are the backbone of our economy. They make our country great and prosperous. They work hard to provide for their families and care for them.

Often, however, they have to miss days of work because of illness. Every parent knows what it's like to care for a sick child, and every child knows the importance of a parent taking care of them when they are ill. Yet, every day, countless Americans find their paychecks or even their jobs at risk when illness strikes.

As Members of Congress, we don't lose our pay or risk our jobs if we stay home because of illness. But millions of our fellow citizens are not so fortunate.

Mr. President, 57 million Americans—nearly half of all private-sector workers in the United States—do not have paid sick days. Seventy percent don't have paid sick days they can use to care for family members. They can't take a day off to recover from the flu. They can't leave work to care for a child who is running a fever.

Among workers in the lowest income quarter, the numbers are even worse—percent do not have the right to take time off for illness without losing their payor even their jobs.

This lack of protection is especially difficult for working women with children. Women have moved into the workforce in record numbers, but they continue to have primary responsibility for their children's health. Nearly 80 percent of mothers say they are solely responsible for their children's medical care. Yet they can't take a day off to care for a sick child.

If we truly care about families, we have to change those facts. Americans want to be responsible employees and responsible parents. We need workplace laws that allow workers the time needed to care for themselves or family members when they are sick without losing payor risking their jobs.

That is why today I am introducing the Healthy Families Act, to give American workers up to seven paid days of sick leave a year. Now Congresswoman ROSA DELAUNO is introducing the legislation in the House of Representatives.

Earlier this week, she and I met with hundreds of workers and parents from around the country, representing tens of thousands of parents asking Congress to take action.

I am talking about hard-working people such as Bertha Brown, who spoke to hundreds of us in front of the Capitol. Bertha is a home healthcare aide. She has spent her life caring for America's sick and elderly, yet she herself has no paid sick days to care for herself or her children. She told us how she had to leave her sick daughter at home when she went to work.

Paid sick days aren't just a family issue—they are also a public health issue. When sick people go to work, they are likely to infect their coworkers and the public. Every day, we hear reports of stomach illnesses breaking out in restaurants or on cruise ships. We learn of flu outbreaks leading to hospitalization of the elderly. Such illnesses are contagious, but their spread can be minimized if sick people stay at home.

However, a high proportion of workers who have constant contact with the public have no paid sick days—85 percent of food service workers and 55 percent of workers in the retail industry are denied that benefit; 30 percent of health care workers can't take paid time off when they are ill.

That is why nurses and doctors support paid sick days. When our Health Committee held a hearing on this issue last month, we heard from pediatricians at Boston Children's Hospital and a public health expert in San Francisco about the significant health benefits and reduction of medical costs that result from paid sick days. We all know that preventive care helps reduce medical costs. Giving people the opportunity to obtain medical treatment for illnesses or chronic medical conditions before their conditions worsen is common sense.

Paid sick days also are important to help children stay healthy and in school so that they can learn. When

sick children go to school, they don't learn well, and they are likely to infect their fellow students.

We also heard this week from Carolyn Duff, a nurse in an elementary school in South Carolina. She treated a fifth grader she suspected had strep throat. His parents did not have paid sick days and could not take him to the doctor. After 4 days, his condition worsened. He developed scarlet fever and a rash covered his entire body—all because his parents, for fear of losing their jobs, weren't able to take time off to care for him. As Carolyn Duff said, the child not only suffered without the care of his parents, he also lost 10 precious days of his studies at school.

Paid sick days will result in significant savings to our economy and our health care system. That is why employers support paid sick days too. Dancing Deer Bakery—a small business Boston—sent me a letter making this important point:

A national paid sick days law creates a level playing field for all businesses. . . . We hope that a bill will move through both Chambers and be on the President's desk. Paid sick days should be a non-partisan issue. A healthy nation is a productive nation.

Paid sick days are good for families, good for our public health, and good for our economy. Our people have waited long enough for this need to be met. It is time to pass the Healthy Families Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 910

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 "Healthy Families Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Working Americans need time to meet their own health care needs and to care for family members, including their children, spouse, parents, and parents-in-law, and other children and adults for whom they are caretakers.

(2) Health care needs include preventive health care, diagnostic procedures, medical treatment, and recovery in response to short- and long-term illnesses and injuries.

(3) Providing employees time off to meet health care needs ensures that they will be healthier in the long run. Preventive care helps avoid illnesses and injuries and routine medical care helps detect illnesses early and shorten their duration.

(4) When parents are available to care for their children who become sick, children recover faster, more serious illnesses are prevented, and children's overall mental and physical health improve. Parents who cannot afford to miss work and must send children with a contagious illness to child care or school contribute to the high rate of infections in child care centers and schools.

(5) Providing paid sick leave improves public health by reducing infectious disease. Policies that make it easier for sick adults and children to be isolated at home reduce the spread of infectious disease.

(6) Routine medical care reduces medical costs by detecting and treating illness and injury early, decreasing the need for emergency care. These savings benefit public and private payers of health insurance, including private businesses.

(7) The provision of individual and family sick leave by large and small businesses, both here in the United States and elsewhere, demonstrates that policy solutions are both feasible and affordable in a competitive economy. Measures that ensure that employees are in good health and do not need to worry about unmet family health problems help businesses by promoting productivity and reducing employee turnover.

(8) The American Productivity Audit found that presenteeism—the practice of employees coming to work despite illness—costs \$180,000,000,000 annually in lost productivity. Studies in the *Journal of Occupational and Environmental Medicine*, the *Employee Benefit News*, and the *Harvard Business Review* show that presenteeism is a larger productivity drain than either absenteeism or short-term disability.

(9) The absence of paid sick leave has forced Americans to make untenable choices between needed income and jobs on the one hand and caring for their own and their family's health on the other.

(10) Nearly half of Americans lack paid leave for self-care or to care for a family member. For families in the lowest quartile of earners, 79 percent lack paid sick leave. For families in the next 2 quartiles, 46 and 38 percent, respectively, lack paid sick leave. Even for families in the highest income quartile, 28 percent lack paid sick leave. In addition, millions of workers cannot use paid sick leave to care for ill family members.

(11) Due to the roles of men and women in society, the primary responsibility for family caretaking often falls on women, and such responsibility affects the working lives of women more than it affects the working lives of men.

(12) An increasing number of men are also taking on caretaking obligations, and men who request leave time for caretaking purposes are often denied accommodation or penalized because of stereotypes that caretaking is only "women's work".

(13) Employers' reliance on persistent stereotypes about the "proper" roles of both men and women in the workplace and in the home continues a cycle of discrimination and fosters stereotypical views about women's commitment to work and their value as employees.

(14) Employment standards that apply to only one gender have serious potential for encouraging employers to discriminate against employees and applicants for employment who are of that gender.

(15) It is in the national interest to ensure that all Americans can care for their own health and the health of their families while prospering at work.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to ensure that all working Americans can address their own health needs and the health needs of their families by requiring employers to provide a minimum level of paid sick leave including leave for family care;

(2) to diminish public and private health care costs by enabling workers to seek early and routine medical care for themselves and their family members;

(3) to accomplish the purposes described in paragraphs (1) and (2) in a manner that is feasible for employers; and

(4) consistent with the provision of the 14th amendment to the Constitution relating to equal protection of the laws, and pursuant

to Congress' power to enforce that provision under section 5 of that amendment—

(A) to accomplish the purposes described in paragraphs (1) and (2) in a manner that minimizes the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons on a gender-neutral basis; and

(B) to promote the goal of equal employment opportunity for women and men.

SEC. 4. DEFINITIONS.

In this Act:

(1) **CHILD**.—The term "child" means a biological, foster, or adopted child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—

(A) under 18 years of age; or

(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

(2) **EMPLOYEE**.—The term "employee" means an individual—

(A) who is—

(i)(I) an employee, as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)), who is not covered under clause (v), including such an employee of the Library of Congress, except that a reference in such section to an employer shall be considered to be a reference to an employer described in clauses (i)(I) and (ii) of paragraph (3)(A); or

(II) an employee of the Government Accountability Office;

(ii) a State employee described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16c(a));

(iii) a covered employee, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), other than an applicant for employment;

(iv) a covered employee, as defined in section 411(c) of title 3, United States Code; or

(v) a Federal officer or employee covered under subchapter V of chapter 63 of title 5, United States Code; and

(B) who works an average of at least 20 hours per week or, in the alternative, at least 1,000 hours per year.

(3) **EMPLOYER**.—

(A) **IN GENERAL**.—The term "employer" means a person who is—

(i)(I) a covered employer, as defined in subparagraph (B), who is not covered under subclause (V);

(II) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991;

(III) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995;

(IV) an employing office, as defined in section 411(c) of title 3, United States Code; or

(V) an employing agency covered under subchapter V of chapter 63 of title 5, United States Code; and

(ii) is engaged in commerce (including government), in the production of goods for commerce, or in an enterprise engaged in commerce (including government) or in the production of goods for commerce.

(B) **COVERED EMPLOYER**.—

(i) **IN GENERAL**.—In subparagraph (A)(i)(I), the term "covered employer"—

(I) means any person engaged in commerce or in any industry or activity affecting commerce who employs 15 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year;

(II) includes—

(aa) any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer; and

(bb) any successor in interest of an employer;

(III) includes any "public agency", as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)); and

(IV) includes the Government Accountability Office and the Library of Congress.

(ii) **PUBLIC AGENCY**.—For purposes of clause (i)(III), a public agency shall be considered to be a person engaged in commerce or in an industry or activity affecting commerce.

(iii) **DEFINITIONS**.—For purposes of this subparagraph:

(I) **COMMERCE**.—The terms "commerce" and "industry or activity affecting commerce" mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include "commerce" and any "industry affecting commerce", as defined in paragraphs (1) and (3) of section 501 of the Labor Management Relations Act, 1947 (29 U.S.C. 142 (1) and (3)).

(II) **EMPLOYEE**.—The term "employee" has the same meaning given such term in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)).

(III) **PERSON**.—The term "person" has the same meaning given such term in section 3(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(a)).

(C) **PREDECESSORS**.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

(4) **EMPLOYMENT BENEFITS**.—The term "employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an "employee benefit plan", as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)).

(5) **HEALTH CARE PROVIDER**.—The term "health care provider" means a provider who—

(A)(i) is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

(ii) is any other person determined by the Secretary to be capable of providing health care services; and

(B) is not employed by an employer for whom the provider issues certification under this Act.

(6) **PARENT**.—The term "parent" means a biological, foster, or adoptive parent of an employee, a stepparent of an employee, or a legal guardian or other person who stood in loco parentis to an employee when the employee was a child.

(7) **PRO RATA**.—The term "pro rata", with respect to benefits offered to part-time employees, means the proportion of each of the benefits offered to full-time employees that are offered to part-time employees that, for each benefit, is equal to the ratio of part-time hours worked to full-time hours worked.

(8) **SECRETARY**.—The term "Secretary" means the Secretary of Labor.

(9) **SICK LEAVE**.—The term "sick leave" means an increment of compensated leave provided by an employer to an employee as a benefit of employment for use by the employee during an absence from employment for any of the reasons described in paragraphs (1) through (3) of section 5(d).

(10) **SPOUSE**.—The term "spouse", with respect to an employee, has the meaning given such term by the marriage laws of the State in which the employee resides.

SEC. 5. PROVISION OF PAID SICK LEAVE.

(a) **IN GENERAL**.—An employer shall provide for each employee employed by the employer not less than—

(1) 7 days of sick leave with pay and employment benefits annually for employees working 30 or more hours per week; or

(2) a pro rata number of days or hours of sick leave with pay and employment benefits annually for employees working less than—

(A) 30 hours per week on a year-round basis; or

(B) 1,500 hours throughout the year involved.

(b) ACCRUAL.—

(1) PERIOD OF ACCRUAL.—Sick leave provided for under this section shall accrue as determined appropriate by the employer, but not on less than a quarterly basis.

(2) ACCUMULATION.—Accrued sick leave provided for under this section shall carry over from year to year, but this Act shall not be construed to require an employer to permit an employee to accumulate more than 7 days of the sick leave.

(3) USE.—The sick leave may be used as accrued. The employer, at the discretion of the employer, may loan the sick leave to the employee in advance of accrual by such employee.

(c) CALCULATION.—

(1) LESS THAN A FULL WORKDAY.—Unless the employer and employee agree to designate otherwise, for periods of sick leave that are less than a normal workday, that leave shall be counted—

(A) on an hourly basis; or

(B) in the smallest increment that the employer's payroll system uses to account for absences or use of leave.

(2) VARIABLE SCHEDULE.—If the schedule of an employee varies from week to week, a weekly average of the hours worked over the 12-week period prior to the beginning of a sick leave period shall be used to calculate the employee's normal workweek for the purpose of determining the amount of sick leave to which the employee is entitled.

(d) USES.—Sick leave accrued under this section may be used by an employee for any of the following:

(1) An absence resulting from a physical or mental illness, injury, or medical condition of the employee.

(2) An absence resulting from obtaining professional medical diagnosis or care, or preventive medical care, for the employee subject to the requirement of subsection (e).

(3) An absence for the purpose of caring for a child, a parent, a spouse, or any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship, who—

(A) has any of the conditions or needs for diagnosis or care described in paragraph (1) or (2); and

(B) in the case of someone who is not a child, is otherwise in need of care.

(e) SCHEDULING.—An employee shall make a reasonable effort to schedule leave under paragraphs (2) and (3) of subsection (d) in a manner that does not unduly disrupt the operations of the employer.

(f) PROCEDURES.—

(1) IN GENERAL.—Paid sick leave shall be provided upon the oral or written request of an employee. Such request shall—

(A) include a reason for the absence involved and the expected duration of the leave;

(B) in a case in which the need for leave is foreseeable at least 7 days in advance of such leave, be provided at least 7 days in advance of such leave; and

(C) otherwise, be provided as soon as practicable after the employee is aware of the need for such leave.

(2) CERTIFICATION.—

(A) PROVISION.—

(1) IN GENERAL.—Subject to subparagraph (C), an employer may require that a request for leave be supported by a certification

issued by the health care professional of the eligible employee or of an individual described in subsection (d)(3), as appropriate, if the leave period covers more than 3 consecutive workdays.

(ii) TIMELINESS.—The employee shall provide a copy of such certification to the employer in a timely manner, not later than 30 days after the first day of the leave. The employer shall not delay the commencement of the leave on the basis that the employer has not yet received the certification.

(B) SUFFICIENT CERTIFICATION.—

(i) IN GENERAL.—A certification provided under subparagraph (A) shall be sufficient if it states—

(I) the date on which the leave will be needed;

(II) the probable duration of the leave;

(III) the appropriate medical facts within the knowledge of the health care provider regarding the condition involved, subject to clause (ii); and

(IV)(aa) for purposes of leave under subsection (d)(1), a statement that leave from work is medically necessary;

(bb) for purposes of leave under subsection (d)(2), the dates on which testing for a medical diagnosis or care is expected to be given and the duration of such testing or care; and

(cc) for purposes of leave under subsection (d)(3), in the case of leave to care for someone who is not a child, a statement that care is needed for an individual described in such subsection, and an estimate of the amount of time that such care is needed for such individual.

(ii) LIMITATION.—In issuing a certification under subparagraph (A), a health care provider shall make reasonable efforts to limit the medical facts described in clause (i)(III) that are disclosed in the certification to the minimum necessary to establish a need for the employee to utilize paid sick leave.

(C) REGULATIONS.—Regulations prescribed under section 13 shall specify the manner in which an employee who does not have health insurance shall provide a certification for purposes of this paragraph.

(D) CONFIDENTIALITY AND NONDISCLOSURE.—

(i) PROTECTED HEALTH INFORMATION.—Nothing in this Act shall be construed to require a health care provider to disclose information in violation of section 1177 of the Social Security Act (42 U.S.C. 1320d-6) or the regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act (42 U.S.C. 1320d-2 note).

(ii) HEALTH INFORMATION RECORDS.—If an employer possesses health information about an employee or an employee's child, parent, spouse or other individual described in subsection (d)(3), such information shall—

(I) be maintained on a separate form and in a separate file from other personnel information;

(II) be treated as a confidential medical record; and

(III) not be disclosed except to the affected employee or with the permission of the affected employee.

(g) CURRENT LEAVE POLICIES.—

(1) EQUIVALENCY REQUIREMENT.—An employer with a leave policy providing paid leave options shall not be required to modify such policy, if such policy includes provisions for the provision, use, and administration of paid sick leave that meet the requirements of subsections (a) through (f).

(2) NO ELIMINATION, REDUCTION, OR REDESIGNATION OF EXISTING LEAVE.—An employer may not eliminate, reduce, or redesignate any leave in existence on the date of enactment of this Act in order to comply with the provisions of this Act.

SEC. 6. POSTING REQUIREMENT.

(a) IN GENERAL.—Each employer shall post and keep posted a notice, to be prepared or approved in accordance with procedures specified in regulations prescribed under section 13, setting forth excerpts from, or summaries of, the pertinent provisions of this Act including—

(1) information describing leave available to employees under this Act;

(2) information pertaining to the filing of an action under this Act;

(3) the details of the notice requirement for foreseeable leave under section 5(f)(1)(B); and

(4) information that describes—

(A) the protections that an employee has in exercising rights under this Act; and

(B) how the employee can contact the Secretary (or other appropriate authority as described in section 8) if any of the rights are violated.

(b) LOCATION.—The notice described under subsection (a) shall be posted—

(1) in conspicuous places on the premises of the employer, where notices to employees (including applicants) are customarily posted; or

(2) in employee handbooks.

(c) VIOLATION; PENALTY.—Any employer who willfully violates the posting requirements of this section shall be subject to a civil fine in an amount not to exceed \$100 for each separate offense.

SEC. 7. PROHIBITED ACTS.

(a) INTERFERENCE WITH RIGHTS.—

(1) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this Act, including—

(A) discharging or discriminating against (including retaliating against) any individual, including a job applicant, for exercising, or attempting to exercise, any right provided under this Act;

(B) using the taking of sick leave under this Act as a negative factor in an employment action, such as hiring, promotion, or a disciplinary action; or

(C) counting the sick leave under a no-fault attendance policy.

(2) DISCRIMINATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against (including retaliating against) any individual, including a job applicant, for opposing any practice made unlawful by this Act.

(b) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate against (including retaliating against) any individual, including a job applicant, because such individual—

(1) has filed an action, or has instituted or caused to be instituted any proceeding, under or related to this Act;

(2) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this Act; or

(3) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this Act.

(c) CONSTRUCTION.—Nothing in this section shall be construed to state or imply that the scope of the activities prohibited by section 105 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2615) is less than the scope of the activities prohibited by this section.

SEC. 8. ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection:

(A) the term "employee" means an employee described in clause (i) or (ii) of section 4(2)(A); and

(B) the term "employer" means an employer described in subclause (I) or (II) of section 4(3)(A)(i).

(2) INVESTIGATIVE AUTHORITY.—

(A) IN GENERAL.—To ensure compliance with the provisions of this Act, or any regulation or order issued under this Act, the Secretary shall have, subject to subparagraph (C), the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)), with respect to employers, employees, and other individuals affected.

(B) OBLIGATION TO KEEP AND PRESERVE RECORDS.—An employer shall make, keep, and preserve records pertaining to compliance with this Act in accordance with section 11(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(c)) and in accordance with regulations prescribed by the Secretary.

(C) REQUIRED SUBMISSIONS GENERALLY LIMITED TO AN ANNUAL BASIS.—The Secretary shall not require, under the authority of this paragraph, an employer to submit to the Secretary any books or records more than once during any 12-month period, unless the Secretary has reasonable cause to believe there may exist a violation of this Act or any regulation or order issued pursuant to this Act, or is investigating a charge pursuant to paragraph (4).

(D) SUBPOENA AUTHORITY.—For the purposes of any investigation provided for in this paragraph, the Secretary shall have the subpoena authority provided for under section 9 of the Fair Labor Standards Act of 1938 (29 U.S.C. 209).

(3) CIVIL ACTION BY EMPLOYEES OR INDIVIDUALS.—

(A) RIGHT OF ACTION.—An action to recover the damages or equitable relief prescribed in subparagraph (B) may be maintained against any employer in any Federal or State court of competent jurisdiction by one or more employees or individuals or their representative for and on behalf of—

- (i) the employees or individuals; or
- (ii) the employees or individuals and others similarly situated.

(B) LIABILITY.—Any employer who violates section 7 (including a violation relating to rights provided under section 5) shall be liable to any employee or individual affected—

- (i) for damages equal to—
 - (I) the amount of—
 - (aa) any wages, salary, employment benefits, or other compensation denied or lost by reason of the violation; or
 - (bb) in a case in which wages, salary, employment benefits, or other compensation have not been denied or lost, any actual monetary losses sustained as a direct result of the violation up to a sum equal to 7 days of wages or salary for the employee or individual;
 - (II) the interest on the amount described in subclause (I) calculated at the prevailing rate; and
- (III) an additional amount as liquidated damages; and
- (ii) for such equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(C) FEES AND COSTS.—The court in an action under this paragraph shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action to be paid by the defendant.

(4) ACTION BY THE SECRETARY.—

(A) ADMINISTRATIVE ACTION.—The Secretary shall receive, investigate, and attempt to resolve complaints of violations of section 7 (including a violation relating to rights provided under section 5) in the same manner that the Secretary receives, investigates, and attempts to resolve complaints of violations of sections 6 and 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 and 207).

(B) CIVIL ACTION.—The Secretary may bring an action in any court of competent jurisdiction to recover the damages described in paragraph (3)(B)(i).

(C) SUMS RECOVERED.—Any sums recovered by the Secretary pursuant to subparagraph (B) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each employee or individual affected. Any such sums not paid to an employee or individual affected because of inability to do so within a period of 3 years shall be deposited into the Treasury of the United States as miscellaneous receipts.

(5) LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an action may be brought under paragraph (3), (4), or (6) not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

(B) WILLFUL VIOLATION.—In the case of an action brought for a willful violation of section 7 (including a willful violation relating to rights provided under section 5), such action may be brought within 3 years of the date of the last event constituting the alleged violation for which such action is brought.

(C) COMMENCEMENT.—In determining when an action is commenced under paragraph (3), (4), or (6) for the purposes of this paragraph, it shall be considered to be commenced on the date when the complaint is filed.

(6) ACTION FOR INJUNCTION BY SECRETARY.—The district courts of the United States shall have jurisdiction, for cause shown, in an action brought by the Secretary—

(A) to restrain violations of section 7 (including a violation relating to rights provided under section 5), including the restraint of any withholding of payment of wages, salary, employment benefits, or other compensation, plus interest, found by the court to be due to employees or individuals eligible under this Act; or

(B) to award such other equitable relief as may be appropriate, including employment, reinstatement, and promotion.

(7) SOLICITOR OF LABOR.—The Solicitor of Labor may appear for and represent the Secretary on any litigation brought under paragraph (4) or (6).

(8) GOVERNMENT ACCOUNTABILITY OFFICE AND LIBRARY OF CONGRESS.—Notwithstanding any other provision of this subsection, in the case of the Government Accountability Office and the Library of Congress, the authority of the Secretary of Labor under this subsection shall be exercised respectively by the Comptroller General of the United States and the Librarian of Congress.

(b) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—The powers, remedies, and procedures provided in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as defined in section 101 of that Act (2 U.S.C. 1301)), or any person, alleging a violation of section 202(a)(1) of that Act (2 U.S.C. 1312(a)(1)) shall be the powers, remedies, and procedures this Act provides to that Board, or any person, alleging an unlawful employment practice in violation of this Act against an employee described in section 4(2)(A)(iii).

(c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—The powers, remedies, and procedures provided in chapter 5 of title 3, United States Code, to the President, the Merit Systems Protection Board, or any person, alleging a violation of section 412(a)(1) of that title, shall be the powers, remedies, and procedures this Act provides to the President, that Board, or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 4(2)(A)(iv).

(d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE 5, UNITED STATES CODE.—The powers, remedies, and procedures provided in title 5, United States Code, to an employing agency, provided in chapter 12 of that title to the Merit Systems Protection Board, or provided in that title to any person, alleging a violation of chapter 63 of that title, shall be the powers, remedies, and procedures this Act provides to that agency, that Board, or any person, respectively, alleging an unlawful employment practice in violation of this Act against an employee described in section 4(2)(A)(v).

SEC. 9. COLLECTION OF DATA ON PAID SICK DAYS AND FURTHER STUDY.

(a) COMPILATION OF INFORMATION.—Effective 90 days after the date of enactment of this Act, the Commissioner of Labor Statistics shall annually compile information on the following:

(1) The number of employees who used paid sick leave.

(2) The number of hours of the paid sick leave used.

(3) The demographic characteristics of employees who were eligible for and who used the paid sick leave.

(b) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall annually conduct a study to determine the following:

(A)(i) The number of days employees used paid sick leave and the reasons for the use.

(ii) The number of employees who used the paid sick leave for leave periods covering more than 3 consecutive workdays.

(B) Whether employees used the paid sick leave to care for illnesses or conditions caused by domestic violence against the employees or their family members.

(C) The cost and benefits to employers of implementing the paid sick leave policies.

(D) The cost to employees of providing certification issued by a health care provider to obtain the paid sick leave.

(E) The benefits of the paid sick leave to employees and their family members, including effects on employees' ability to care for their family members or to provide for their own health needs.

(F) Whether the paid sick leave affected employees' ability to sustain an adequate income while meeting health needs of the employees and their family members.

(G) Whether employers who administered paid sick leave policies prior to the date of enactment of this Act were affected by the provisions of this Act.

(H) Whether other types of leave were affected by this Act.

(I) Whether paid sick leave affected retention and turnover and costs of presenteeism.

(J) Whether the paid sick leave increased the use of less costly preventive medical care and lowered the use of emergency room care.

(K) Whether the paid sick leave reduced the number of children sent to school when the children were sick.

(2) AGGREGATING DATA.—The data collected under subparagraphs (A), (B), and (E) of paragraph (1) shall be aggregated by gender, race, disability, earnings level, age, marital status, and family type, including parental status.

(3) REPORTS.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit a report to the appropriate committees of Congress concerning the results of the study conducted pursuant to paragraph (1) and the data aggregated under paragraph (2).

(B) FOLLOWUP REPORT.—Not later than 5 years after the date of enactment of this Act the Comptroller General of the United States shall prepare and submit a followup report to

the appropriate committees of Congress concerning the results of the study conducted pursuant to paragraph (1) and the data aggregated under paragraph (2).

SEC. 10. EFFECT ON OTHER LAWS.

(a) **FEDERAL AND STATE ANTIDISCRIMINATION LAWS.**—Nothing in this Act shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, or disability.

(b) **STATE AND LOCAL LAWS.**—Nothing in this Act shall be construed to supersede any provision of any State or local law that provides greater paid sick leave or other leave rights than the rights established under this Act.

SEC. 11. EFFECT ON EXISTING EMPLOYMENT BENEFITS.

(a) **MORE PROTECTIVE.**—Nothing in this Act shall be construed to diminish the obligation of an employer to comply with any contract, collective bargaining agreement, or any employment benefit program or plan that provides greater paid sick leave rights to employees or individuals than the rights established under this Act.

(b) **LESS PROTECTIVE.**—The rights established for employees under this Act shall not be diminished by any contract, collective bargaining agreement, or any employment benefit program or plan.

SEC. 12. ENCOURAGEMENT OF MORE GENEROUS LEAVE POLICIES.

Nothing in this Act shall be construed to discourage employers from adopting or retaining leave policies more generous than policies that comply with the requirements of this Act.

SEC. 13. REGULATIONS.

(a) **IN GENERAL.**—

(1) **AUTHORITY.**—Except as provided in paragraph (2), not later than 120 days after the date of enactment of this Act, the Secretary shall prescribe such regulations as are necessary to carry out this Act with respect to employees described in clause (i) or (ii) of section 4(2)(A) and other individuals affected by employers described in subclause (I) or (II) of section 4(3)(A)(i).

(2) **GOVERNMENT ACCOUNTABILITY OFFICE; LIBRARY OF CONGRESS.**—The Comptroller General of the United States and the Librarian of Congress shall prescribe the regulations with respect to employees of the Government Accountability Office and the Library of Congress, respectively and other individuals affected by the Comptroller General of the United States and the Librarian of Congress, respectively.

(b) **EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.**—

(1) **AUTHORITY.**—Not later than 120 days after the date of enactment of this Act, the Board of Directors of the Office of Compliance shall prescribe (in accordance with section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384)) such regulations as are necessary to carry out this Act with respect to employees described in section 4(2)(A)(iii) and other individuals affected by employers described in section 4(3)(A)(i)(III).

(2) **AGENCY REGULATIONS.**—The regulations prescribed under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary to carry out this Act except insofar as the Board may determine, for good cause shown and stated together with the regulations prescribed under paragraph (1), that a modification of such regulations would be more effective for the implementation of the rights and protections involved under this section.

(c) **EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.**—

(1) **AUTHORITY.**—Not later than 120 days after the date of enactment of this Act, the

President (or the designee of the President) shall prescribe such regulations as are necessary to carry out this Act with respect to employees described in section 4(2)(A)(iv) and other individuals affected by employers described in section 4(3)(A)(i)(IV).

(2) **AGENCY REGULATIONS.**—The regulations prescribed under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary to carry out this Act except insofar as the President (or designee) may determine, for good cause shown and stated together with the regulations prescribed under paragraph (1), that a modification of such regulations would be more effective for the implementation of the rights and protections involved under this section.

(d) **EMPLOYEES COVERED BY CHAPTER 63 OF TITLE 5, UNITED STATES CODE.**—

(1) **AUTHORITY.**—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall prescribe such regulations as are necessary to carry out this Act with respect to employees described in section 4(2)(A)(v) and other individuals affected by employers described in section 4(3)(A)(i)(V).

(2) **AGENCY REGULATIONS.**—The regulations prescribed under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary to carry out this Act except insofar as the Director may determine, for good cause shown and stated together with the regulations prescribed under paragraph (1), that a modification of such regulations would be more effective for the implementation of the rights and protections involved under this section.

SEC. 14. EFFECTIVE DATES.

(a) **IN GENERAL.**—This Act shall take effect 1 year after the date of issuance of regulations under section 13(a)(1).

(b) **COLLECTIVE BARGAINING AGREEMENTS.**—In the case of a collective bargaining agreement in effect on the effective date prescribed by subsection (a), this Act shall take effect on the earlier of—

(1) the date of the termination of such agreement; or

(2) the date that occurs 18 months after the date of issuance of regulations under section 13(a)(1).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 107—EXPRESSING THE SENSE OF THE SENATE THAT NO ACTION SHOULD BE TAKEN TO UNDERMINE THE SAFETY OF THE ARMED FORCES OF THE UNITED STATES OR IMPACT THEIR ABILITY TO COMPLETE THEIR ASSIGNED OR FUTURE MISSIONS

Mrs. MURRAY (for herself and Mr. LEVIN) submitted the following resolution; which was submitted and read:

S. RES. 107

Whereas under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Whereas when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the

Executive Branch and the Legislative Branch of Government; and

Whereas thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

SENATE RESOLUTION 108—DESIGNATING THE FIRST WEEK OF APRIL 2007 AS "NATIONAL ASBESTOS AWARENESS WEEK"

Mr. BAUCUS (for himself, Mr. REID, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. DURBIN, Mrs. MURRAY, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 108

Whereas there is no known safe level of exposure to asbestos;

Whereas deadly asbestos fibers are invisible and cannot be smelled or tasted;

Whereas when a person inhales or swallows airborne asbestos fibers, the damage is permanent and irreversible;

Whereas these fibers can cause mesothelioma, asbestosis, lung cancer, and pleural diseases;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival rate of individuals diagnosed with mesothelioma is between 6 and 24 months;

Whereas little is known about late-stage treatment and there is no cure for asbestos-related diseases;

Whereas early detection of asbestos-related diseases would give patients increased treatment options and often improve their prognoses;

Whereas asbestos is a toxic and dangerous substance and must be disposed of properly;

Whereas, in 1977, the International Agency for Research on Cancer classified asbestos as a Category 1 human carcinogen, the highest cancer hazard classification for a substance;

Whereas, in 2002, the United States Geological Survey reported that companies in the United States consumed 9,000 metric tons of asbestos, of which approximately 71 percent was consumed in roofing products, 18 percent in gaskets, 5 percent in friction products, and 6 percent in other products;

Whereas, in 2006, the World Health Organization issued a policy paper, and the International Labour Organization adopted a resolution, agreeing that all forms of asbestos

are classified as human carcinogens, no threshold for "safe" exposure exists, and the elimination of asbestos use is essential to stop the global epidemic of asbestos-related diseases;

Whereas nearly half of the more than 1,000 screened firefighters, police officers, rescue workers, and volunteers who responded to the World Trade Center attacks on September 11, 2001, have new and persistent respiratory problems;

Whereas the industry groups with the highest incidence rates of asbestos-related diseases, based on 2000 to 2002 figures, were shipyard workers, builders of vehicle bodies (including rail vehicles), pipefitters, carpenters and electricians, construction workers (including insulation and stripping workers), extraction workers, energy and water supply workers, and manufacturing workers;

Whereas the United States has substantially reduced its consumption of asbestos, yet continues to consume almost 2,000 metric tons of the fibrous mineral for use in certain products throughout the Nation;

Whereas asbestos exposures continue, but attention to safety and prevention has reduced significantly and will continue to reduce asbestos exposures and asbestos-related diseases;

Whereas the United States continues to import over \$100,000,000 worth of asbestos products annually, such as brake pads and linings, cement pipe, floor tiles, and other asbestos products from other countries for use throughout the Nation;

Whereas asbestos-related diseases kill 10,000 people in the United States each year, and the numbers are increasing;

Whereas people in the small community of Libby, Montana, have asbestos-related diseases at a rate 40 to 60 times the national average, and suffer from mesothelioma at a rate 100 times the national average;

Whereas asbestos exposure is responsible for 1 in every 125 deaths of men over the age of 50;

Whereas asbestos has been the largest single cause of occupational cancer;

Whereas asbestos is still a hazard for 1,300,000 workers in the United States;

Whereas asbestos-related deaths have increased greatly in the last 20 years and are expected to continue to increase;

Whereas 30 percent of all victims of asbestos-related diseases were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of virtually all office buildings, public schools, and homes built before 1975;

Whereas safety and prevention will reduce asbestos exposure and asbestos-related diseases; and

Whereas the establishment of "National Asbestos Awareness Week" would raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

Resolved, That the Senate—

(1) designates the first week of April 2007 as "National Asbestos Awareness Week";

(2) urges the Surgeon General, as a public health issue, to warn and educate people that asbestos exposure may be hazardous to their health; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Surgeon General.

Mr. REID. Mr. President, I rise in support of the resolution introduced by Senator BAUCUS to designate the first week of April 2007 as "National Asbestos Awareness Week." It is my hope this resolution will raise public awareness of this dreadful substance and the pain and suffering that it has caused. It

is also a reminder of our responsibility to the victims of asbestos in Nevada, in Libby, MT, and all over America.

We know too well that the effect of exposure can be deadly. Diseases caused by asbestos include cancers of the lung, digestive tract, colon, larynx, esophagus, kidney and some types of lymphoma; pleural disease; asbestosis; and, of course, mesothelioma. These devastating illnesses take the lives of 30 Americans each day and as many as 10,000 Americans each year.

According to the Occupational Safety and Health Administration, OSHA, 1.3 million Americans still face significant asbestos exposure in their workplaces. However, the danger is not confined to the Nation's shipyards, mines, or construction sites. Countless others are exposed in their neighborhoods, in schoolyards and at home; mothers and children who would otherwise have no clue that their very health is in jeopardy from this poisonous substance.

The cases of disease and death caused by asbestos exposure are not abstractions. Real lives are affected and destroyed by this dreadful substance. I have received countless letters from victims of asbestos-related diseases and their families. Each one shares another story of loss and of pain, of sickness and of tragedy.

James Baxter, a retired railroad worker from Carson City, NV, suffers from lung damage and respiratory problems. Richard Strauss from Las Vegas, NV, lost his father 3 years ago from asbestos exposure. Like many others, these two men contacted me seeking help in dealing with the hardship and tragedy they have endured.

Margy Urnberg from Carson City, NV, had a father, Ronald Johnson, who died from asbestos exposure. He worked in a vermiculite mine and received secondhand exposure from living in Libby, MT. Connie Peck-Youso was born and raised in Libby, MT. Although she never worked in a mine, she bares the scarring in her lungs from the same type of secondhand exposure that had such terrible consequences for Mr. Johnson.

Alan Reinstein, the cofounder and former Director of Communications of the Asbestos Disease Awareness Organization, suffered with acute mesothelioma. Alan fought bravely and responded to his illness as a call to action. Sadly, he lost his battle with his terrible disease last year. The Alan Reinstein Memorial Award was created to honor those, like Alan, who have brought awareness to the victims of asbestos. Les Skramstad will be honored posthumously this year.

Last year, the Senate debated a bill to remove asbestos liability cases from the court system and compensate victims from a trust fund. I strongly opposed that bill because it was unfair to asbestos victims. The bill would have made it too difficult for seriously injured victims to recover damages, and the trust fund would have been inadequate. Rather than deprive asbestos

victims of their day in court, we should pass legislation to ban asbestos and heighten public awareness of this fatal disease.

I am also pleased to be a cosponsor of the legislation recently reintroduced by Senator MURRAY, the Ban Asbestos in America Act of 2007, which would ban asbestos by prohibiting asbestos-containing products from being imported, manufactured, processed, or distributed in the United States. While it has been banned in over 40 countries around the world, we continue to import over \$100 million worth of asbestos products annually. This is more than 30 million pounds of asbestos that is imported for use throughout the Nation. Additionally, the bill calls for a public awareness campaign to help educate patients, workers, family members, and health care providers on the dangers of exposure to asbestos, along with possible treatment options. Asbestos is killing far too many people. We can and should do more. Senator MURRAY's bill and the National Asbestos Awareness Week are a step in that direction.

SENATE RESOLUTION 109—CONGRATULATING THE UNIVERSITY OF ALASKA FAIRBANKS RIFLE TEAM FOR WINNING THE 2007 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION RIFLE CHAMPIONSHIP

Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 109

Whereas, on March 10, 2007, before a crowd of more than 900 fans in Fairbanks, Alaska, the University of Alaska Fairbanks rifle team (referred to in this preamble as the "Nanooks rifle team") earned a combined total of 4,662 points for the performance of the team in the smallbore rifle and air rifle competitions to win the 2007 National Collegiate Athletic Association Rifle Championship (referred to in this preamble as the "NCAA Rifle Championship");

Whereas that victory marked the 9th NCAA Rifle Championship won by the Nanooks rifle team since 1994;

Whereas winning the NCAA Rifle Championship was the pinnacle of a remarkable undefeated season for the Nanooks rifle team;

Whereas 6 members of the Nanook rifle team were named National Collegiate Athletic Association All-Americans;

Whereas 2nd-year coach Dan Jordan, along with each member of the Nanooks rifle team, dedicated his or her time and effort to ensuring that the Nanooks rifle team won the NCAA Rifle Championship;

Whereas the families of the shooters, students, alumni, faculty, and all of the supporters of the Nanooks rifle team are to be congratulated for their commitment to, and pride in, the Nanooks rifle team;

Whereas the members of the 2006-2007 Nanooks rifle team are excellent representatives of a fine university that is a leader in higher education and produces many fine student-athletes and other community leaders; and

Whereas the Nanooks rifle team showed tremendous dedication to each other, appreciation for their fans, sportsmanship to their

opponents, and respect for the sport of competitive shooting throughout the 2006-2007 season: Now, therefore, be it

Resolved, That the Senate congratulates the University of Alaska Fairbanks rifle team for winning the 2007 National Collegiate Athletic Association Rifle Championship.

SENATE RESOLUTION 110—EXPRESSING THE SENSE OF THE SENATE REGARDING THE 30TH ANNIVERSARY OF ASEAN-UNITED STATES DIALOGUE AND RELATIONSHIP

Mr. LUGAR (for himself, Mr. BIDEN, Mrs. BOXER, Ms. MURKOWSKI, Mr. HAGEL, Mr. BOND, Mr. KERRY, Mr. WEBB, and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 110

Whereas the Association of Southeast Asian Nations (referred to in this resolution as "ASEAN"), was established in 1967, with Indonesia, Malaysia, the Philippines, Singapore and Thailand as the initial members;

Whereas the membership of ASEAN has expanded to 10 countries since its establishment in 1967, and now includes Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand, and Vietnam;

Whereas the United States-ASEAN dialogue and relationship began in 1977;

Whereas the countries of ASEAN constitute the 3rd largest export market for the United States, have received approximately \$90,000,000,000 in direct investment from the United States, and are developing an integrated free trade area;

Whereas trade between the United States and the countries of ASEAN totals nearly \$170,000,000,000 annually;

Whereas ASEAN is committed to accelerated economic growth, social progress, cultural development, and regional peace and stability;

Whereas ASEAN is committed to developing a regional energy security strategy;

Whereas nearly 40,000 students from ASEAN countries are studying in the United States;

Whereas ASEAN countries share common concerns with the United States, including the spread of avian influenza and other diseases, and environmental issues, such as the preservation of biodiversity and illegal logging;

Whereas ASEAN countries continue to partner with the United States against global terrorism;

Whereas the Senate passed legislation authorizing the establishment of the position of United States Ambassador for ASEAN Affairs; and

Whereas United States officials announced in August of 2006 that an Ambassador for ASEAN Affairs will be appointed: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that—

(A) the United States and the ASEAN countries should continue implementing the ASEAN-United States Enhanced Partnership, with emphasis on the agreed upon specific priority measures for cooperation in 2007;

(B) the United States should proceed with appointing a United States Ambassador for ASEAN Affairs;

(C) the United States should work with the countries of ASEAN in developing a regional energy strategy;

(D) the United States should provide greater emphasis and support toward encouraging students from ASEAN countries to study in the United States, and American students to study in ASEAN countries; and

(E) the United States should continue to support the work of multilateral financial institutions, including the Asian Development Bank and the World Bank in ASEAN countries, and to encourage additional transparency and anticorruption efforts by those institutions, for the benefit of the ASEAN countries where they operate;

(2) the Senate welcomes the initiation of a Fulbright Program for ASEAN scholars; and

(3) the Senate welcomes and encourages planning by the countries of ASEAN and the United States for an ASEAN-United States Summit in 2007.

Mr. LUGAR. Mr. President, since its inception in 1967, the Association of Southeast Asian Nations has been a trusted friend of the United States. The original five-member countries of Indonesia, Malaysia, Philippines, Singapore and Thailand, were joined by Brunei Darussalam in 1984. Beginning in the late 1960s, U.S. officials today continue to interact with ASEAN regarding mutual interests in East and Southeast Asia. Vietnam, Laos, Burma and Cambodia joined ASEAN after 1994.

The level of intersects between ASEAN and the United States is immense, including student exchanges, business and trade, and security cooperation. ASEAN is the third largest export destination of American products.

It is important to note that ASEAN is continually changing, with the pursuit of economic integration. As noted by the ASEAN Secretariat, ASEAN officials hope to create "a stable, prosperous and highly competitive ASEAN economic region in which there is a free flow of goods, services and investment and a freer flow of capital, equitable, economic development and reduced poverty and socio-economic disparities in year 2020." Last year alone, there were over 500 meetings of ASEAN officials—it is a vibrant regional structure.

Committed to promoting regional peace and harmony, there has been no armed confrontation among ASEAN member nations, since ASEAN's beginning. An important part of ASEAN's future security lies in the development of a regional energy security strategy. This endeavor is well underway, and the United States looks forward to future dialogue on ways in which meaningful cooperation can occur.

Continued collaboration between ASEAN, the United States and the World Health Organization on addressing major disease challenges, such as Avian influenza is of the essence. All involved must act with vigilance and in a timely way.

While ASEAN and the United States have shared appreciation for the challenges of terrorism, our relationship is far more complex. For the benefit of my colleagues, I point to recent remarks conveyed to me by Singapore's esteemed

Ambassador-at-Large, Tommy Koh, who wrote "ASEAN's re-

lationship with the U.S. is its most important relationship. It is a mutually beneficial relationship. However, ASEAN often feels that it has been treated by the U.S. with benign neglect and viewed solely through the prism of terrorism. We hope, on this 30th anniversary year of the U.S.-ASEAN dialogue relationship, that the U.S. will develop a coherent strategy and policy to engage ASEAN, upgrade our priority and make the U.S. the best friend of ASEAN."

Full implementation of the ASEAN-United States Enhanced Partnership and appointment of the U.S. Ambassador for ASEAN Affairs are important steps in growing this important bilateral relationship.

I am pleased to introduce this resolution commemorating the 30th anniversary of the U.S.-ASEAN dialogue. It is a message of reaffirmation and deep appreciation by the United States Senate. We look forward to an even closer future partnership on many fronts, yielding mutual benefit for the people of ASEAN and the United States.

SENATE CONCURRENT RESOLUTION 20—EXPRESSING 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 MISSION

Mr. GREGG (for himself, Mr. LOTT, Mr. SHELBY, Mr. CRAIG, Mr. CORNYN, Mr. STEVENS, Mr. CHAMBLISS, Mr. ALLARD, Mr. GRAHAM, Mr. ROBERTS, Mr. COBURN, Mr. MARTINEZ, Mr. ISAKSON, Mr. COLEMAN, Mr. DEMINT, Mr. THUNE, and Mr. SESSIONS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 20

Whereas under Article II, Section 2, of the Constitution of the United States, the President is the "commander in chief of the Army and Navy of the United States", and in such capacity the President has the command of the Armed Forces, including the authority to deploy troops and direct military campaigns during wartime;

Whereas under Article I, Section 8, of the Constitution of the United States, Congress has the power of the purse specifically as it relates to the Armed Forces, and in such capacity Congress has the responsibility to fully and adequately provide funding for United States military forces, especially when they are at war and are defending the Nation; and

Whereas when United States military forces are in harm's way and are protecting our country, Congress and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned missions, including the equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that Congress should not take

any action that will endanger United States military forces in the field, including the elimination or reduction of funds for troops in the field, as such action with respect to funding would undermine their safety or harm their effectiveness in pursuing their assigned missions.

AMENDMENTS SUBMITTED AND PROPOSED

SA 459. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 214, to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys; which was ordered to lie on the table.

SA 460. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 214, supra; which was ordered to lie on the table.

SA 461. Mr. PRYOR submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 9, to revise United States policy on Iraq; which was ordered to lie on the table.

SA 462. Mr. REID (for Mr. BIDEN (for himself and Mr. MENENDEZ)) proposed an amendment to the bill S. 494, 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.

SA 463. Mr. REID (for Mr. BIDEN) proposed an amendment to the concurrent resolution H. Con. Res. 20, calling on the Government of the United Kingdom to immediately establish a full, independent, and public judicial inquiry into the murder of Northern Ireland defense attorney Patrick Finucane, as recommended by Judge Peter Cory as part of the Weston Park Agreement, in order to move forward on the Northern Ireland peace process.

TEXT OF AMENDMENTS

SA 459. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 214, to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys; which was ordered to lie on the table; as follows:

On page 2, strike line 1 and all that follows and insert the following:

SEC. 2. PROMPT NOMINATION AND CONFIRMATION OF UNITED STATES ATTORNEYS.

Section 541 of title 28, United States Code is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

“(b)(1) Not later than 120 days after the date on which a vacancy occurs in the office of United States attorney for a judicial district, the President shall submit an appointment for that office to the Senate.

“(2) Except as provided in paragraph (3), not later than 120 days after the date of the submission of an appointment under paragraph (1), the Senate shall vote on that appointment.

“(3) If the President fails to comply with paragraph (1) with regard to the submission of any appointment for the office of United States attorney, paragraph (2) of this subsection shall have no force or effect with regard to any appointment to the office of United States attorney during the remainder of the term of office of that President.”.

SEC. 3. REPEAL OF INTERIM APPOINTMENT AUTHORITY.

Section 546 of title 28, United States Code, is repealed.

SA 460. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 214, to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys; which was ordered to lie on the table; as follows:

On page 2, line 23, strike the quotation marks and the second period and insert the following:

“(e)(1) A district court appointing a United States attorney under subsection (d) shall not appoint a candidate—

“(A) unless that candidate is an employee of the Department of Justice or is a Federal law enforcement officer (as that term is defined in section 115 of title 18); or

“(B) if the court learns that candidate is under investigation or has been sanctioned by the Department of Justice or another Federal agency.

“(2) Not less than 7 days before making an appointment under subsection (d), a district court shall confidentially inform the Attorney General of identity of the candidate for that appointment.”.

SA 461. Mr. PRYOR submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 9, to revise United States policy on Iraq; which was ordered to lie on the table; as follows:

Beginning on page 2, line 11, strike “to the limited purposes set forth” and all that follows through page 3, line 20, and insert the following: “to the following purposes:

(1) Protecting United States and coalition personnel and infrastructure.

(2) Training and equipping Iraqi forces.

(3) Conducting targeted counter-terrorism operations.

(b) COMPREHENSIVE STRATEGY.—Subsection (a) shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

(c) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to Congress a classified report on the progress made in transitioning the mission of the United States forces in Iraq and achieving the benchmarks established pursuant to subsection (d).

(d) CLASSIFIED CAMPAIGN PLAN.—The President shall create a classified campaign plan for Iraq, including strategic and operation benchmarks and redeployment dates of United States forces from Iraq as those benchmarks are met.

SA 462. Mr. REID (for Mr. BIDEN (for himself and Mr. MENENDEZ)) proposed an amendment to the bill S. 494, 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; as follows:

On page 5, line 19, insert “(FYROM)” after “Macedonia”.

On page 12, line 22, insert “(FYROM)” after “Macedonia”.

On page 14, line 7, insert “(FYROM)” after “Macedonia”.

On page 14, line 9, insert “(FYROM)” after “MACEDONIA”.

On page 15, line 6, insert “(FYROM)” after “MACEDONIA”.

On page 15, line 6, insert “(FYROM)” after “Macedonia”.

On page 15, line 20, insert “(FYROM)” after “Macedonia”.

On page 17, line 3, insert “(FYROM)” after “Macedonia”.

SA 463. Mr. REID (for Mr. BIDEN) proposed an amendment to the concurrent resolution H. Con. Res. 20, calling on the Government of the United Kingdom to immediately establish a full, independent, and public judicial inquiry into the murder of Northern Ireland defense attorney Patrick Finucane, as recommended by Judge Peter Cory as part of the Weston Park Agreement, in order to move forward on the Northern Ireland peace process; as follows:

In the ninth whereas clause of the preamble, strike “Dial” and insert “Dail”.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, March 22, 2007, at 9:45 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on Indian Housing.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 15, 2007, at 9:30 a.m., in open session to receive testimony on the posture of the United States Army in review of the Defense authorization request for fiscal year 2008 and the future years defense program.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REED. 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, March 15, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to review the U.S. Coast Guard budget.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 15, 2007, at 9:30 a.m. to hold a nomination hearing.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the

Senate on Thursday, March 15, 2007 at 4 p.m. in the President's Room, S-216, of the Capitol building. We will be considering the following:

Agenda

1. S. 624, the National Breast and Cervical Cancer Early Detection Program Reauthorization Act of 2007
2. S. 845, Keeping Seniors Safe From Falls Act of 2007
3. S. 657, the Trauma Care Systems Planning and Development Act of 2007
4. W. Craig Vanderwagen, of Maryland, to be Assistant Secretary for Preparedness and Response, Department of Health and Human Services

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, March 15, 2007, at 10 a.m. to consider the nomination of Gregory B. Cade to be Administrator of the U.S. Fire Administration at the Department of Homeland Security.

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

COMMITTEE ON THE JUDICIARY

Mr. REED. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 15, 2007, at 10 a.m. in Dirksen Room 226.

Agenda

I. COMMITTEE AUTHORIZATION

Authorization of Subpoenas in Connection with Investigation into Replacement of U.S. Attorneys

II. BILLS

S. 236, The Federal Agency Data Mining Reporting Act of 2007; Feingold, Sununu

S. 261, Animal Fighting Prohibition Enforcement Act of 2007; Cantwell, Specter, Durbin, Kyl, Feinstein, Feingold, Kohl

S. 376, Law Enforcement Officers Safety Act of 2007; Leahy, Specter, Kyl, Cornyn, Grassley, Sessions

S. 231, A bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program; Feinstein, Cornyn, Kohl, Durbin, Biden, Grassley

S. 368, COPS Improvements Act of 2007; Biden, Leahy, Kohl, Feinstein, Schumer, Durbin, Specter

S. 627, Safe Babies Act; Harkin, Specter

III. RESOLUTIONS

S. Con. Res. 14, Commemorating the 85th anniversary of the American Hellenic Educational Progressive Association; Snowe

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REED. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 15, 2007 at 2:30 p.m. to hold a Business Meeting..

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. REED. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to meet during the session of the Senate on Thursday, March 15, 2007.

The agenda to be considered: Hearing on Water Resources Needs and the President's Budget Proposal for the Army Corps of Engineers for fiscal year 2008.

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

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent for John Krukameyer of my office to have floor privileges for today's session of the Senate. I also ask unanimous consent that a law clerk on my staff, Melanie Edwards, be granted floor privileges until March 31.

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

GREEK INDEPENDENCE DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to calendar No. 80, S. Res. 95.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 95) designating March 25, 2007, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 95) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 95

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming a representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that "it is in your land that liberty has fixed her abode and ... in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you";

Whereas, during World War II, Greece played a major role in the struggle to protect freedom and democracy by bravely

fighting the historic Battle of Crete, giving the Axis powers their first major setback in the land war and setting off a chain of events that significantly affected the outcome of World War II;

Whereas Greece paid a high price for defending the common values of Greece and the United States in the deaths of hundreds of thousands of Greek civilians during World War II;

Whereas, throughout the 20th century, Greece was 1 of only 3 countries in the world, outside the former British Empire, that allied with the United States in every major international conflict;

Whereas President George W. Bush, in recognizing Greek Independence Day in 2002, said, "Greece and America have been firm allies in the great struggles for liberty. . . . Americans will always remember Greek heroism and Greek sacrifice for the sake of freedom. . . . [and a]s the 21st century dawns, Greece and America once again stand united; this time in the fight against terrorism. . . . The United States deeply appreciates the role Greece is playing in the war against terror. . . . America and Greece are strong allies, and we're strategic partners.";

Whereas President Bush stated that Greece's successful "law enforcement operations against a terrorist organization [November 17] responsible for three decades of terrorist attacks underscore the important contributions Greece is making to the global war on terrorism";

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region and has invested over \$15,000,000,000 in the region;

Whereas Greece was extraordinarily responsive to requests by the United States during the war in Iraq, immediately granting the United States unlimited access to Greece's airspace and the base in Souda Bay, and many United States ships that delivered troops, cargo, and supplies to Iraq were refueled in Greece;

Whereas, in August 2004, the Olympic games came home to Athens, Greece, the land in which the games began 2,500 years ago and the city in which the games were revived in 1896;

Whereas Greece received world-wide praise for its extraordinary handling during the 2004 Olympics of more than 14,000 athletes from 202 countries and more than 2,000,000 spectators and journalists, a feat Greece handled efficiently, securely, and with famous Greek hospitality;

Whereas the unprecedented security effort in Greece for the first Olympics after the attacks on the United States on September 11, 2001, included a record-setting expenditure of more than \$1,390,000,000 and the assignment of more than 70,000 security personnel, as well as the utilization of an 8-country Olympic Security Advisory Group that included the United States;

Whereas Greece, located in a region in which Christianity mixes with Islam and Judaism, maintains excellent relations with Muslim countries and Israel;

Whereas the Government of Greece has had extraordinary success in recent years in furthering cross-cultural understanding and reducing tensions between Greece and Turkey;

Whereas Greece and the United States are at the forefront of the effort to advance freedom, democracy, peace, stability, and human rights;

Whereas those and other ideals have forged a close bond between the governments and the peoples of Greece and the United States;

Whereas March 25, 2007, marks the 186th anniversary of the beginning of the revolution that freed the people of Greece from the Ottoman Empire; and

Whereas it is proper and desirable for the people of the United States to celebrate this anniversary with the people of Greece and to reaffirm the democratic principles from which both Greece and the United States were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2007, as “Greek Independence Day: A National Day of Celebration of Greek and American Democracy”; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

CONGRATULATING THE UNIVERSITY OF ALASKA FAIRBANKS RIFLE TEAM

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to S. Res. 109.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 109) congratulating the University of Alaska Fairbanks rifle team for winning the 2007 National Collegiate Athletic Association Rifle Championship.

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. Mr. President, I rise to recognize the University of Alaska Fairbanks rifle team for winning the 2007 National Collegiate Athletic Association Rifle Championship on March 10, 2007 in Fairbanks, AK.

With a total score of 4,662 points for their performance in the smallbore and air rifle competitions, the undefeated and defending champion University of Alaska Fairbanks “Nanooks” posted an 18-point win over the U.S. Military Academy and a 23-point win over Jacksonville State University to claim their ninth national championship title.

This was the first time the Nanooks have hosted an NCAA Championship. More than 900 spectators, a record crowd for an NCAA Rifle Championship, were present to help support the local team.

Nanooks head coach Dan Jordan, along with each member of the 2007 University of Alaska Fairbanks rifle team, which includes six National Rifle Association All-Americans, should be recognized for their achievements during this past season. I congratulate the team and wish them continued success in future years.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 109) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 109

Whereas, on March 10, 2007, before a crowd of more than 900 fans in Fairbanks, Alaska,

the University of Alaska Fairbanks rifle team (referred to in this preamble as the “Nanooks rifle team”) earned a combined total of 4,662 points for the performance of the team in the smallbore rifle and air rifle competitions to win the 2007 National Collegiate Athletic Association Rifle Championship (referred to in this preamble as the “NCAA Rifle Championship”);

Whereas that victory marked the 9th NCAA Rifle Championship won by the Nanooks rifle team since 1994;

Whereas winning the NCAA Rifle Championship was the pinnacle of a remarkable undefeated season for the Nanooks rifle team;

Whereas 6 members of the Nanook rifle team were named National Collegiate Athletic Association All-Americans;

Whereas 2nd-year coach, Dan Jordan, along with each member of the Nanooks rifle team dedicated his or her time and effort to ensuring that the Nanooks rifle team won the NCAA Rifle Championship;

Whereas the families of the shooters, students, alumni, faculty, and all of the supporters of the Nanooks rifle team are to be congratulated for their commitment to, and pride in, the Nanooks rifle team;

Whereas the members of the 2006–2007 Nanooks rifle team are excellent representatives of a fine university that is a leader in higher education and produces many fine student-athletes and other community leaders; and

Whereas the Nanooks rifle team showed tremendous dedication to each other, appreciation for their fans, sportsmanship to their opponents, and respect for the sport of competitive shooting throughout the 2006–2007 season: Now, therefore, be it

Resolved, That the Senate congratulates the University of Alaska Fairbanks rifle team for winning the 2007 National Collegiate Athletic Association Rifle Championship.

CONGRESSIONAL CHARTER OF THE AMERICAN NATIONAL RED CROSS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to calendar No. 71, S. 655.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 655) to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American National Red Cross in the 21st century, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported by the Committee on the Judiciary with an amendment, as follows:

[Omit the part struck through and insert the part printed in *italic*.]

S. 655

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 “The American National Red Cross Governance Modernization Act of 2007”.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

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

(1) Substantive changes to the Congressional Charter of The American National Red Cross have not been made since 1947.

(2) In February 2006, the board of governors of The American National Red Cross (the “Board of Governors”) commissioned an independent review and analysis of the Board of Governors’ role, composition, size, relationship with management, governance relationship with chartered units of The American National Red Cross, and whistleblower and audit functions.

(3) In an October 2006 report of the Board of Governors, entitled “American Red Cross Governance for the 21st Century” (the “Governance Report”), the Board of Governors recommended changes to the Congressional Charter, bylaws, and other governing documents of The American National Red Cross to modernize and enhance the effectiveness of the Board of Governors and governance structure of The American National Red Cross.

(4) It is in the national interest to create a more efficient governance structure of The American National Red Cross and to enhance the Board of Governors’ ability to support the critical mission of The American National Red Cross in the 21st century.

(5) It is in the national interest to clarify the role of the Board of Governors as a governance and strategic oversight board and for The American National Red Cross to amend its bylaws, consistent with the recommendations described in the Governance Report, to clarify the role of the Board of Governors and to outline the areas of its responsibility, including—

(A) reviewing and approving the mission statement for The American National Red Cross;

(B) approving and overseeing the corporation’s strategic plan and maintaining strategic oversight of operational matters;

(C) selecting, evaluating, and determining the level of compensation of the corporation’s chief executive officer;

(D) evaluating the performance and establishing the compensation of the senior leadership team and providing for management succession;

(E) overseeing the financial reporting and audit process, internal controls, and legal compliance;

(F) holding management accountable for performance;

(G) providing oversight of the financial stability of the corporation;

(H) ensuring the inclusiveness and diversity of the corporation;

(I) providing oversight of the protection of the brand of the corporation; and

(J) assisting with fundraising on behalf of the corporation.

(6)(A) The selection of members of the Board of Governors is a critical component of effective governance for The American National Red Cross, and, as such, it is in the national interest that The American National Red Cross amend its bylaws to provide a method of selection consistent with that described in the Governance Report.

(B) The new method of selection should replace the current process by which—

(i) 30 chartered unit-elected members of the Board of Governors are selected by a non-Board committee which includes 2 members of the Board of Governors and other individuals elected by the chartered units themselves;

(ii) 12 at-large members of the Board of Governors are nominated by a Board committee and elected by the Board of Governors; and

(iii) 8 members of the Board of Governors are appointed by the President of the United States.

(C) The new method of selection described in the Governance Report reflects the single

category of members of the Board of Governors that will result from the implementation of this Act:

(i) All Board members (except for the chairman of the Board of Governors) would be nominated by a single committee of the Board of Governors taking into account the criteria outlined in the Governance Report to assure the expertise, skills, and experience of a governing board.

(ii) The nominated members would be considered for approval by the full Board of Governors and then submitted to The American National Red Cross annual meeting of delegates for election, in keeping with the standard corporate practice whereby shareholders of a corporation elect members of a board of directors at its annual meeting.

(7) The United States Supreme Court held The American National Red Cross to be an instrumentality of the United States, and it is in the national interest that the Congressional Charter confirm that status and that any changes to the Congressional Charter do not affect the rights and obligations of The American National Red Cross to carry out its purposes.

(8) Given the role of The American National Red Cross in carrying out its services, programs, and activities, and meeting its various obligations, the effectiveness of The American National Red Cross will be promoted by the creation of an organizational ombudsman who—

(A) will be a neutral or impartial dispute resolution practitioner whose major function will be to provide confidential and informal assistance to the many internal and external stakeholders of The American National Red Cross;

(B) will report to the chief executive officer and the audit committee of the Board of Governors; and

(C) will have access to anyone and any documents in The American National Red Cross.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) charitable organizations are an indispensable part of American society, but these organizations can only fulfill their important roles by maintaining the trust of the American public;

(2) trust is fostered by effective governance and transparency, which are the principal goals of the recommendations of the Board of Governors in the Governance Report and this Act;

(3) Federal and State action play an important role in ensuring effective governance and transparency by setting standards, rooting out violations, and informing the public; and

(4) while The American National Red Cross is and will remain a Federally chartered instrumentality of the United States, and it has the rights and obligations consistent with that status, The American National Red Cross nevertheless should maintain appropriate communications with State regulators of charitable organizations and should cooperate with them as appropriate in specific matters as they arise from time to time.

SEC. 3. ORGANIZATION.

Section 300101 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting “a Federally chartered instrumentality of the United States and” before “a body corporate and politic”; and

(2) in subsection (b), by inserting at the end the following new sentence: “The corporation may conduct its business and affairs, and otherwise hold itself out, as the ‘American Red Cross’ in any jurisdiction.”

SEC. 4. PURPOSES.

Section 300102 of title 36, United States Code, is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following paragraph:

“(5) to conduct other activities consistent with the foregoing purposes.”

SEC. 5. MEMBERSHIP AND CHAPTERS.

Section 300103 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting “, or as otherwise provided,” before “in the bylaws”; (2) in subsection (b)(1)—

(A) by striking “board of governors” and inserting “corporation”; and

(B) by inserting “policies and” before “regulations related”; and

(3) in subsection (b)(2)—

(A) by inserting “policies and” before “regulations shall require”; and

(B) by striking “national convention” and inserting “annual meeting”.

SEC. 6. BOARD OF GOVERNORS.

Section 300104 of title 36, United States Code, is amended to read as follows:

“§ 300104. Board of governors

“(a) BOARD OF GOVERNORS.—

“(1) IN GENERAL.—The board of governors is the governing body of the corporation with all powers of governing and directing, and of overseeing the management of the business and affairs of, the corporation.

“(2) NUMBER.—The board of governors shall fix by resolution, from time to time, the number of members constituting the entire board of governors, provided that—

“(A) as of March 31, 2009, and thereafter, there shall be no fewer than 12 and no more than 25 members; and

“(B) as of March 31, 2012, and thereafter, there shall be no fewer than 12 and no more than 20 members constituting the entire board.

Procedures to implement the preceding sentence shall be provided in the bylaws.

“(3) APPOINTMENT.—The governors shall be appointed or elected in the following manner:

“(A) CHAIRMAN.—

“(1) IN GENERAL.—The board of governors, in accordance with procedures provided in the bylaws, shall recommend to the President an individual to serve as chairman of the board of governors. If such recommendation is approved by the President, the President shall appoint such individual to serve as chairman of the board of governors.

“(ii) VACANCIES.—Vacancies in the office of the chairman, including vacancies resulting from the resignation, death, or removal by the President of the chairman, shall be filled in the same manner described in clause (i).

“(iii) DUTIES.—The chairman shall be a member of the board of governors and, when present, shall preside at meetings of the board of governors and shall have such other duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

“(B) OTHER MEMBERS.—

“(1) IN GENERAL.—Members of the board of governors other than the chairman shall be elected at the annual meeting of the corporation in accordance with such procedures as may be provided in the bylaws.

“(ii) VACANCIES.—Vacancies in any such elected board position and in any newly created board position may be filled by a vote of the remaining members of the board of governors in accordance with such procedures as may be provided in the bylaws.

“(b) TERMS OF OFFICE.—

“(1) IN GENERAL.—The term of office of each member of the board of governors shall be 3 years, except that—

“(A) the board of governors may provide under the bylaws that the terms of office of members of the board of governors elected to the board of governors before March 31, 2012, may be less than 3 years in order to implement the provisions of subparagraphs (A) and (B) of subsection (a)(2); and

“(B) any member of the board of governors elected by the board to fill a vacancy in a board position arising before the expiration of its term may, as determined by the board, serve for the remainder of that term or until the next annual meeting of the corporation.

“(2) STAGGERED TERMS.—The terms of office of members of the board of governors (other than the chairman) shall be staggered such that, by March 31, 2012, and thereafter, $\frac{1}{3}$ of the entire board (or as near to $\frac{1}{3}$ as practicable) shall be elected at each successive annual meeting of the corporation with the term of office of each member of the board of governors elected at an annual meeting expiring at the third annual meeting following the annual meeting at which such member was elected.

“(3) TERM LIMITS.—No person may serve as a member of the board of governors for more than such number of terms of office or years as may be provided in the bylaws.

“(c) COMMITTEES AND OFFICERS.—The board—

“(1) may appoint, from its own members, an executive committee to exercise such powers of the board when the board is not in session as may be provided in the bylaws;

“(2) may appoint such other committees or advisory councils with such powers as may be provided in the bylaws or a resolution of the board of governors;

“(3) shall appoint such officers of the corporation, including a chief executive officer, with such duties, responsibilities, and terms of office as may be provided in the bylaws or a resolution of the board of governors; and

“(4) may remove members of the board of governors (other than the chairman), officers, and employees under such procedures as may be provided in the bylaws or a resolution of the board of governors.

“(d) ADVISORY COUNCIL.—

“(1) ESTABLISHMENT.—There shall be an advisory council to the board of governors.

“(2) MEMBERSHIP; APPOINTMENT BY PRESIDENT.—

“(A) IN GENERAL.—The advisory council shall be composed of no fewer than 8 and no more than 10 members, each of whom shall be appointed by the President from principal officers of the executive departments and senior officers of the Armed Forces whose positions and interests qualify them to contribute to carrying out the programs and purposes of the corporation.

“(B) MEMBERS FROM THE ARMED FORCES.—At least 1, but not more than 3, of the members of the advisory council shall be selected from the Armed Forces.

“(3) DUTIES.—The advisory council shall advise, report directly to, and meet, at least 1 time per year with the board of governors, and shall have such name, functions and be subject to such procedures as may be provided in the bylaws.

“(e) ACTION WITHOUT MEETING.—Any action required or permitted to be taken at any meeting of the board of governors or of any committee thereof may be taken without a meeting if all members of the board or committee, as the case may be, consent thereto in writing, or by electronic transmission and the writing or writings or electronic transmission or transmissions are filed with the minutes of proceedings of the board or committee. Such filing shall be in paper form if the minutes are maintained in paper form and shall be in electronic form if the minutes are maintained in electronic form.

“(f) VOTING BY PROXY.—

“(1) IN GENERAL.—Voting by proxy is not allowed at any meeting of the board, at the annual meeting, or at any meeting of a chapter.

“(2) EXCEPTION.—The board may allow the election of governors by proxy during any emergency.

“(g) BYLAWS.—

“(1) IN GENERAL.—The board of governors may—

“(A) at any time adopt bylaws; and

“(B) at any time adopt bylaws to be effective only in an emergency.

“(2) EMERGENCY BYLAWS.—Any bylaws adopted pursuant to paragraph (1)(B) may provide special procedures necessary for managing the corporation during the emergency. All provisions of the regular bylaws consistent with the emergency bylaws remain effective during the emergency.

“(h) DEFINITIONS.—For purposes of this section—

“(1) the term ‘entire board’ means the total number of members of the board of governors that the corporation would have if there were no vacancies; and

“(2) the term ‘emergency’ shall have such meaning as may be provided in the bylaws.”.

SEC. 7. POWERS.

Paragraph (a)(1) of section 300105 of title 36, United States Code, is amended by striking “bylaws” and inserting “policies”.

SEC. 8. ANNUAL MEETING.

Section 300107 of title 36, United States Code, is amended to read as follows:

“§ 300107. Annual meeting

“(a) IN GENERAL.—The annual meeting of the corporation is the annual meeting of delegates of the chapters.

“(b) TIME OF MEETING.—The annual meeting shall be held as determined by the board of governors.

“(c) PLACE OF MEETING.—The board of governors is authorized to determine that the annual meeting shall not be held at any place, but may instead be held solely by means of remote communication subject to such procedures as are provided in the bylaws.

“(d) VOTING.—

“(1) IN GENERAL.—In matters requiring a vote at the annual meeting, each chapter is entitled to at least 1 vote, and voting on all matters may be conducted by mail, telephone, telegram, cablegram, electronic mail, or any other means of electronic or telephone transmission, provided that the person voting shall state, or submit information from which it can be determined, that the method of voting chosen was authorized by such person.

“(2) ESTABLISHMENT OF NUMBER OF VOTES.—

“(A) IN GENERAL.—The board of governors shall determine on an equitable basis the number of votes that each chapter is entitled to cast, taking into consideration the size of the membership of the chapters, the populations served by the chapters, and such other factors as may be determined by the board.

“(B) PERIODIC REVIEW.—The board of governors shall review the allocation of votes at least every 5 years.”.

SEC. 9. ENDOWMENT FUND.

Section 300109 of title 36, United States Code is amended—

(1) by striking “nine” from the first sentence thereof; and

(2) by striking the second sentence and inserting the following: “The corporation shall prescribe policies and regulations on terms and tenure of office, accountability, and expenses of the board of trustees.”.

SEC. 10. ANNUAL REPORT AND AUDIT.

Subsection (a) of section 300110 of title 36, United States Code, is amended to read as follows:

“(a) SUBMISSION OF REPORT.—As soon as practicable after the end of the corporation’s fiscal year, which may be changed from time to time by the board of governors, the corporation shall submit a report to the Secretary of Defense on the activities of the corporation during such fiscal year, including a complete, itemized report of all receipts and expenditures.”.

SEC. 11. COMPTROLLER GENERAL OF THE UNITED STATES AND OFFICE OF THE OMBUDSMAN.

(a) IN GENERAL.—Chapter 3001 of title 36, United States Code, is amended by redesignating section 300111 as section 300113 and by inserting after section 300110 the following new sections:

“§ 300111. Authority of the Comptroller General of the United States

“The Comptroller General of the United States is authorized to review the corporation’s involvement in any Federal program or activity the Government carries out under law.

“§ 300112. Office of the Ombudsman

“(a) ESTABLISHMENT.—The corporation shall establish an Office of the Ombudsman with such duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

“(b) REPORT.—The Office of the Ombudsman shall submit a report annually to Congress concerning any trends and systemic matters that the Office of the Ombudsman has identified as confronting the corporation.”.

“(b) REPORT.—

“(1) IN GENERAL.—The Office of the Ombudsman shall submit annually to the appropriate Congressional committees a report concerning any trends and systemic matters that the Office of the Ombudsman has identified as confronting the corporation.

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of paragraph (1), the appropriate Congressional committees are the following committees of Congress:

“(A) SENATE COMMITTEES.—The appropriate Congressional committees of the Senate are—

“(i) the Committee on Finance;

“(ii) the Committee on Foreign Relations;

“(iii) the Committee on Health, Education, Labor, and Pensions;

“(iv) the Committee on Homeland Security and Governmental Affairs; and

“(v) the Committee on the Judiciary.

“(B) HOUSE COMMITTEES.—The appropriate Congressional committees of the House of Representatives are—

“(i) the Committee on Energy and Commerce;

“(ii) the Committee on Foreign Affairs;

“(iii) the Committee on Homeland Security;

“(iv) the Committee on the Judiciary; and

“(v) the Committee on Ways and Means.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 3001 of title 36, United States Code, is amended by striking the item relating to section 300111 and inserting the following:

“300111. Authority of the Comptroller General of the United States.

“300112. Office of the Ombudsman.

“300113. Reservation of right to amend or repeal.”.

Mr. LEAHY. Mr. President, I am pleased the Judiciary Committee approved and the Senate is considering S. 655, the American National Red Cross Governance Modernization Act of 2007. I thank my colleagues, Senator GRASSLEY and Senator KENNEDY, for their hard work on this issue and for introducing this important bill.

Since its founding by Clara Barton in 1881, the American Red Cross has pro-

vided crucial relief services to those affected by famine, floods, and natural and manmade disasters. Last year alone, the American Red Cross responded to approximately 75,000 disasters with the help of more than 1 million volunteers and 35,000 employees. As a key participant in the U.S. disaster relief plan, the American Red Cross is charged with helping the United States prevent, prepare and respond to national emergencies. Over the past several years, however, the American Red Cross has been strained by disasters of an unparalleled scope: the terrorist attacks of September 11, 2001, the December 2004 Asian tsunami, and the 2005 hurricane season that included the enormously destructive Hurricanes Katrina, Rita, and Wilma. These events all challenged the Red Cross’s ability to respond to disasters quickly and effectively.

In order to improve its disaster relief services, the American Red Cross’s Board of Governors unanimously voted to accept recommendations given by an independent advisory board, which examined the American Red Cross’s governance structure and practices. S. 655 reflects these recommendations and would improve the American Red Cross’s governance structure by centralizing and reorganizing its infrastructure. Some notable enhancements include reducing its board size from 50 members to 20 in order to facilitate emergency action, giving the board all the powers in governing and managing the American Red Cross, and establishing a Presidential Advisory Council composed of 8 to 10 principal officers of the executive departments and senior officers of the Armed Forces to provide governmental input and support. Additionally, the modernized charter would enhance congressional oversight and transparency by creating an ombudsman who would provide an annual report to Congress articulating any concerns of volunteers, employees, donors, clients and the public.

According to the American Red Cross’s end of the year report, Hurricane Katrina created a record of 1.4 million families, or around 4 million people, who needed emergency assistance such as food, clothing, and other necessities. My wife Marcelle was one of hundreds of thousands of volunteers dedicated to providing these essential relief services to victims of Katrina. No one knows when the next disaster will strike. Congress must do everything in our power to ensure that the American Red Cross can continue and improve upon the essential humanitarian work on which the United States and the world relies. I commend the Red Cross for taking important action to reform itself, and I urge my colleagues to support this important legislation.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be

laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendment was agreed to.

The bill (S. 655), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 655

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 “The American National Red Cross Governance Modernization Act of 2007”.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

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

(1) Substantive changes to the Congressional Charter of The American National Red Cross have not been made since 1947.

(2) In February 2006, the board of governors of The American National Red Cross (the “Board of Governors”) commissioned an independent review and analysis of the Board of Governors’ role, composition, size, relationship with management, governance relationship with chartered units of The American National Red Cross, and whistleblower and audit functions.

(3) In an October 2006 report of the Board of Governors, entitled “American Red Cross Governance for the 21st Century” (the “Governance Report”), the Board of Governors recommended changes to the Congressional Charter, bylaws, and other governing documents of The American National Red Cross to modernize and enhance the effectiveness of the Board of Governors and governance structure of The American National Red Cross.

(4) It is in the national interest to create a more efficient governance structure of The American National Red Cross and to enhance the Board of Governors’ ability to support the critical mission of The American National Red Cross in the 21st century.

(5) It is in the national interest to clarify the role of the Board of Governors as a governance and strategic oversight board and for The American National Red Cross to amend its bylaws, consistent with the recommendations described in the Governance Report, to clarify the role of the Board of Governors and to outline the areas of its responsibility, including—

(A) reviewing and approving the mission statement for The American National Red Cross;

(B) approving and overseeing the corporation’s strategic plan and maintaining strategic oversight of operational matters;

(C) selecting, evaluating, and determining the level of compensation of the corporation’s chief executive officer;

(D) evaluating the performance and establishing the compensation of the senior leadership team and providing for management succession;

(E) overseeing the financial reporting and audit process, internal controls, and legal compliance;

(F) holding management accountable for performance;

(G) providing oversight of the financial stability of the corporation;

(H) ensuring the inclusiveness and diversity of the corporation;

(I) providing oversight of the protection of the brand of the corporation; and

(J) assisting with fundraising on behalf of the corporation.

(6)(A) The selection of members of the Board of Governors is a critical component of effective governance for The American National Red Cross, and, as such, it is in the national interest that The American National Red Cross amend its bylaws to provide a method of selection consistent with that described in the Governance Report.

(B) The new method of selection should replace the current process by which—

(i) 30 chartered unit-elected members of the Board of Governors are selected by a non-Board committee which includes 2 members of the Board of Governors and other individuals elected by the chartered units themselves;

(ii) 12 at-large members of the Board of Governors are nominated by a Board committee and elected by the Board of Governors; and

(iii) 8 members of the Board of Governors are appointed by the President of the United States.

(C) The new method of selection described in the Governance Report reflects the single category of members of the Board of Governors that will result from the implementation of this Act:

(i) All Board members (except for the chairman of the Board of Governors) would be nominated by a single committee of the Board of Governors taking into account the criteria outlined in the Governance Report to assure the expertise, skills, and experience of a governing board.

(ii) The nominated members would be considered for approval by the full Board of Governors and then submitted to The American National Red Cross annual meeting of delegates for election, in keeping with the standard corporate practice whereby shareholders of a corporation elect members of a board of directors at its annual meeting.

(7) The United States Supreme Court held The American National Red Cross to be an instrumentality of the United States, and it is in the national interest that the Congressional Charter confirm that status and that any changes to the Congressional Charter do not affect the rights and obligations of The American National Red Cross to carry out its purposes.

(8) Given the role of The American National Red Cross in carrying out its services, programs, and activities, and meeting its various obligations, the effectiveness of The American National Red Cross will be promoted by the creation of an organizational ombudsman who—

(A) will be a neutral or impartial dispute resolution practitioner whose major function will be to provide confidential and informal assistance to the many internal and external stakeholders of The American National Red Cross;

(B) will report to the chief executive officer and the audit committee of the Board of Governors; and

(C) will have access to anyone and any documents in The American National Red Cross.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) charitable organizations are an indispensable part of American society, but these organizations can only fulfill their important roles by maintaining the trust of the American public;

(2) trust is fostered by effective governance and transparency, which are the principal goals of the recommendations of the Board of Governors in the Governance Report and this Act;

(3) Federal and State action play an important role in ensuring effective governance and transparency by setting standards, root-

ing out violations, and informing the public; and

(4) while The American National Red Cross is and will remain a Federally chartered instrumentality of the United States, and it has the rights and obligations consistent with that status, The American National Red Cross nevertheless should maintain appropriate communications with State regulators of charitable organizations and should cooperate with them as appropriate in specific matters as they arise from time to time.

SEC. 3. ORGANIZATION.

Section 300101 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting “a Federally chartered instrumentality of the United States and” before “a body corporate and politic”; and

(2) in subsection (b), by inserting at the end the following new sentence: “The corporation may conduct its business and affairs, and otherwise hold itself out, as the ‘American Red Cross’ in any jurisdiction.”.

SEC. 4. PURPOSES.

Section 300102 of title 36, United States Code, is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following paragraph:

“(5) to conduct other activities consistent with the foregoing purposes.”.

SEC. 5. MEMBERSHIP AND CHAPTERS.

Section 300103 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting “, or as otherwise provided,” before “in the bylaws”; (2) in subsection (b)(1)—

(A) by striking “board of governors” and inserting “corporation”; and

(B) by inserting “policies and” before “regulations related”; and

(3) in subsection (b)(2)—

(A) by inserting “policies and” before “regulations shall require”; and

(B) by striking “national convention” and inserting “annual meeting”.

SEC. 6. BOARD OF GOVERNORS.

Section 300104 of title 36, United States Code, is amended to read as follows:

“§ 300104. Board of governors

“(a) BOARD OF GOVERNORS.—

“(1) IN GENERAL.—The board of governors is the governing body of the corporation with all powers of governing and directing, and of overseeing the management of the business and affairs of, the corporation.

“(2) NUMBER.—The board of governors shall fix by resolution, from time to time, the number of members constituting the entire board of governors, provided that—

“(A) as of March 31, 2009, and thereafter, there shall be no fewer than 12 and no more than 25 members; and

“(B) as of March 31, 2012, and thereafter, there shall be no fewer than 12 and no more than 20 members constituting the entire board.

Procedures to implement the preceding sentence shall be provided in the bylaws.

“(3) APPOINTMENT.—The governors shall be appointed or elected in the following manner:

“(A) CHAIRMAN.—

“(i) IN GENERAL.—The board of governors, in accordance with procedures provided in the bylaws, shall recommend to the President an individual to serve as chairman of the board of governors. If such recommendation is approved by the President, the President shall appoint such individual to serve as chairman of the board of governors.

“(ii) VACANCIES.—Vacancies in the office of the chairman, including vacancies resulting from the resignation, death, or removal by the President of the chairman, shall be filled in the same manner described in clause (i).

“(iii) DUTIES.—The chairman shall be a member of the board of governors and, when present, shall preside at meetings of the board of governors and shall have such other duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

“(B) OTHER MEMBERS.—

“(i) IN GENERAL.—Members of the board of governors other than the chairman shall be elected at the annual meeting of the corporation in accordance with such procedures as may be provided in the bylaws.

“(ii) VACANCIES.—Vacancies in any such elected board position and in any newly created board position may be filled by a vote of the remaining members of the board of governors in accordance with such procedures as may be provided in the bylaws.

“(b) TERMS OF OFFICE.—

“(1) IN GENERAL.—The term of office of each member of the board of governors shall be 3 years, except that—

“(A) the board of governors may provide under the bylaws that the terms of office of members of the board of governors elected to the board of governors before March 31, 2012, may be less than 3 years in order to implement the provisions of subparagraphs (A) and (B) of subsection (a)(2); and

“(B) any member of the board of governors elected by the board to fill a vacancy in a board position arising before the expiration of its term may, as determined by the board, serve for the remainder of that term or until the next annual meeting of the corporation.

“(2) STAGGERED TERMS.—The terms of office of members of the board of governors (other than the chairman) shall be staggered such that, by March 31, 2012, and thereafter, $\frac{1}{3}$ of the entire board (or as near to $\frac{1}{3}$ as practicable) shall be elected at each successive annual meeting of the corporation with the term of office of each member of the board of governors elected at an annual meeting expiring at the third annual meeting following the annual meeting at which such member was elected.

“(3) TERM LIMITS.—No person may serve as a member of the board of governors for more than such number of terms of office or years as may be provided in the bylaws.

“(c) COMMITTEES AND OFFICERS.—The board—

“(1) may appoint, from its own members, an executive committee to exercise such powers of the board when the board is not in session as may be provided in the bylaws;

“(2) may appoint such other committees or advisory councils with such powers as may be provided in the bylaws or a resolution of the board of governors;

“(3) shall appoint such officers of the corporation, including a chief executive officer, with such duties, responsibilities, and terms of office as may be provided in the bylaws or a resolution of the board of governors; and

“(4) may remove members of the board of governors (other than the chairman), officers, and employees under such procedures as may be provided in the bylaws or a resolution of the board of governors.

“(d) ADVISORY COUNCIL.—

“(1) ESTABLISHMENT.—There shall be an advisory council to the board of governors.

“(2) MEMBERSHIP; APPOINTMENT BY PRESIDENT.—

“(A) IN GENERAL.—The advisory council shall be composed of no fewer than 8 and no more than 10 members, each of whom shall be appointed by the President from principal officers of the executive departments and senior officers of the Armed Forces whose

positions and interests qualify them to contribute to carrying out the programs and purposes of the corporation.

“(B) MEMBERS FROM THE ARMED FORCES.—At least 1, but not more than 3, of the members of the advisory council shall be selected from the Armed Forces.

“(3) DUTIES.—The advisory council shall advise, report directly to, and meet, at least 1 time per year with the board of governors, and shall have such name, functions and be subject to such procedures as may be provided in the bylaws.

“(e) ACTION WITHOUT MEETING.—Any action required or permitted to be taken at any meeting of the board of governors or of any committee thereof may be taken without a meeting if all members of the board or committee, as the case may be, consent thereto in writing, or by electronic transmission and the writing or writings or electronic transmission or transmissions are filed with the minutes of proceedings of the board or committee. Such filing shall be in paper form if the minutes are maintained in paper form and shall be in electronic form if the minutes are maintained in electronic form.

“(f) VOTING BY PROXY.—

“(1) IN GENERAL.—Voting by proxy is not allowed at any meeting of the board, at the annual meeting, or at any meeting of a chapter.

“(2) EXCEPTION.—The board may allow the election of governors by proxy during any emergency.

“(g) BYLAWS.—

“(1) IN GENERAL.—The board of governors may—

“(A) at any time adopt bylaws; and

“(B) at any time adopt bylaws to be effective only in an emergency.

“(2) EMERGENCY BYLAWS.—Any bylaws adopted pursuant to paragraph (1)(B) may provide special procedures necessary for managing the corporation during the emergency. All provisions of the regular bylaws consistent with the emergency bylaws remain effective during the emergency.

“(h) DEFINITIONS.—For purposes of this section—

“(1) the term ‘entire board’ means the total number of members of the board of governors that the corporation would have if there were no vacancies; and

“(2) the term ‘emergency’ shall have such meaning as may be provided in the bylaws.”.

SEC. 7. POWERS.

Paragraph (a)(1) of section 300105 of title 36, United States Code, is amended by striking “bylaws” and inserting “policies”.

SEC. 8. ANNUAL MEETING.

Section 300107 of title 36, United States Code, is amended to read as follows:

“§ 300107. Annual meeting

“(a) IN GENERAL.—The annual meeting of the corporation is the annual meeting of delegates of the chapters.

“(b) TIME OF MEETING.—The annual meeting shall be held as determined by the board of governors.

“(c) PLACE OF MEETING.—The board of governors is authorized to determine that the annual meeting shall not be held at any place, but may instead be held solely by means of remote communication subject to such procedures as are provided in the bylaws.

“(d) VOTING.—

“(1) IN GENERAL.—In matters requiring a vote at the annual meeting, each chapter is entitled to at least 1 vote, and voting on all matters may be conducted by mail, telephone, telegram, cablegram, electronic mail, or any other means of electronic or telephone transmission, provided that the person voting shall state, or submit information

from which it can be determined, that the method of voting chosen was authorized by such person.

“(2) ESTABLISHMENT OF NUMBER OF VOTES.—

“(A) IN GENERAL.—The board of governors shall determine on an equitable basis the number of votes that each chapter is entitled to cast, taking into consideration the size of the membership of the chapters, the populations served by the chapters, and such other factors as may be determined by the board.

“(B) PERIODIC REVIEW.—The board of governors shall review the allocation of votes at least every 5 years.”.

SEC. 9. ENDOWMENT FUND.

Section 300109 of title 36, United States Code is amended—

(1) by striking “nine” from the first sentence thereof; and

(2) by striking the second sentence and inserting the following: “The corporation shall prescribe policies and regulations on terms and tenure of office, accountability, and expenses of the board of trustees.”.

SEC. 10. ANNUAL REPORT AND AUDIT.

Subsection (a) of section 300110 of title 36, United States Code, is amended to read as follows:

“(a) SUBMISSION OF REPORT.—As soon as practicable after the end of the corporation’s fiscal year, which may be changed from time to time by the board of governors, the corporation shall submit a report to the Secretary of Defense on the activities of the corporation during such fiscal year, including a complete, itemized report of all receipts and expenditures.”.

SEC. 11. COMPTROLLER GENERAL OF THE UNITED STATES AND OFFICE OF THE OMBUDSMAN.

(a) IN GENERAL.—Chapter 3001 of title 36, United States Code, is amended by redesignating section 300111 as section 300113 and by inserting after section 300110 the following new sections:

“§ 300111. Authority of the Comptroller General of the United States

“The Comptroller General of the United States is authorized to review the corporation’s involvement in any Federal program or activity the Government carries out under law.

“§ 300112. Office of the Ombudsman

“(a) ESTABLISHMENT.—The corporation shall establish an Office of the Ombudsman with such duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.”

“(b) REPORT.—

“(1) IN GENERAL.—The Office of the Ombudsman shall submit annually to the appropriate Congressional committees a report concerning any trends and systemic matters that the Office of the Ombudsman has identified as confronting the corporation.

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of paragraph (1), the appropriate Congressional committees are the following committees of Congress:

“(A) SENATE COMMITTEES.—The appropriate Congressional committees of the Senate are—

“(i) the Committee on Finance;

“(ii) the Committee on Foreign Relations;

“(iii) the Committee on Health, Education, Labor, and Pensions;

“(iv) the Committee on Homeland Security and Governmental Affairs; and

“(v) the Committee on the Judiciary.

“(B) HOUSE COMMITTEES.—The appropriate Congressional committees of the House of Representatives are—

“(i) the Committee on Energy and Commerce;

“(ii) the Committee on Foreign Affairs;

“(iii) the Committee on Homeland Security;

“(iv) the Committee on the Judiciary; and

“(v) the Committee on Ways and Means.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 3001 of title 36, United States Code, is amended by striking the item relating to section 300111 and inserting the following:

“300111. Authority of the Comptroller General of the United States.

“300112. Office of the Ombudsman.

“300113. Reservation of right to amend or repeal.”.

UNITED STATES-POLAND PARLIAMENTARY YOUTH EXCHANGE PROGRAM

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 73, S. 377.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 377) to establish a United States-Poland parliamentary youth exchange program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD without further intervening action or debate.

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

The bill (S. 377) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 377

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 “United States-Poland Parliamentary Youth Exchange Program Act of 2007”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States established diplomatic relations with the newly-formed Polish Republic in April 1919.

(2) The United States and Poland have enjoyed close bilateral relations since 1989.

(3) Poland became a member of the North Atlantic Treaty Organization (NATO) in March 1999.

(4) Poland became a member of the European Union (EU) in May 2004.

(5) Poland has been a strong supporter, both diplomatically and militarily, of efforts led by the United States to combat global terrorism and has contributed troops to the United States-led coalitions in both Afghanistan and Iraq.

(6) Poland cooperates closely with the United States on such issues as democratization, nuclear proliferation, human rights, regional cooperation in Eastern Europe, and reform of the United Nations.

(7) The United States and Poland seek to ensure enduring ties between both governments and societies.

(8) It is important to invest in the youth of the United States and Poland in order to help ensure long-lasting ties between both societies.

(9) It is in the interest of the United States to preserve a United States presence in Eu-

rope and to continue to contribute to the development of transatlantic relationships.

(10) Poland for many years received international and United States financial assistance and is now determined to invest its own resources toward attaining its shared desire with the United States to develop international cooperation.

SEC. 3. UNITED STATES-POLAND PARLIAMENTARY YOUTH EXCHANGE PROGRAM.

(a) AUTHORITY.—The Secretary of State, in cooperation with the Government of Poland, may establish and carry out a parliamentary exchange program for youth of the United States and Poland.

(b) DESIGNATION.—The youth exchange program carried out under this subsection shall be known as the “United States-Poland Parliamentary Youth Exchange Program”.

(c) PURPOSE.—The purpose of the youth exchange program is to demonstrate to the youth of the United States and Poland the benefits of friendly cooperation between the United States and Poland based on common political and cultural values.

(d) ELIGIBLE PARTICIPANTS.—An individual is eligible for participation in the youth exchange program if the individual—

(1) is a citizen or national of the United States or of Poland;

(2) is under the age of 19 years;

(3) is a student who is enrolled and in good standing at a secondary school in the United States or Poland;

(4) has been accepted for up to one academic year of study in a program of study abroad approved for credit at such school; and

(5) meets any other qualifications that the Secretary of State may establish for purposes of the program.

(e) PROGRAM ELEMENTS.—Under the youth exchange program, eligible participants selected for participation in the program shall—

(1) live in and attend a public secondary school in the host country for a period of one academic year;

(2) while attending public school in the host country, undertake academic studies in the host country, with particular emphasis on the history, constitution, and political development of the host country;

(3) be eligible, either during or after the completion of such academic studies, for an internship in an appropriate position in the host country; and

(4) engage in such other activities as the President considers appropriate to achieve the purpose of the program.

SEC. 4. ANNUAL REPORT TO CONGRESS.

The Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives an annual report on the United States-Poland Parliamentary Youth Exchange Program established under this Act. Each annual report shall include—

(1) information on the implementation of the Program during the preceding year;

(2) the number of participants in the Program during such year;

(3) the names and locations of the secondary schools in the United States and Poland attended by such participants;

(4) a description of the areas of study of such participants during their participation in the Program;

(5) a description of any internships taken by such participants during their participation in the Program; and

(6) a description of any other activities such participants carried out during their participation in the Program.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for the Department of State for

fiscal year 2008 such sums as may be necessary to carry out the youth exchange program authorized by this Act.

(b) AVAILABILITY.—Amounts authorized to be appropriated by subsection (a) shall remain available until expended.

NATO FREEDOM CONSOLIDATION ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 74, S. 494.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 494) 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.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to; that the bill, as amended, be read a third time, passed, the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD, with no intervening action or debate.

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

The amendment (No. 462) was agreed to, as follows:

(Purpose: To clarify references to Macedonia)

On page 5, line 19, insert “(FYROM)” after “Macedonia”.

On page 12, line 22, insert “(FYROM)” after “Macedonia”.

On page 14, line 7, insert “(FYROM)” after “Macedonia”.

On page 14, line 9, insert “(fyrom)” after “macedonia”.

On page 15, line 6, insert “(FYROM)” after “MACEDONIA”.

On page 15, line 6, insert “(FYROM)” after “Macedonia”.

On page 15, line 20, insert “(FYROM)” after “Macedonia”.

On page 17, line 3, insert “(FYROM)” after “Macedonia”.

The bill (S. 494), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 494

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 “NATO Freedom Consolidation Act of 2007”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The sustained commitment of the North Atlantic Treaty Organization (NATO) to mutual defense has made possible the democratic transformation of Central and Eastern Europe. Members of the North Atlantic Treaty Organization can and should play a critical role in addressing the security challenges of the post-Cold War era in creating the stable environment needed for those emerging democracies in Europe.

(2) Lasting stability and security in Europe requires the military, economic, and political integration of emerging democracies into existing European structures.

(3) In an era of threats from terrorism and the proliferation of weapons of mass destruction, the North Atlantic Treaty Organization is increasingly contributing to security in the face of global security challenges for the protection and interests of its member states.

(4) In the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), Congress declared that “full and active participants in the Partnership for Peace in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area should be invited to become full NATO members in accordance with Article 10 of such Treaty at an early date. . . .”

(5) In the NATO Enlargement Facilitation Act of 1996 (title VI of section 101(c) of title I of division A of Public Law 104-208; 22 U.S.C. 1928 note), Congress called for the prompt admission of Poland, Hungary, the Czech Republic, and Slovenia to the North Atlantic Treaty Organization, and declared that “in order to promote economic stability and security in Slovakia, Estonia, Latvia, Lithuania, Romania, Bulgaria, Albania, Moldova, and Ukraine . . . the process of enlarging NATO to include emerging democracies in Central and Eastern Europe should not be limited to consideration of admitting Poland, Hungary, the Czech Republic, and Slovenia as full members of the NATO Alliance”.

(6) In the European Security Act of 1998 (title XXVII of division G of Public Law 105-277; 22 U.S.C. 1928 note), Congress declared that “Poland, Hungary, and the Czech Republic should not be the last emerging democracies in Central and Eastern Europe invited to join NATO” and that “Romania, Estonia, Latvia, Lithuania, and Bulgaria . . . would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members [and] upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date”.

(7) In the Gerald B. H. Solomon Freedom Consolidation Act of 2002 (Public Law 107-187; 22 U.S.C. 1928 note), Congress endorsed “. . . the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996”.

(8) At the Madrid Summit of the North Atlantic Treaty Organization in July 1997, Poland, Hungary, and the Czech Republic were invited to join the Alliance, and the North Atlantic Treaty Organization heads of state and government issued a declaration stating “[t]he alliance expects to extend further invitations in coming years to nations willing and able to assume the responsibilities and obligations of membership . . . [n]o European democratic country whose admission would fulfill the objectives of the [North Atlantic] Treaty will be excluded from consideration”.

(9) At the Washington Summit of the North Atlantic Treaty Organization in April 1999, the North Atlantic Treaty Organization heads of state and government issued a communiqué declaring “[w]e pledge that NATO will continue to welcome new members in a position to further the principles of the [North Atlantic] Treaty and contribute to peace and security in the Euro-Atlantic area . . . [t]he three new members will not be the last . . . [n]o European democratic country whose admission would fulfill the objectives of the Treaty will be excluded from consideration, regardless of its geographic location . . .”.

(10) In May 2000 in Vilnius, Lithuania, the foreign ministers of Albania, Bulgaria, Estonia, Latvia, Lithuania, the Republic of Macedonia (FYROM), Romania, Slovakia, and Slovenia issued a statement (later joined by Croatia) declaring that—

(A) their countries will cooperate in jointly seeking membership in the North Atlantic Treaty Organization in the next round of enlargement of the North Atlantic Treaty Organization;

(B) the realization of membership in the North Atlantic Treaty Organization by one or more of these countries would be a success for all; and

(C) eventual membership in the North Atlantic Treaty Organization for all of these countries would be a success for Europe and for the North Atlantic Treaty Organization.

(11) On June 15, 2001, in a speech in Warsaw, Poland, President George W. Bush stated “[a]ll of Europe’s new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom—and the same chance to join the institutions of Europe—as Europe’s old democracies have . . . I believe in NATO membership for all of Europe’s democracies that seek it and are ready to share the responsibilities that NATO brings . . . [a]s we plan to enlarge NATO, no nation should be used as a pawn in the agenda of others . . . [w]e will not trade away the fate of free European peoples . . . [n]o more Munichs . . . [n]o more Yaltas . . . [a]s we plan the Prague Summit, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom”.

(12) On October 22, 1996, in a speech in Detroit, Michigan, former President William J. Clinton stated “NATO’s doors will not close behind its first new members . . . NATO should remain open to all of Europe’s emerging democracies who are ready to shoulder the responsibilities of membership . . . [n]o nation will be automatically excluded . . . [n]o country outside NATO will have a veto . . . [a] gray zone of insecurity must not re-emerge in Europe”.

(13) At the Prague Summit of the North Atlantic Treaty Organization in November 2002, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia were invited to join the Alliance in the second round of enlargement of the North Atlantic Treaty Organization since the end of the Cold War, and the North Atlantic Treaty Organization heads of state and government issued a declaration stating “NATO’s door will remain open to European democracies willing and able to assume the responsibilities and obligations of membership, in accordance with Article 10 of the Washington Treaty”.

(14) On May 8, 2003, the United States Senate unanimously approved the Resolution of Ratification to Accompany Treaty Document No. 108-4, Protocols to the North Atlantic Treaty of 1949 on Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, inviting Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to join the North Atlantic Treaty Organization.

(15) At the Istanbul Summit of the North Atlantic Treaty Organization in June 2004, the North Atlantic Treaty Organization heads of state and government issued a communiqué reaffirming that NATO’s door remains open to new members, declaring “[w]e celebrate the success of NATO’s Open Door Policy, and reaffirm today that our seven new members will not be the last. The door to membership remains open. We welcome the progress made by Albania, Croatia, and the former Yugoslav Republic of Macedonia (1) in implementing their Annual National Programmes under the Membership

Action Plan, and encourage them to continue pursuing the reforms necessary to progress toward NATO membership. We also commend their contribution to regional stability and cooperation. We want all three countries to succeed and will continue to assist them in their reform efforts. NATO will continue to assess each country’s candidacy individually, based on the progress made towards reform goals pursued through the Membership Action Plan, which will remain the vehicle to keep the readiness of each aspirant for membership under review. We direct that NATO Foreign Ministers keep the enlargement process, including the implementation of the Membership Action Plan, under continual review and report to us. We will review at the next Summit progress by aspirants towards membership based on that report”.

(16) Georgia and Ukraine have stated their desire to join the Euro-Atlantic community, and in particular, are seeking to join the North Atlantic Treaty Organization. Georgia and Ukraine are working closely with the North Atlantic Treaty Organization and its members to meet criteria for eventual membership in NATO.

(17) At a press conference with President Mikhail Saakashvili of Georgia in Washington, D.C. on July 5, 2006, President George W. Bush stated that “. . . I believe that NATO would benefit with Georgia being a member of NATO, and I think Georgia would benefit. And there’s a way forward through the Membership Action Plan . . . And I’m a believer in the expansion of NATO. I think it’s in the world’s interest that we expand NATO”.

(18) Following a meeting of NATO Foreign Ministers in New York on September 21, 2006, NATO Secretary General Jaap de Hoop Scheffer announced the launching of an Intensified Dialogue on membership between the Alliance and Georgia.

(19) At the NATO-Ukraine Commission Summit in Brussels in February 2005, President of Ukraine Victor Yushchenko declared membership in NATO as the ultimate goal of Ukraine’s cooperation with the Alliance and expressed Ukraine’s desire to conclude a Membership Action Plan.

(20) At the NATO-Ukraine Commission Foreign Ministerial meeting in Vilnius in April 2005, NATO and Ukraine launched an Intensified Dialogue on the potential membership of Ukraine in NATO.

(21) At the Riga Summit of the North Atlantic Treaty Organization in November 2006, the Heads of State and Government of the member countries of NATO issued a declaration reaffirming that NATO’s door remains open to new members, declaring that “all European democratic countries may be considered for MAP (Membership Action Plan) or admission, subject to decision by the NAC (North Atlantic Council) at each stage, based on the performance of these countries towards meeting the objectives of the North Atlantic Treaty. We direct that NATO Foreign Ministers keep that process under continual review and report to us. We welcome the efforts of Albania, Croatia, and the former Yugoslav Republic of Macedonia to prepare themselves for the responsibilities and obligations of membership. We reaffirm that the Alliance will continue with Georgia and Ukraine its Intensified Dialogues which cover the full range of political, military, financial and security issues relating to those countries’ aspirations to membership, without prejudice to any eventual Alliance decision. We reaffirm the importance of the NATO-Ukraine Distinctive Partnership, which has its 10th anniversary next year and welcome the progress that has been made in the framework of our Intensified Dialogue.

We appreciate Ukraine's substantial contributions to our common security, including through participation in NATO-led operations and efforts to promote regional cooperation. We encourage Ukraine to continue to contribute to regional security. We are determined to continue to assist, through practical cooperation, in the implementation of far-reaching reform efforts, notably in the fields of national security, defence, reform of the defence-industrial sector and fighting corruption. We welcome the commencement of an Intensified Dialogue with Georgia as well as Georgia's contribution to international peacekeeping and security operations. We will continue to engage actively with Georgia in support of its reform process. We encourage Georgia to continue progress on political, economic and military reforms, including strengthening judicial reform, as well as the peaceful resolution of outstanding conflicts on its territory. We reaffirm that it is of great importance that all parties in the region should engage constructively to promote regional peace and stability."

(22) Contingent upon their continued implementation of democratic, defense, and economic reform, and their willingness and ability to meet the responsibilities of membership in the North Atlantic Treaty Organization and a clear expression of national intent to do so, Congress calls for the timely admission of Albania, Croatia, Georgia, Macedonia (FYROM), and Ukraine to the North Atlantic Treaty Organization to promote security and stability in Europe.

SEC. 3. DECLARATIONS OF POLICY.

Congress—

(1) reaffirms its previous expressions of support for continued enlargement of the North Atlantic Treaty Organization contained in the NATO Participation Act of 1994, the NATO Enlargement Facilitation Act of 1996, the European Security Act of 1998, and the Gerald B. H. Solomon Freedom Consolidation Act of 2002;

(2) supports the commitment to further enlargement of the North Atlantic Treaty Organization to include European democracies that are able and willing to meet the responsibilities of Membership, as expressed by the Alliance in its Madrid Summit Declaration of 1997, its Washington Summit Communiqué of 1999, its Prague Summit Declaration of 2002, its Istanbul Summit Communiqué of 2004, and its Riga Summit Declaration of 2006; and

(3) endorses the vision of further enlargement of the North Atlantic Treaty Organization articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and urges our allies in the North Atlantic Treaty Organization to work with the United States to realize a role for the North Atlantic Treaty Organization in promoting global security, including continued support for enlargement to include qualified candidate states, specifically by entering into a Membership Action Plan with Georgia and recognizing the progress toward meeting the responsibilities and obligations of NATO membership by Albania, Croatia, Georgia, Macedonia (FYROM), and Ukraine.

SEC. 4. DESIGNATION OF ALBANIA, CROATIA, GEORGIA, MACEDONIA (FYROM), AND UKRAINE AS ELIGIBLE TO RECEIVE ASSISTANCE UNDER THE NATO PARTICIPATION ACT OF 1994.

(a) DESIGNATION.—

(1) ALBANIA.—The Republic of Albania is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), and shall be deemed to have been so

designated pursuant to section 203(d)(1) of such Act.

(2) CROATIA.—The Republic of Croatia is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(3) GEORGIA.—Georgia is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(4) MACEDONIA (FYROM).—The Republic of Macedonia (FYROM) is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(5) UKRAINE.—Ukraine is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(b) RULE OF CONSTRUCTION.—The designation of the Republic of Albania, the Republic of Croatia, Georgia, the Republic of Macedonia (FYROM), and Ukraine pursuant to subsection (a) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(1) is in addition to the designation of Poland, Hungary, the Czech Republic, and Slovenia pursuant to section 606 of the NATO Enlargement Facilitation Act of 1996 (title VI of section 101(c) of title I of division A of Public Law 104-208; 22 U.S.C. 1928 note), the designation of Romania, Estonia, Latvia, Lithuania, and Bulgaria pursuant to section 2703(b) of the European Security Act of 1998 (title XXVII of division G of Public Law 105-277; 22 U.S.C. 1928 note), and the designation of Slovakia pursuant to section 4(a) of the Gerald B. H. Solomon Freedom Consolidation Act of 2002 (Public Law 107-187; 22 U.S.C. 1928 note) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994; and

(2) shall not preclude the designation by the President of other countries pursuant to section 203(d)(2) of the NATO Participation Act of 1994 as eligible to receive assistance under the program established under section 203(a) of such Act.

SEC. 5. AUTHORIZATION OF SECURITY ASSISTANCE FOR COUNTRIES DESIGNATED UNDER THE NATO PARTICIPATION ACT OF 1994.

Of the amounts made available for fiscal year 2008 under section 23 of the Arms Export Control Act (22 U.S.C. 2763) such sums as may be necessary are authorized to be appropriated for assistance to the Republic of Albania, the Republic of Croatia, Georgia, the Republic of Macedonia (FYROM), and Ukraine.

PROVIDING THAT THE EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK OR THE ALTERNATE EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK MAY SERVE ON THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION

Mr. REID. I ask unanimous consent we now proceed to Calendar No. 75, S. 676.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 676) to provide that the Executive Director of the Inter-American Development Bank or the Alternate Executive Director of the Inter-American Development Bank may serve on the Board of Directors of the Inter-American Foundation.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The bill (S. 676) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 676

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

SECTION 1. AUTHORITY TO APPOINT EXECUTIVE DIRECTOR OR ALTERNATE EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK TO THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION.

The third sentence of section 401(g) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(g)) is amended to read as follows: "Three members of the Board shall be appointed from among the following: officers or employees of agencies of the United States concerned with inter-American affairs, the United States Executive Director of the Inter-American Development Bank, or the Alternate Executive Director of the Inter-American Development Bank."

CALLING ON THE GOVERNMENT OF THE UNITED KINGDOM TO IMMEDIATELY ESTABLISH A FULL, INDEPENDENT, AND PUBLIC JUDICIAL INQUIRY INTO THE MURDER OF NORTHERN IRELAND DEFENSE ATTORNEY PATRICK FINUCANE

Mr. REID. Mr. President, I now ask unanimous consent that the Foreign Relations Committee be discharged and the Senate then proceed to consideration of H. Con. Res. 20.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 20) calling on the Government of the United Kingdom to immediately establish a full, independent, and public judicial inquiry into the murder of Northern Ireland defense attorney Patrick Finucane, as recommended by Judge Peter Cory as part of the Weston Park Agreement, in order to move forward on the Northern Ireland peace process.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, the amendment to the preamble which is at the desk be considered and agreed to, the preamble as

amended be agreed to, and any statements be printed in the RECORD.

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

The amendment (No. 463) was agreed to, as follows:

In the ninth whereas clause of the preamble, strike "Dial" and insert "Dail".

The concurrent resolution (H. Con. Res. 20) was agreed to.

The preamble, as amended, was agreed to.

AUTHORIZING BUDGET COMMITTEE REPORTING

Mr. REID. Mr. President, I ask unanimous consent that on Friday, March 16, notwithstanding an adjournment of the Senate, the Senate Budget Committee be permitted to report the concurrent budget resolution during the hours of 10 a.m. to 12 noon.

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

ORDERS FOR MONDAY, MARCH 19, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, March 19; that on Monday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then proceed to S. 214 as provided for under a previous order.

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

PROGRAM

Mr. REID. Mr. President, this week has been a week full of a lot of work, a lot of surprises but a lot of results. We finished the 9/11 bill, which is something the Senate should feel very good about. We did that on a bipartisan basis with the leadership of Senator LIEBERMAN and Senator COLLINS.

Today we completed a 2-day debate on Iraq. It was a good, civil debate. Both the majority and minority issued their statements. I thought they did them well. We were able to have some votes. I think it was something that brought dignity to the Senate.

We had three judicial nominations approved—two district court judges, one circuit court judge. We are doing our level best to not have any problems with judicial nominations. The President is doing his share of helping us with this by sending us some good people. We have had agreement on the U.S. attorney bill that has been done with bipartisan support. This is set up for

debate starting Monday. We will complete that on Tuesday morning.

Then, finally, again, using the Lieberman-Collins example, the chairman and ranking member of the Budget Committee, Senator CONRAD and Senator Judd Gregg, did a wonderful job. There is not a more contentious issue that comes before this body than the budget. All 100 Members believe they can do a better job than either Judd Gregg or Kent Conrad can do, but they have the responsibility of coming up with the budget. They worked together for a number of years. They are friends and they set a good example. This matter was completed by 3:30 this afternoon.

Next week is going to be a tough week. There will be a lot of amendments offered, and we look forward to that. But we have a statutory way of proceeding through this. Whoever drew the statute probably had too much to drink the night before. But at least that is the statute we have. It is 50 hours, and unlimited amendments can be offered. But at least we know what we are up against next week because we have done it many times.

In short, this closely divided Senate, at this stage during the final weeks of Senator JOHNSON's incapacitation, is 50 to 49. He will be back with us soon. But even then, it is 51 to 49. It is a very closely divided Senate, and we are getting work done recognizing that there can be no bullies in the Senate, that we have to work together to get things done.

I think we have accomplished a lot this week. All 100 Senators deserve a pat on the back.

If there is no further business to come before the Senate today, I would turn to the Republican leader to see if he has comments before we adjourn.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. McCONNELL. Mr. President, I would only add my own sentiment with regard to next week. It will be a challenging week; budget week always is. For those who are interested in offering amendments, obviously the earlier in the week, the better.

The majority leader and I have talked about the challenges associated with the so-called vote-arama that occurs at the end of the budget debate every year, which is frustrating to both sides. Some have thought it mutually assured destruction in terms of morale. The only way to have any real impact on that obviously is for Members to offer their amendments earlier in the week, hopefully to be allowed votes earlier in the week, thereby minimizing the multiplicity of votes that frequently occur—in fact, always occur—at the end of a budget resolution when the time expires.

We look forward to a challenging week and will see all of our Members next week.

Mr. REID. I say to my friend, being the great fan of basketball that he is, I thought he would note that Louisville won the first game today.

Mr. McCONNELL. I appreciate the majority leader noting that Louisville won the game today. I might say to my good friend, it is on the DVR, and I expect to watch it at home tonight. I note that UNLV and URI will play tomorrow.

ADJOURNMENT UNTIL MONDAY, MARCH 19, 2007, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate today, if the Republican leader has nothing further—I understand that is the case—I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:31 p.m., adjourned until Monday, March 19, 2007, at 2:00 p.m.

NOMINATIONS

Executive nominations received by the Senate March 15, 2007:

DEPARTMENT OF STATE

DELL L. DAILEY, OF SOUTH DAKOTA, TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE, VICE HENRY CRUMPTON.

MARK P. LAGON, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE TO MONITOR AND COMBAT TRAFFICKING, WITH THE RANK OF AMBASSADOR AT LARGE, VICE JOHN RIPIN MILLER, RESIGNED.

HENRY BONILLA, OF TEXAS, TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR, VICE JOHN F. MAISTO, RESIGNED.

WILLIAM R. BROWNFIELD, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COLOMBIA.

PHILLIP CARTER, III, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA.

HANS G. KLEMM, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

STEPHEN W. PORTER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2012, VICE DAVID GELERNTER, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, March 15, 2007:

THE JUDICIARY

JOHN PRESTON BAILEY, OF WEST VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA.

OTIS D. WRIGHT II, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

THOMAS M. HARDIMAN, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT.

EXTENSIONS OF REMARKS

FREEDOM OF INFORMATION ACT AMENDMENTS OF 2007

SPEECH OF

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. TOM DAVIS of Virginia. Mr. Speaker, for 40 years, the Freedom of Information Act (FOIA) has ensured the public's access to Government records. The 1966 act replaced the old "need to know" standard with today's "right to know" practice, placing the burden on the government to justify any need for secrecy. However, the FOIA process has recently struggled to keep up with the public's demand for documents. Since 2002, FOIA requests have increased 71 percent. This additional volume has delayed the processing of some requests.

Not long ago, President Bush signed an Executive Order to make FOIA operations more citizen-centric and results-oriented by requiring every agency to name a Chief FOIA Officer, establish a FOIA Requester Service Center, identify underperforming areas, and formulate a plan to implement improvements.

Legislation designed to streamline and improve the FOIA process was introduced last Congress by the gentleman from Texas, Mr. SMITH. His bill had moved through subcommittee to the full committee, with the assistance of the gentleman from Pennsylvania, Mr. PLATTS. The Executive Order adopted many of the process improvements contained in that bill.

The Majority took this bill and made additional changes, moving beyond process reforms.

First, the attorney's fee provision appears to lower the bar attorney's fees eligibility. The Supreme Court has ruled on this matter, and it appears some want to codify old, more lucrative, law. We should take a close look at this provision. There is a great deal of talk about freedom of information, and open Government, and the public right to know. But I hope when we scratch the surface of this bill, it is not about money.

Second, the Majority has listened to vocal special interest complaints about the so-called Ashcroft memo, and is attempting to codify the policies of former Attorney General Reno. I hope we can come to real bipartisan agreement on this provision as we move forward.

Improving the procedural aspects of FOIA should be our goal here today. It is something we all agree on. Although the debate on the appropriate balance between open access and protected records will continue, I trust we will find a way to balance National Security with the vital principles of open Government.

PRaising THE WORK OF TONY BEST, WHO JOINS MEMBERS OF THE NEW YORK CITY COUNCIL IN SPEAKING OUT AGAINST THE N-WORD

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD an op-ed article drafted by Tony Best and printed the Carib News. The article, "A Racial Slur That Causes Black Nanny To Cringe: Why New York City Council May Ban Use of N-Word," published March 6, 2007, highlights the power of the word and the need for more thoughtful conversation about its implications and usage.

As stated in the article, the N-word is "a degrading term and should never be used to describe anyone." These words are particularly salient for Cindy Carter, a West Indian nanny who was physically and verbally disrespected by her employer, who insisted in calling her a "stupid N—" among other equally offensive expressions.

Since its inception the word has been used to pierce the minds and hearts of black people throughout the Diaspora. Despite being "reclaimed" by generations who prefer to use the term as a familiar greeting for one another—an attempt to take a word that has been historically used by whites to degrade and oppress black people, a word that has so many negative connotations, and turn it into something beautiful—the slur is abusive, ignorant and derogatory.

I applaud the work of Mr. Best and New York City Council persons, led by member Leroy Comrie of Queens to call for a moratorium on the use of the N-word in our city.

A RACIAL SLUR THAT CAUSES BLACK NANNY TO CRINGE, WHY NEW YORK CITY COUNCIL MAY BAN USE OF N-WORD

(By Tony Best)

Every time Cindy Carter, a West Indian who lives and works as a nanny on Long Island, hears the racial slur, it brings back nightmares.

"It's an awful word," said the young woman referring to the infamous and derogatory N-word.

Her nightmares go back to 2005 when an employer, Fontaine Sheridan, allegedly pushed her down some steps at the white woman's Massapequa Park home in Nassau County, scattered her clothes on the lawn, screamed vulgar expressions, called her a "stupid nigger" and ordered her to get "off my (obscenity) property."

The housewife didn't stop there. She reportedly told the Black woman who had been looking after her children, "I have been waiting for three years to call you a nigger."

Almost a year later, Sheridan pleaded guilty to simple assault in a Nassau County court and was placed on probation, ordered to do community service and to attend anger management classes.

The N-word and the circumstances surrounding Carter's injury, allegedly at the

hands of her former employer are at the heart of a federal civil rights case in which Carter is seeking substantial damages from the Sheridan family for abusing her civil rights. Fred Brewington, one of New York State's top civil rights attorneys, is handling Carter's case.

"It's a degrading term and should never be used to describe anyone," said the West Indian.

The slur, its abusive use and why it should be banned are the subject of a resolution, which is to be debated by the New York City Council this week in Manhattan. Introduced by City Councilmember, Leroy Comrie of Queens, the measures describes the word as "an ignorant and derogatory" insult.

Because of constitutional issues, such as the First Amendment right of free speech, the resolution which calls for a moratorium on the use of the word in New York City wouldn't have the force of law but its approval would be symbolic while drawing attention to the importance of not using it.

Austin "Tom" Clarke, one of Canada's top novelist whose book, "The Polished Hoe," won the Giller Prize, Canada's equivalent of the Pulitzer and then went on to be chosen a few years ago as the best novel in the Commonwealth of nations in Africa, the Caribbean, Asia, Australia, Canada and New Zealand, objects to the use of the term.

"It is a degrading word meant to be just that, degrading and no one, including Blacks should find it acceptable," he said sometime ago in Brooklyn. "I vigorously object to its use."

Irving Burgie, the composer of some of the world's best known music, such as "Day-O," "Island in the Sun," "Jamaica farewell" and "Mary's Boy Child," agrees with Comrie, Clarke and other advocates of its ban.

"The history of its use has always been degrading and there is nothing redeeming about it," he said from his home in Hollis Queens. "We shouldn't try to fool ourselves about that."

"Burgie was referring to the rappers who have embodied 'nigga' in their lyrics and contend it's a term of endearment when used by Blacks to describe other Blacks."

For example, Mos Def, a rapper, said in 1999 that they had taken "a word that has been historically used by whites to degrade and oppress us, a word that has so many negative connotations, and turning it into something beautiful, something we can call our own."

Linguists and others trace the origin of its use in the U.S. to 1619 when John Rolfe, a colonist in Jamestown wrote in his diary that a Dutch ship had arrived there with 20 "negars," meaning African captives.

While some scholars argued that Rolfe's use of the word wasn't meant as a slur but was simply another way of describing "Negroes" others contend that it was always designed as a pejorative expression. Nineteenth century American literature was laced with it, reflecting the attitudes of White racists and slave owners who believed that "niggers" were sub-human species.

But Black rappers and a few Black comedians began incorporating it in their using it more than 25 years ago, giving it some measure of acceptance among young Blacks who object to its use by whites.

Comrie and the resolution's supporters contend the use of the N-word by Blacks is

• 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.

misguided because the young people don't "realize how their self-image is debilitated when they use this awful word in public."

THE N-WORD AND BLACK HISTORY—WHY IT SHOULD BE BANNED

(By Tony Best)

Julius Caesar, Gnaeus Pompey and Marcus Crassus used it liberally in Rome, Britain Gaul, the Balkans and Greece.

Whether as a writer, military general or orator, Caesar used the Latin word "Niger" liberally in his historical accounts of the Gallic Wars, conquests of Britain or in reports on the Senate in Rome. And when he spoke or wrote it around 50 BC he was describing a color, as in a piece of armor, house, chariot or a horse.

But somehow "Niger" that meant Black in English became "Negars" in Jamestown in the United States in 1619 to describe with contempt a shipload of African captives who were put into a state of bondage in the U.S.

Although scholars are divided over why John Rolfe, a Jamestown colonist, recorded "Negars" in his diary to describe the Blacks, whether he wanted to be verbally abusive or was simply describing Black people, what has happened since then is that the pejorative term which eventually became "Niggers" has taken on a long-lasting life of its own. This highly offensive word or some form of it has found its way into literature—Amos Zu Bolton II's "Niggered Amen" and Carl Van Vechten's "Nigger Heaven" are two examples—in comedy routines by Blacks and in the lyrics of rap music in the late 20th and early 21st century.

At the urging of New York City Council member Leroy Comrie of Queens, the legislative body at City Hall is this week considering a resolution that calls for a moratorium on the use of the N-word in our City. While opinion is split over what action the Council should take, it's clear that the use of the word is offensive to most right-thinking Blacks and should be expunged from our vocabulary.

Yes, some Blacks, especially rappers, may wish to defend the use of "Niggas" or "Niggaz" on First Amendment grounds of free speech or as a term of endearment among Blacks to describe each other; what's not in dispute is that the term is meant to be degrading.

Andrea C. McElroy, a Black member of the Irvington Council in New Jersey, which placed a symbolic ban on the word's use there, put it well when she said that Black adults and society as a whole should give the youth a history lesson. We may be at the end of Black History Month in 2006, but learning is a continuous process.

"There is a swelling population of Black youth that use this word as if it is a term of endearment," she said. "And I think it is basically incumbent upon us to remind them of what that word meant to so many of our ancestors. This is something we probably should have done years ago."

Yes, the First Amendment to the U.S. Constitution which guarantees free speech prevents the legalized banning of the word but there can be nothing wrong with sending a message to young people and others, whether comedians, reporters, novelists or historians, that the N-word was meant to degrade Black people, not to praise them.

Austin "Tom" Clarke, one of Canada's most celebrated novelists, whose latest work, "The Polished Hoe," captured the Giller Prize, Canada's equivalent of the Pulitzer, had an important reminder for the lawmakers at City Hall.

"It doesn't matter if it is used in Black circles and societies as a term of endearment," said the West Indian. "Historically its usage

has been offensive. One may attempt to argue that when it is used by Blacks to define or address themselves, the bad meaning of the word is softened. But the fact is that its usage is either seen or heard by white people who might themselves feel that what is good for the goose is good for the gander. That was exemplified with very negative effect recently by a white comedian in America (Michael Richards, who played Kramer on Seinfeld) and who thought he was being heckled by an aspect of his audience, used the word to ridicule his audience. His demonstration and use of the word in a public place might very well be reflective of his thoughts and feelings." Interestingly Richards declined to attend the Council meeting when invited to do so. Although he later apologized, the vehemence of his original mouthing told a story about vindictiveness which his anger brought into the open.

Richards isn't alone. Time and again, whites in particular resort to the N-word whether in literature, on the stage or the screen to suggest superiority over Blacks and to hint at violence to force them into submission.

The historical connection with violence and the N-word isn't simply 400 years old. Lynchings were commonplace in the 20th century and the N-word was often the rallying cry of racists to justify their lethal actions.

While it's true that Richards didn't commit violence as he uttered the two syllables, it's not difficult to see him being driven by rage and contempt for Blacks in the audience by turning to violence.

On Long Island, that's what a white middle class mother of three children apparently did when her children's West Indian nanny didn't feed the family dog on time in 2005. She subsequently pleaded guilty to assaulting the Black woman by pushing her down some steps, injuring her leg and then throwing her clothes on the lawn, all while calling her a N...

Apparently, she had waited three years to call her that. Thankfully, that incident is now the subject of a federal civil rights civil case seeking damages.

Contrary to what some misguided Blacks and whites would wish us to believe, the N-word can't be transformed into anything beautiful.

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mrs. DeLAURO. Madam Speaker, due to a death in the family, I missed a series of suspension votes, the vote on Water Quality Investment Act and the Living Kidney Organ Donation Act.

Had I been present, I would have voted "yea" on rollcall number 121, "yea" on rollcall number 122, "No" on rollcall number 123, "Aye" on rollcall number 124, "yea" on rollcall number 125, and "yea" rollcall number 126.

FREEDOM FOR JOSÉ ANTONIO MOLA PORRO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. LINCOLN DIAZ-BALART of FLORIDA. Madam Speaker, I rise today to speak about

Jose Antonio Mola Porro, a political prisoner in totalitarian Cuba.

Mr. Mola Porro is a member of the Cuban Foundation for Human Rights and director of the Pedro Luis Boitel Independent Library, in a country oppressed by a regime that mandates official propaganda and prohibits truthful news. Due to his commitment to democracy and human rights, he has been repeatedly harassed and incarcerated.

In May 2005, while on his way to a meeting of the Assembly to Promote Civil Society in Cuba, Mr. Mola Porro was arrested and condemned to two agonizing years in one of the dictator's hellish totalitarian gulags for being a "pre-criminal danger to society". On February 28, 2006, Mr. Mola Porro was "conditionally" released after serving ten months of his "sentence". Never wavering in his commitment to freedom for the Cuban people, upon his release he again devoted his energies to depicting the true, tragic, reality of totalitarian Cuba.

During the early morning hours of November 17, 2006, approximately a dozen of the regime's state security thugs rearrested Mr. Mola Porro and again forced him to survive against all odds in an infernal dungeon. Following his arrest, the dictator's henchmen broke into Mr. Mola Porro's home, savagely wreaking havoc on what little belongings he had. When they finished, over one hundred books and magazines, along with many of his personal belongings, had been stolen.

Madam Speaker, Mr. Mola Porro suffers in grotesque conditions at the whim of a tyrant because of his steadfast belief that the Cuban people do not deserve to live condemned to oppression and under constant threat of unprovoked torture, abuse and arbitrary arrest. A condition that has fated, according to the U.S. Department of State's Country Reports on Human Rights Practices—2006, thousands of Cuban citizens to serve sentences for "dangerousness" in the absence of any criminal activity.

Mr. Mola Porro is a symbol of bravery in the face of a murdering tyrant's oppression. He is unrelenting in his fight for freedom for the Cuban people. It is a crime of the highest order that people, just 90 miles from our shore, who dream of and work for freedom, are imprisoned in these nightmarish conditions.

Madam Speaker, despite the constant harassment, the example of Mr. Mola Porro is proof that the Cuban people have leaders who are unafraid to demonstrate their thirst for democracy and freedom. My Colleagues, we must demand the immediate release of Jose Antonio Mola Porro and every prisoner of conscience in totalitarian Cuba.

H.R. 1362, ACCOUNTABILITY IN CONTRACTING ACT VOTE 155: ON THE MOTION TO RECOMMIT WITH INSTRUCTIONS

HON. JOHN J. HALL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. HALL of New York. Madam Speaker, unfortunately, the amending text contained in the motion to recommit was not fully debated or its full ramifications considered prior to the vote, and I cast my vote on the limited information available. As a result, my vote was informed by my concern over the current state

of military recruiting. Nonetheless, I wish to reaffirm my opposition to the military's policy of "Don't Ask, Don't Tell" and my belief that the policy should be discontinued, as well as my support for the 1st amendment rights of American universities.

H. RES. 149, SUPPORTING THE GOALS OF INTERNATIONAL WOMEN'S DAY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today in support of H. Res. 149, a resolution supporting the goals of International Women's Day.

International Women's Day is an opportunity for us to evaluate the status of the world's women. As we take time to reflect on our achievements, we must reaffirm our commitment to addressing the inequalities and injustices that women in our country and around the world continue to face.

For example, we must do more in the fight against poverty. As much as 70 percent of the world's poor are women, many of them subsisting on less than \$1 a day. Furthermore, according to the World Bank, women earn on average 22 percent less than men. To address these disparities, we must continue expanding micro-lending practices and other opportunities for women to start small businesses, as well as working to increase women's land and property rights.

Improving access to education for girls is also critical to expanding economic opportunities for women. Despite the fact that access to primary education is increasing around the world, girls compose two-thirds of the 130 million school-aged children who are not attending school. Investing in girls' education enhances the quality of life of women and families throughout the world. Increased education for girls results in numerous benefits including lower maternal, child, and infant mortality rates, lower rates of HIV/AIDS infection, and higher earnings.

Here at home, we celebrate Speaker NANCY PELOSI, the first female Speaker of the House, women's increasing educational attainment and participation in the workforce, and the growing number of women-owned businesses. While we have made incredible strides, challenges remain. Here at home, we must continue working to close the gender pay gap, increase access to appropriate health care, and protect Title IX, which provides opportunities for American girls and women in athletics.

I am committed to working for peace and justice for all the world's women. I urge my colleagues to join me in supporting the goals of International Women's Day.

INTRODUCTION OF THE MARRIED STUDENT DEBT RELIEF ACT OF 2007

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. TERRY. Madam Speaker, I rise today to introduce the Married Student Debt Relief Act

of 2007 to end the marriage penalty contained in the portion of the tax code allowing for the deduction of student loan interest.

Current tax law discriminates against married couples trying to pay down their educational debt while starting careers and families. Individual taxpayers are allowed to deduct up to \$2,500 in student loan interest from their taxes each year. However, once a taxpayer marries, they are only allowed to deduct the same amount—\$2,500—as a married couple, regardless of whether both spouses are paying back individual student loans.

Because the existing tax law limits married couples to the \$2,500 deduction even when both spouses carry student debt and could have each taken a \$2,500 deduction while single, I am introducing the Married Student Debt Relief Act of 2007 to correct this inequity. This legislation would double the student loan interest tax deduction to \$5,000 for married couples who file a joint tax return when both spouses hold student debt, ensuring tax law treats students fairly, whether they are single or married.

The average U.S. student graduates with \$19,000 in educational debt. The government should not make it more difficult for young married couples to payoff their debts as quickly as possible to increase their quality of life and begin making their dreams come true. I am joined by more than 25 bipartisan Members of Congress in introducing this legislation today. It is important to help married couples pay down their student loans as quickly as possible to support their families and futures.

This problem in the tax code was first brought to my attention by my constituent, Michael Currans of Omaha. He wrote to me about the inequity, and I drafted legislation shortly thereafter to correct it. After learning of the effort, he wrote:

First off, I'm very pleased that my simple email to Congressman Terry has resulted in such an enthusiastic response. This is the first time I've ever written to my representatives in Congress, and it has definitely helped me see the value of getting involved. I really wish that I had written about this years ago.

Ever since we were married in 2000 and began filing our joint tax return, my wife and I have struggled to understand the rationale for not allowing married couples to each take advantage of the student loan interest deduction to the same extent as two unmarried individuals. Between us, we had over \$70,000 of student loan debt, and while we diligently make all our payments on time, it is frustrating that the principal balances are reduced so slowly. We often discuss how we'd like to make additional payments to try to pay the loans down faster, but now that we've got kids in the picture, daycare expenses, and a house to maintain, extra cash to put toward the student loans seems hard to come by. We find some solace in knowing that we can at least deduct a portion of the interest we pay.

We are not complaining. The federal student loan programs have been good to us. We've both earned valuable undergraduate degrees, my wife at the University of Northern Iowa, and myself at Loras College in Dubuque, Iowa. Further, student loans allowed us both to attend the excellent law school at the University of Iowa where we met. Without student loans, we would not be where we are today, so even without the benefit of the full student loan interest deduction, our student loans are a positive investment.

Some might ask why a two-income family with both spouses being attorneys should

have any grounds to seek additional relief from income taxes. However, my wife is a public defender representing juvenile delinquents in Douglas County, Nebraska. She is most definitely using her law degree for the public good, earning much less than she might if she chose to pursue private practice. I'm sure for many married lawyer couples, the student loan interest deduction is a nonissue due to the phase-out at higher incomes, but for us, it is still an important deduction. I'm certain the deduction is important to the great many married couples of lesser means paying on student loans for both spouses, especially in cases where one spouse chooses to stay at home with children.

We've joked on occasion about how we'd have been better off from a tax perspective if we'd just remained unmarried, lived together, and filed separate tax returns until our student loans were paid off. I doubt most couples would actually choose to live that way just for the additional student loan interest deduction. Nonetheless, why should a married couple be treated differently than two individual taxpayers? There is no good reason for this inequity, so I really hope this legislation goes through.

If I can be of help, please let me know. Thanks to Congressman Terry and his staff for taking up this issue.—Mike Currans.

I am grateful to Mike for bringing this inequity to my attention so we can work in this Congress to correct it. I urge more of my constituents to bring their concerns to my attention, and I encourage every American to communicate their views to their Congressional Representative. Your voice does make a difference.

Thank you, Madam Speaker. I hope all of my colleagues will join my efforts by cosponsoring this legislation and working to bring it to a vote in the House of Representatives.

IN RECOGNITION OF THE RETIREMENT OF RONNIE AND JANIS BOND

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is with great honor that I rise today to recognize Ronnie and Janis Bond for their retirement from Booker T. Washington High School in Pensacola, Florida.

Ronnie and Janis Bond have dedicated their professional careers to Booker T. Washington High School. Ronnie has been teaching at Washington for 38 years, and Janis retired in 2002 after 32 years of teaching. They worked everyday to challenge their students both in and out of the classroom. Ronnie served as an assistant coach for the football program for twenty-seven years, and Janis coached cross-country for five years. Together they have coached track and field for sixteen years and girl's basketball for the past thirty-two years.

When the State of Florida officially recognized girl's basketball as a high school sport in 1975, Ronnie and Janis truly made a home for themselves and began to develop what has become the best girl's basketball program in the state. They have devoted themselves to the players, and in return, the talented student athletes have made many tremendous achievements over the years. Under the leadership of Ronnie and Janis, the Washington

girl's basketball teams have won twenty-four district championships, four state championships, and were runner-up finishers for the state championship four additional times.

Reaching 700 career wins was a milestone in itself, so it was with even more excitement that Ronnie and Janis reached their 722nd career win on January 20, 2007. This victory carried a unique significance as the Bonds entered the Florida record books as having the most wins of any high school girl's basketball coaches in the State of Florida.

Their winning basketball program has been founded on solid principles of love, family, honor, and commitment. They have taught many young people about teamwork, the power of a shared vision, and one way to achieve success is to expect excellence.

It will be difficult to find two people more committed to helping students than Ronnie and Janis Bond. They have set a high standard in their dedication to their work and devotion to their students. A benchmark has been established for all other high school coaches. Teachers and coaches serve as role models for students, and the Bonds have without a doubt been a great role model for those who have played for them. They are sure to remain in the Florida record books for years to come.

Madam Speaker, on behalf of the United States Congress, I would like to congratulate Ronnie and Janis Bond for their efforts in reaching out and touching the lives of thousands of our nation's young people.

WELCOMING GHANA'S AMBASSADOR DR. KWAME BAWUAH-EDUSEI TO CONNECTICUT

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. LARSON of Connecticut. Madam Speaker, I rise today to welcome Dr. Kwame Bawuah-Edusei, Ghana's Ambassador to the United States, to the great State of Connecticut. Ambassador Bawuah-Edusei, who is visiting the State for the first time this weekend, will address Ghanaians from all across New England in honor and celebration of Ghana's independence.

Ghana, formerly known as the Gold Coast, is a nation rich in history, culture and natural resources. Under the leadership of Kwame Nkrumah, Ghana became the first African country south of the Sahara to gain independence from European rule on March 6, 1957. This year marks 50 years of social freedom, and economic and political achievement. Ghana has contributed greatly to world affairs and has been the birth place of national and international leaders, among them former United Nations Secretary General and Nobel Peace Prize winner Kofi Annan.

Connecticut's Ghanaian population continues to grow and prosper. I am proud to have Mr. Nana Okoda-Darko, king of the Akim-Kusi traditional council in Ghana living in my district and hometown of East Hartford. I am also pleased to have learned a great deal about Ghana and the Ghanaian culture from a member of my staff Adwoa Ansah whose father is from Kumasi in the Ashanti Region of Ghana.

And so today, on behalf of Mr. Okoda-Darko, Adwoa Ansah, and the many Gha-

naians in my district and the great State of Connecticut, I ask my colleagues to join me in honoring Ghana in its 50th Anniversary and welcoming Ambassador Bawuah-Edusei to the State of Connecticut.

"AN INCONVENIENT TRUTH"

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. WHITFIELD. Madam Speaker, I rise to bring attention to the House an article published in the New York Times regarding former Vice President Al Gore's documentary, "An Inconvenient Truth." As this documentary continues to shape the discussion on the controversial issue of global warming, I would like to highlight the following article, which identifies the inconsistencies of the film.

[From the New York Times, Mar. 13, 2007]

FROM A RAPT AUDIENCE, A CALL TO COOL THE HYPE

(By William J. Broad)

Hollywood has a thing for Al Gore and his three-alarm film on global warming, "An Inconvenient Truth," which won an Academy Award for best documentary. So do many environmentalists, who praise him as a visionary, and many scientists, who laud him for raising public awareness of climate change.

But part of his scientific audience is uneasy. In talks, articles and blog entries that have appeared since his film and accompanying book came out last year, these scientists argue that some of Mr. Gore's central points are exaggerated and erroneous. They are alarmed, some say, at what they call his alarmism.

"I don't want to pick on Al Gore," Don J. Easterbrook, an emeritus professor of geology at Western Washington University, told hundreds of experts at the annual meeting of the Geological Society of America. "But there are a lot of inaccuracies in the statements we are seeing, and we have to temper that with real data."

Mr. Gore, in an e-mail exchange about the critics, said his work made "the most important and salient points" about climate change, if not "some nuances and distinctions" scientists might want. "The degree of scientific consensus on global warming has never been stronger," he said, adding, "I am trying to communicate the essence of it in the lay language that I understand."

Although Mr. Gore is not a scientist, he does rely heavily on the authority of science in "An Inconvenient Truth," which is why scientists are sensitive to its details and claims.

Criticisms of Mr. Gore have come not only from conservative groups and prominent skeptics of catastrophic warming, but also from rank-and-file scientists like Dr. Easterbrook, who told his peers that he had no political ax to grind. A few see natural variation as more central to global warming than heat-trapping gases. Many appear to occupy a middle ground in the climate debate, seeing human activity as a serious threat but challenging what they call the extremism of both skeptics and zealots.

Kevin Vranes, a climatologist at the Center for Science and Technology Policy Research at the University of Colorado, said he sensed a growing backlash against exaggeration.

While praising Mr. Gore for "getting the message out," Dr. Vranes questioned whether his presentations were "overselling our certainty about knowing the future."

Typically, the concern is not over the existence of climate change, or the idea that the human production of heat-trapping gases is partly or largely to blame for the globe's recent warming. The question is whether Mr. Gore has gone beyond the scientific evidence.

"He's a very polarizing figure in the science community," said Roger A. Pielke Jr., an environmental scientist who is a colleague of Dr. Vranes at the University of Colorado center. "Very quickly, these discussions turn from the issue to the person, and become a referendum on Mr. Gore."

"An Inconvenient Truth," directed by Davis Guggenheim, was released last May and took in more than \$46 million, making it one of the top-grossing documentaries ever. The companion book by Mr. Gore quickly became a best seller, reaching No. 1 on the New York Times list.

Mr. Gore depicted a future in which temperatures soar, ice sheets melt, seas rise, hurricanes batter the coasts and people die en masse. "Unless we act boldly," he wrote, "our world will undergo a string of terrible catastrophes."

He clearly has supporters among leading scientists, who commend his popularizations and call his science basically sound. In December, he spoke in San Francisco to the American Geophysical Union and got a reception fit for a rock star from thousands of attendees.

"He has credibility in this community," said Tim Killeen, the group's president and director of the National Center for Atmospheric Research, a top group studying climate change. "There's no question he's read a lot and is able to respond in a very effective way."

Some backers concede minor inaccuracies but see them as reasonable for a politician. James E. Hansen, an environmental scientist, director of NASA's Goddard Institute for Space Studies and a top adviser to Mr. Gore, said, "Al does an exceptionally good job of seeing the forest for the trees," adding that Mr. Gore often did so "better than scientists."

Still, Dr. Hansen said, the former vice president's work may hold "imperfections" and "technical flaws." He pointed to hurricanes, an icon for Mr. Gore, who highlights the devastation of Hurricane Katrina and cites research suggesting that global warming will cause both storm frequency and deadliness to rise. Yet this past Atlantic season produced fewer hurricanes than forecasters predicted (five versus nine), and none that hit the United States.

"We need to be more careful in describing the hurricane story than he is," Dr. Hansen said of Mr. Gore. "On the other hand," Dr. Hansen said, "he has the bottom line right: most storms, at least those driven by the latent heat of vaporization, will tend to be stronger, or have the potential to be stronger, in a warmer climate."

In his e-mail message, Mr. Gore defended his work as fundamentally accurate. "Of course," he said, "there will always be questions around the edges of the science, and we have to rely upon the scientific community to continue to ask and to challenge and to answer those questions."

He said "not every single adviser" agreed with him on every point, "but we do agree on the fundamentals"—that warming is real and caused by humans.

Mr. Gore added that he perceived no general backlash among scientists against his work. "I have received a great deal of positive feedback," he said. "I have also received comments about items that should be changed, and I have updated the book and slideshow to reflect these comments." He gave no specifics on which points he had revised.

He said that after 30 years of trying to communicate the dangers of global warming, "I think that I'm finally getting a little better at it."

While reviewers tended to praise the book and movie, vocal skeptics of global warming protested almost immediately. Richard S. Lindzen, a climatologist at the Massachusetts Institute of Technology and a member of the National Academy of Sciences, who has long expressed skepticism about dire climate predictions, accused Mr. Gore in *The Wall Street Journal* of "shrill alarmism."

Some of Mr. Gore's centrist detractors point to a report last month by the Intergovernmental Panel on Climate Change, a United Nations body that studies global warming. The panel went further than ever before in saying that humans were the main cause of the globe's warming since 1950, part of Mr. Gore's message that few scientists dispute. But it also portrayed climate change as a slow-motion process.

It estimated that the world's seas in this century would rise a maximum of 23 inches—down from earlier estimates. Mr. Gore, citing no particular time frame, envisions rises of up to 20 feet and depicts parts of New York, Florida and other heavily populated areas as sinking beneath the waves, implying, at least visually, that inundation is imminent.

Bjorn Lomborg, a statistician and political scientist in Denmark long skeptical of catastrophic global warming, said in a syndicated article that the panel, unlike Mr. Gore, had refrained from scaremongering. "Climate change is a real and serious problem" that calls for careful analysis and sound policy, Dr. Lomborg said. "The cacophony of screaming," he added, "does not help."

So too, a report last June by the National Academies seemed to contradict Mr. Gore's portrayal of recent temperatures as the highest in the past millennium. Instead, the report said, current highs appeared unrivaled since only 1600, the tail end of a temperature rise known as the medieval warm period.

Roy Spencer, a climatologist at the University of Alabama, Huntsville, said on a blog that Mr. Gore's film did "indeed do a pretty good job of presenting the most dire scenarios." But the June report, he added, shows "that all we really know is that we are warmer now than we were during the last 400 years."

Other critics have zeroed in on Mr. Gore's claim that the energy industry ran a "disinformation campaign" that produced false discord on global warming. The truth, he said, was that virtually all unbiased scientists agreed that humans were the main culprits.

But Benny J. Peiser, a social anthropologist in Britain who runs the Cambridge-Conference Network, or CCNet, an Internet newsletter on climate change and natural disasters, challenged the claim of scientific consensus with examples of pointed disagreement.

"Hardly a week goes by," Dr. Peiser said, "without a new research paper that questions part or even some basics of climate change theory," including some reports that offer alternatives to human activity for global warming.

Geologists have documented age upon age of climate swings, and some charge Mr. Gore with ignoring such rhythms.

"Nowhere does Mr. Gore tell his audience that all of the phenomena that he describes fall within the natural range of environmental change on our planet," Robert M. Carter, a marine geologist at James Cook University in Australia, said in a September blog. "Nor does he present any evidence that climate during the 20th century departed dis-

cernibly from its historical pattern of constant change."

In October, Dr. Easterbrook made similar points at the geological society meeting in Philadelphia. He hotly disputed Mr. Gore's claim that "our civilization has never experienced any environmental shift remotely similar to this" threatened change.

Nonsense, Dr. Easterbrook told the crowded session. He flashed a slide that showed temperature trends for the past 15,000 years. It highlighted 10 large swings, including the medieval warm period. These shifts, he said, were up to "20 times greater than the warming in the past century."

Getting personal, he mocked Mr. Gore's assertion that scientists agreed on global warming except those industry had corrupted. "I've never been paid a nickel by an oil company," Dr. Easterbrook told the group. "And I'm not a Republican."

Biologists, too, have gotten into the act. In January, Paul Reiter, an active skeptic of global warming's effects and director of the insects and infectious diseases unit of the Pasteur Institute in Paris, faulted Mr. Gore for his portrayal of global warming as spreading malaria.

"For 12 years, my colleagues and I have protested against the unsubstantiated claims," Dr. Reiter wrote in *The International Herald Tribune*. "We have done the studies and challenged the alarmists, but they continue to ignore the facts."

Michael Oppenheimer, a professor of geosciences and international affairs at Princeton who advised Mr. Gore on the book and movie, said that reasonable scientists disagreed on the malaria issue and other points that the critics had raised. In general, he said, Mr. Gore had distinguished himself for integrity.

"On balance, he did quite well—a credible and entertaining job on a difficult subject," Dr. Oppenheimer said. "For that, he deserves a lot of credit. If you rake him over the coals, you're going to find people who disagree. But in terms of the big picture, he got it right."

HONORING THE LIFE OF U.S.A.F. COL. FRANCIS R. "FRANK" CAPPELLETTI

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. BILIRAKIS. Madam Speaker, I rise today to recognize the extraordinary life and accomplishments of U.S.A.F. Col. Francis R. "Frank" Cappelletti, a giant amongst men.

Col. Cappelletti was born in Koppel, Pennsylvania in 1918. He graduated from Laval University in Quebec City, Quebec before entering the Army Air Force in 1940. He completed navigation training with Pan American Airlines in Coral Gables, Florida in 1941. Thereafter, he was assigned to a B-17 outfit, the 19th Bomb Group. During World War II, Col. Cappelletti courageously flew 91 combat missions against the Japanese in the Pacific Theater of Operations. Later he served under General Curtis LeMay at the Strategic Air Command Headquarters.

Frank Cappelletti's flying prowess extended beyond combat missions. Before it was routine, the Colonel pioneered the flight pattern from Alaska to the North Pole. His continued service in the Air Force had him participating in the Cuban Missile Crisis, as well as the Vietnam War.

He retired as an Air Force Colonel after 30 years of service. During his extraordinary career he amassed several awards and honors, including the Distinguished Flying Cross with cluster, Silver Star with clusters, and Air Medal.

A humble man who never rested on his laurels, Col. Cappelletti continued serving his country and his community. After his retirement, Frank worked for the Defense Department civil service section for 11 years. He also volunteered for the Smithsonian Institution, translating documents from Russian into English. He was an active member of the Kiwanis Club, the Boys and Girls Club, the Military Officers Association of America, and of St. Joseph's Catholic Church in St. Petersburg Beach, Florida.

A tall, striking figure with movie star good looks, Colonel Cappelletti was an exemplary resident of my district and I am so proud to have served him, even for a short time. His devoted wife, Rose Cappelletti, took care of him to the very end as Alzheimer's disease gradually consumed him. In the final days of his extraordinary life, Mrs. Cappelletti provided him with a last glimpse of what she described as the "love of his life," a look at his beloved B-17 bomber as it toured a local airport. While the B-17 may be a close second, I know the real love of Colonel Cappelletti's life was Rose.

Madam Speaker, may the Colonel's life be a model to which we should all strive. May he rest in peace, and may his memory be eternal.

CALLING FOR RELEASE OF ISRAELI SOLDIERS HELD CAP- TIVE BY HAMAS AND HEZBOLLAH

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. HOYER. Mr. Speaker, I rise today in strong support of House Resolution 107—a bill calling for the immediate and unconditional release of Israeli soldiers being held captive by Hamas and Hezbollah.

On July 12, 2006, Sergeant Udi Goldwasser and fellow soldier Eldad Reggev were on patrol inside the Israeli border when their armored humvee was bombarded by Hezbollah rockets. Udi and Eldad were captured during this attack and have been held by Hezbollah militants for more than 8 months.

I tell this story because just over one month ago, I had the pleasure of welcoming Udi Goldwasser's wife, Karnit, to the United States Capitol. She told me about how hard it has been to live without "the love of her life" and how her dreams of raising a peaceful and loving family with Udi are now in jeopardy due to the cowardly acts of a terrorist organization that has said it will not rest until her country is destroyed.

Terrorist acts are not military actions between warring nations. They are despicable crimes that rob wives of husbands, husbands of wives and children of their parents. And as the leader of the free and democratic world, it is America's solemn duty to condemn such attacks whenever they occur and to support the justifiable actions of our ally Israel when it comes under heinous, premeditated attacks.

Today, I join Karnit Goldwasser in seeking to further the pursuit of liberty, democracy and peace throughout the world. And it is my sincere hope that Udi, Eldad and every other Israeli captive of Hamas and Hezbollah will be united with their families as soon as is humanly possible.

IN HONOR OF JOSEPH SIMUNOVICH

HON. ALBIO SIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. SIRE. Madam Speaker, I rise to honor Joseph Simunovich, who at the end of his 3-year term is being recognized for his service as chairman of the board of governors at Hackensack University Medical Center (HUMC). Mr. Simunovich has been the driving force behind the implementation of vital policy that has advanced the successful actions of HUMC, thus contributing to its prestigious reputation.

In addition, Mr. Simunovich currently serves as a member of the board of directors for United Water Resources, and as vice chairman for the board of Directors of United Water New Jersey—New York. In this position, Mr. Simunovich is responsible for setting public policy and strategic planning, focusing on external affairs and government relations. Since joining the company in 1992, Mr. Simunovich has been vice president, and senior vice president, as well as president and chief of staff of United Water Management and Services.

Active in governmental and civic associations, Mr. Simunovich was appointed by Governor Thomas Kean in 1986 as a member of the New Jersey Economic Development Authority (EDA). He was reappointed as vice chairman of the EDA by Governors James Florio and Christine Whitman for six consecutive terms, having, to date, the longest tenure in the organization's history. Mr. Simunovich also completed a 1-year assignment as a loaned executive to the Governor's Management Review Commission.

Joseph Simunovich's life in public service started even earlier. As a resident of West New York, he was elected to the Hudson County Board of Chosen Freeholders, where he served for 12 years. Mr. Simunovich was also appointed chairman of the New Jersey Turnpike Authority by Governor James E. McGreevey in 2002, where he led the integration of the Garden State Parkway into the Turnpike Authority.

Mr. Simunovich has been a member of numerous boards of directors including New Jersey City University, the New Brunswick Development Corporation, the National Association of Water Companies, and the National Council for Public Private Partnerships.

Please join me in honoring Joseph Simunovich for his guidance and service, and in congratulating him and his family.

PRESIDENTIAL RECORDS ACT AMENDMENTS OF 2007

SPEECH OF

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. TOM DAVIS of Virginia. Mr. Speaker, this legislation establishes a statutory process under which incumbent and former Presidents could, within specified time limits, review records prior to their release, and determine whether to personally assert constitutional privilege claims against release of the records.

This legislation is identical to legislation introduced in a prior Congress and approved by the Committee under the leadership of the gentleman from Indiana, Mr. BURTON.

During consideration of the bill before us, the Committee approved my amendment to close a loophole in the Presidential Records Act. Current law allows those individuals previously convicted of a crime relating to mis-handling Archives records to continue to have special access to Presidential records. My amendment states that the Archivist shall not make available any original Presidential records to any individual claiming access as a designated representative under statute, if that individual has been convicted of a crime relating to the review, retention, removal, or destruction of Archives records.

As I noted in Committee, we should take the simple step of blocking access to original Presidential records if you've been convicted of crime related to Archives records.

RECOGNIZING THE LIFE AND WORK OF GENERAL CASIMIR PULASKI, THE POLISH HERO OF THE REVOLUTIONARY WAR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. RANGEL. Madam Speaker, I rise today to recognize the birth anniversary of General Casimir Pulaski, the Polish Hero of the Revolutionary War.

Often referred to as the father of American cavalry, Kazimierz Michal Wacław Wiktor Pulaski herbu Słupowron, more commonly referred to as General Casimir Pulaski, was born in 1746 in Winiary. Born into one of the most notable families in the region, he was sent away at a young age to be educated.

Working alongside his father Jozef in 1768, Pulaski co-founded the Bar Confederation, an insurrectionists group that aimed to limit the spread of Russian hegemony, a threat to Policy liberty and Catholicism, throughout the commonwealth. With the motto of "For Faith and Freedom," Pulaski participated in leading a confederation which fought for these goals. Pulaski gained renown during the battle of 1771 and went on to assert his leadership skills, military adroitness and valor in several battles before being exiled for a failed attempt to abduct the king. Although his efforts failed, Pulaski's leadership and courage inspired many.

In 1777 Pulaski traveled to the United States and met with General George Wash-

ington. Pulaski transformed soldiers into highly mobile forces, instituting the idea of a cavalry; soldiers who fought mounted on horseback. He would go on to lead several successful battles before sustaining a fatal gunshot wound in 1779.

Americans and Polish citizens alike have recognized Pulaski's heroism and commitment to freedom for centuries. He is honored, in both countries, in statue and in ceremony. In death, as in life, he remains a symbol of courage, commitment and friendship between Poland and the United States.

TRIBUTE TO JOHN GAINES

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Ms. HARMAN. Madam Speaker, the community of El Segundo, located in my congressional district, sustained a genuine loss this week. John Gaines, a former member of the El Segundo City Council, highly influential community leader, and my dear friend, succumbed on Monday night following an inspirational battle against a rare form of cancer.

John was a terrific guy. Even as he struggled with his illness, John never lost heart, and continued to be a rock for his family and friends. When I last saw him only a few months ago, he told me his doctors had advised that he move up the date of his daughter's December wedding. In typical John Gaines fashion, he not only ignored their advice, he walked his daughter down the aisle.

He even joked with me that, having lost 100 pounds, he had become an adult sex symbol in his form-fitting blue jeans. This kind of levity in a time of extreme pain and uncertainty is a powerful testament to who John Gaines was: strong, compassionate, and charismatic.

Though it ended too soon, John led a full and accomplished life. A long-serving Naval Officer and Aviator, he attained the rank of Lieutenant Commander by the time he left military service in 1979.

Following his naval service, John returned to Southern California to start a distinguished career in the South Bay's booming aerospace industry. He quickly became an industry leader and worked at senior levels for some of the region's leading firms.

Ironically, it took the prodding of his son to get John into politics. But once elected, he was a natural and I believe John will be remembered most for his unwavering dedication to public service.

As a member of the El Segundo City Council, he made emergency preparedness, homeland security and community development priorities. During his tenure, John was instrumental in securing funds to better prepare El Segundo for any possible man-made or natural disasters. He also oversaw projects that helped to revitalize the city's downtown.

Over the years, John had a profound influence on so many people and literally helped change the face of his community. He and Assemblyman Mike Gordon, our mutual friend who died at age 47 of a brain tumor in 2005, are now local legend. John's wife, Susan, told me she is certain they are reunited.

My heart goes out to his wife Susan and their three children, Rebecca, Robert and Benjamin. Susan says the two boys are so much like their father. How fortunate!

TRIBUTE TO MADISON HIGH
SCHOOL BEL CANTO CHOIR,
REXBURG, IDAHO

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. SIMPSON. Madam Speaker, I rise today to congratulate an exceptional high school choir in my district, the Madison High School Bel Canto Choir of Rexburg, Idaho, which has been chosen to perform at New York City's legendary Carnegie Hall on March 19, 2007.

The Bel Canto choir was selected out of dozens of high school choirs across the country for this performance. The concert will feature 200 students from three states, and it is the capstone of Carnegie Hall's yearlong National High School Choral Festival. The concert will be conducted by Dr. Craig Jessop, esteemed Music Director of the Mormon Tabernacle Choir, who has been working with the choirs and their conductors throughout the year. Apart from their world-renowned performances, Carnegie Hall brings innovative music education programs to students across the nation. I am delighted that these young constituents have been given this opportunity.

Led by David Hinck, the Madison High School Bel Canto Choir had its beginnings in the 1960s. The choir consistently receives high ratings at regional choral festivals and has been a featured ensemble at the Idaho Music Educators Conference, Northwest Music Educators Conference, and the Idaho ACDA Retreat. In 2005, the choir received top honors at the FAME festival in Branson, Missouri. The ensemble regularly joins with the MHS Orchestra and has performed several works with the orchestra and other choirs from the Eastern Idaho Area.

I am honored to have one of the four schools in the nation chosen for the Carnegie Hall National High School Choral Festival residing in my Idaho district. They should be proud not only of their musical achievement, but their embodiment of the quality musical education the State of Idaho provides. I commend these students and their leaders for their success, and wish them the best of luck on March 19 when they perform at Carnegie Hall.

TRIBUTE TO DR. KARL S. WRIGHT

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. MEEK of Florida. Madam Speaker, today I rise with great gladness over the inauguration of Dr. Karl S. Wright as the 11th President of Florida Memorial University. On March 15, 2007 he will take over the reins of this university amidst ceremonies that evoke the historical significance of this occasion. Having earned his Ph.D. in Economics at Mississippi State University and his bachelor's

and master's degrees from the University of Maryland at College Park, Dr. Wright will preside over South Florida's only historically Black institution of higher learning which has played a major role in responding to the needs of a burgeoning urban center like Miami-Dade County.

He is not new to the challenge since he has served as executive vice-president and provost when he oversaw the dramatic increase in the size of its student enrollment. He has actively participated in navigating the rough waters of this university's change from a college status to that of a university. Dr. Wright is no stranger to this institution's upgrading since he has managed not only the quality of the faculty and staff, but also the number of courses and degree programs that now validate its status as a major university.

Being an institution of higher learning alongside the Baptist tradition, Dr. Wright's role is enhanced by his commitment to religious education amidst the challenge of academic achievement and higher learning, emphasizing financial management and entrepreneurship, aerospace engineering and personal development. He has also devised a very innovative program on physical fitness and dropout prevention strategies during a time when this urban university reaches out to inner city students in need of mentoring and tutorial assistance. These unique programs are making Florida Memorial University into one of those pioneering institutions whereby its outreach efforts to the youth of Miami-Dade County and beyond are generating dividends toward enhancing its prestige and reputation.

In the midst of these innovative educational strategies, Dr. Wright will continue to strengthen this university's graduate degree accreditation process, while expanding qualitatively its presence in the South Florida community and throughout nearby countries within the Caribbean basin. Having served for 7 years as Dean of the School of Business at South Carolina State University, he is well equipped with his educational background and hands-on experience to bring the necessary upgrade toward ensuring that Florida Memorial University become indeed a world-class university.

Defined by his ability to reach out beyond the confines of a university setting, Dr. Wright will no doubt bank on his role on the Miami-Dade County Investment Advisory Committee, as well as on the prestigious 100 Black Men of Ft. Lauderdale to give him the necessary tools to consolidate community and business support for the university. Most importantly, Dr. Wright has been recognized by the Kellogg Foundation as a leadership Fellow, and has earned kudos from the American Association of State Colleges and University, which recently selected him to participate in the Millennium Presidential Leadership Fellows Initiative.

As he is sworn into office, I am confident that Dr. Karl S. Wright will demonstrate to all those called upon by public service that excellence is never beyond the reach of those willing to make the sacrifice and dare the impossible on behalf of our leaders of tomorrow. I rest assured that he is truly imbued with the personal integrity and intellectual acumen to

bring Florida Memorial University into one of the leading universities in our State.

A TRIBUTE TO THE WESTERN DIOCESE
OF THE ARMENIAN
CHURCH OF NORTH AMERICA

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor the Western Diocese of the Armenian Church of North America upon the celebration of its 80th Anniversary.

The Diocese of the Armenian Church was established on July 2, 1898 under the direction of Khirmian Hayrig, placing all Armenian Churches in the United States and Canada under the jurisdiction of the Diocesan Headquarters in Worcester, Massachusetts.

On November 28, 1927, the Western Diocese of the Armenian Church was officially established by an Encyclical issued from the Mother See of Holy Etchmiadzin by His Holiness Kevork V. Supreme Patriarch and Catholics of All Armenians. The creation of the Western Diocese was a response to a continued and vigorous growth of the Armenian community in California and the vast distance separating the Armenian Churches in the West from the Headquarters in the East.

From its creation, the Western Diocese of the Armenian Church progressed and expanded to serve the Armenian population throughout California. In 1928, the newly established Western Diocese consisted of five parishes. By 1953, the number of parishes had expanded to eight, and an additional three were added by 1957—the year that the Diocesan Headquarters relocated to Hollywood.

The Diocesan Headquarters remained in Hollywood until the 1994 Northridge Earthquake. Later that year, the Diocesan Assembly decided to purchase a new Headquarters. On May 16, 1997 the Western Diocese moved to its new Headquarters in Burbank. Today, the Western Diocese is the proud owner of a multi-purpose complex where it is currently headquartered and will be the future site for the Mother Cathedral.

In addition to providing places of worship, the Western Diocese has made a strong commitment to community service. In 1963, the Diocese began to provide youth throughout the community with the opportunity to participate in a Summer Camp. In 1967 the Diocese purchased the Alta Sierra Camp providing year-round camping facilities for children, families, and organizations. The Western Diocese also publishes the bi-monthly periodical, "The Mother Church," reaching 28,000 people worldwide.

I consider it a great privilege to recognize the Western Diocese of the Armenian Church of North America for its eighty years of service to the Armenian community and I ask all Members of Congress to join me in congratulating the Western Diocese for its remarkable achievements.

MILITARY BASE REALIGNMENT
AND CLOSURE PROJECTS FOR 2007

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mrs. BOYDA of Kansas. Madam Speaker, I rise today in support of the upcoming 2007 fiscal year supplemental appropriations bill.

Much of the debate on this bill has focused, quite rightly, on the provisions that codify President Bush's benchmarks for Iraq into law. That is an important subject that I plan to discuss in depth tomorrow.

But for now I wish to spotlight another element of this legislation, a fulfillment of a promise to America's military installations. The supplemental bill will fully fund Base Realignment and Closure projects through 2007, and in so doing, it will close the books on one of the 109th Congress's most shameful failures.

As you may know, the 2005 Base Realignment and Closure Commission was charged with restructuring the American military to better prosecute the war on terror. In the course of their work, the Commission discovered that certain American bases have outstanding strengths that are uniquely valuable in modern-day wars. The Commission asked these installations to scale up their operations, and Congress, in turn, promised to fully fund these expansions.

Among the targeted bases were three in my district: Fort Leavenworth, Fort Riley, and Forbes Field. The base commanders promptly enacted plans to build new facilities and house new personnel—all in the name of protecting America, trusting Congress to fulfill its promise.

But a promise made is not always a promise kept, and the 109th Congress was well known for breaking its word. In their 2 years in office, they cast aside promises to veterans, to schools, to farmers and ranchers, to children and seniors—and, sadly, to America's military bases as well.

For the 2007 fiscal year, when BRAC projects needed \$5.6 billion to move forward as planned, the last Congress appropriated only \$1.5 billion. Worse, they attached strings to what little funding they provided, which essentially blocked all new construction on BRAC projects for 6 months. As of October 1, 2006, all new construction came to an immediate halt. Worse yet, the bases most impacted by underfunding were those that stood to gain the most from BRAC—that is, the very bases at the frontline of the war on terror.

I cannot find words to express the scale of this catastrophe. The last Congress left our Nation less secure and our troop less supported. They closed their wallets and their hearts to the soldiers who so courageously fight the war on terror.

When Democrats took over Congress in January, we acted immediately to right this grave wrong. We passed a further \$1 billion in BRAC funding by the end of January, and we promised to move promptly to fully fund BRAC through supplemental funding. More importantly, these funds allowed new construction to start.

And unlike the last Congress, when this Congress makes a promise to our soldiers, we deliver.

The bill now under consideration will fully fund BRAC for the current fiscal year. It will

help the United States military better fight the war on terror, and it will strengthen and secure our great nation. I urge all of my colleagues, Republicans and Democrats alike, to keep their word to our troops and support this critical legislation.

HONORING LISA HUSSUNG

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to congratulate Mrs. Lisa Hussung, an exemplary citizen from my Congressional District who was recently named Elementary Music Teacher of the Year by the Kentucky Music Educators Association.

A music teacher at Rich Pond Elementary School in Warren County, Kentucky, Mrs. Hussung demonstrates a special ability to relay her passion for music on to her students. She consistently engages students with her interactive teaching style, instilling an appreciation for music that often continues many years after they have left the classroom.

Mrs. Hussung's influence extends outside of the classroom, particularly through her work with other music professionals to build a stronger music curriculum in Warren County. She often leads student groups in choral, instrumental and dance performances, providing opportunities for young artists to publicly showcase their talents.

The combination of Lisa Hussung's two greatest passions, music and teaching, has made her career as a music teacher the perfect job. In her words, "There is nothing better than singing and dancing all day while still teaching and seeing my students learn."

It is my great privilege to recognize Lisa Hussung today before the entire U.S. House of Representatives for her excellent work in public education. Her unique dedication to the development of young people and the communities they will someday serve make her an outstanding citizen worthy of our collective honor and appreciation.

HONORING PRINCE WILLIAM COUNTY
CIRCUIT COURT CLERK
DAVID C. MABIE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. WOLF. Madam Speaker, it is my pleasure today to recognize Mr. David Mabie, of Nokesville, Virginia, on the occasion of his retirement after over four decades of public service.

After serving three years in the U.S. Army, Dave and his wife Copper moved to Waynesboro, Virginia, in 1967 where Dave joined the Waynesboro Police Department. Then in 1970 he became a police officer in Manassas, Virginia, and served as one of the original members of this newly formed Prince William County department. Dave served as a detective and eventually was assigned to the Commonwealth Attorney's Office where he specialized in trial preparation for capital murder cases.

In 1992 Dave was elected to serve as clerk of the Circuit Court in Prince William County, from where he will be retiring on April 1, 2007. Through the years Dave has been an active member of several organizations including the United Way, Regional Jail Board, and Chamber of Commerce. Dave has dedicated his professional life to public service and will be sorely missed by Prince William County and the northern Virginia community as a whole.

I cannot say enough about Dave and how honored I am to have worked with him throughout his career. I would be remiss today in didn't also recognize Dave's dedication to his wife Copper, and how proud he is of their children, Andrew, Meredith, and Christopher, and their many grandchildren. I suspect that as Dave prepares for retirement he is looking forward to spending more time with his family. We wish him the best and thank him for his dedicated service to the people.

CALLING FOR RELEASE OF
ISRAELI SOLDIERS HELD CAP-
TIVE BY HAMAS AND
HEZBOLLAH

SPEECH OF

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 2007

Mr. LANTOS. Mr. Speaker, I join with my good friend Congressman GARY ACKERMAN in calling for the unconditional release of the three kidnapped Israeli soldiers held hostage for more than six months by Hezbollah and Hamas. I am proud to co-sponsor it, and to have our Committee bring it up for consideration by the House.

A few weeks ago we were honored by the presence in the Capitol of Karnit Goldwasser, whose husband Ehud remains in Hezbollah's hands. She is a model of strength, courage, and loving commitment.

I put my arm around this young woman—having recently celebrated my 57th anniversary with my own lovely wife—and I assured her that we in the Congress will do our best to see to it that she and her beloved husband Ehud also will have the opportunity to celebrate many anniversaries together in the years ahead.

As everyone knows, Mr. Speaker, Hezbollah and Hamas are the guilty parties in the outbreak of violence in the Middle East last summer. They committed acts of war by crossing into Israeli territory, acts of terror by taking three young Israeli soldiers captive, and vicious unprovoked attacks against Israel's civilian population.

While the immediate fighting between Israel and these terrorist organizations has subsided, the initial causes for the violence, lamentably, have not yet been addressed. Primary among these is the fact that the three young men, Gilad Shalit, Eldad Regev, and Ehud Goldwasser, remain in captivity.

Mr. Speaker, the fighting last summer ended when the United Nations Security Council passed Resolution 1701, which imposed a ceasefire on the Hezbollah attacks against Israel. That resolution unequivocally called for—and I quote—"the unconditional release of the abducted Israeli soldiers."

Therefore, their ongoing captivity is not only immoral. It is also illegal, and it represents

characteristically contemptuous disregard by the terrorists for the will of the international community.

Contrary to the most basic standards of humanitarian conduct, Hamas and Hezbollah have not even allowed access to the Israeli captives by competent medical personnel and representatives of the International Committee of the Red Cross.

Mr. Speaker, this appalling conduct underscores the cruel and sinister nature of the enemies that The United States and Israel face in this troubled region.

The resolution we are considering today expresses this Congress's vision for "a resolution of the Israeli-Palestinian conflict through the creation of a viable and independent Palestinian state living in peace alongside of the State of Israel."

I share this vision, but we all know that this vision cannot be achieved—nor can Israeli confidence be won—by sweeping under the rug the transgressions of terrorists like Hamas and Hezbollah.

Mr. Speaker, these terrorists attacked Israel from land that the Israeli army unilaterally evacuated—evacuated in the expectation of peace. But the borders traversed by Hamas and Hezbollah have been anything but peaceful. As one insightful observer aptly described it, "Israel pursues land-for-peace, while Hamas and Hezbollah pursue land-for-war."

Our own American soldiers are being victimized by terrorists every day in Iraq—terrorism sponsored by the same two nations that sponsored the kidnapping of the Israeli soldiers, Iran and Syria. So we cannot turn a blind eye when citizens of a fellow democracy fall prey to the machinations of savage terrorists.

The Israeli soldiers must be released without delay and without preconditions. That is the Security Council's demand, and it is our demand as well. We will remain committed to the soldiers' freedom—for the sake of the fight against terrorism and for the sake of peace.

Mr. Speaker, I support this resolution and I urge all my colleagues to do likewise.

PERSONAL EXPLANATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. GEORGE MILLER of California. Madam Speaker, on Wednesday, March 14, 2007, I was unable to attend votes due to illness.

Were I present, I would have voted in the following manner: H.R. 1254—Presidential Library Donation Reform Act of 2007—"yea"; H.R. 1255—Presidential Records Act Amendments of 2007—"yea"; H.R. 1309—The Freedom of Information Act Amendments of 2007—"yea"; Stupak amendment to H.R. 985—"yea"; Sali amendment to H.R. 985—"no"; On Motion to Recommit H.R. 985 with Instructions—"yea"; H.R. 985—Whistleblower Protection Enhancement Act of 2007—"yea."

PERSONAL EXPLANATION

HON. KIRSTEN E. GILLIBRAND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Ms. GILLIBRAND. Madam Speaker, I was not present to vote on Monday, March 12,

2007 because my flight from my district was delayed.

Had I been present, I would have voted in the following way:

(1) H.R. 85—Energy Technology Transfer Act—"yea".

(2) H. Res. 136—Commending the Girl Scouts of the United States of America on the occasion of their 95th anniversary, for providing quality age-appropriate experiences that prepare girls to become the leaders of tomorrow and for raising issues important to girls—"yea".

(3) H. Res. 89—Expressing the sense of the House of Representatives that a day should be established as Dutch-American Friendship Day to celebrate the historic ties of the United States and the Netherlands—"yea".

INTRODUCTION OF THE CHILDREN'S HEALTH FIRST ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. DINGELL. Madam Speaker, we are here because we need to provide affordable healthcare options for children. There are 9 million children uninsured in the United States today. There is no excuse for a country that is spending \$1.9 trillion on health care to have even one uninsured child, especially when it costs a mere \$3.50 a day to cover a child.

Who are these children? Nearly two-thirds are low income children and more than half are children in working families. Moreover, over half are minorities. But most importantly, these are children that are significantly less likely to make it to a doctor when they have an acute earache or even recurrent asthma and even die.

I am introducing the Children's Health First Act with Representatives DIANA DEGETTE, FRANK PALLONE, HENRY WAXMAN, and others, to provide every child in this country access to affordable health insurance. Senator CLINTON is introducing the companion bill in the Senate as well.

This bill builds on successful public programs such as the State Children's Health Insurance Program by offering States financial support to expand coverage to working families making approximately \$70,000 a year.

This bill allows employers and families to access good health insurance by buying into an affordable insurance pool. And the bill even goes further by allowing States to help employers retain coverage they already have through a 50-percent subsidy of the cost the States are spending on coverage for a child.

This bill provides States with new tools to help them find and enroll qualified children and ensure benefits and services are available once the children are enrolled. The tools include things such as allowing States to enroll children in schools and hospitals in public programs, allowing States to simplify their applications and renewal forms, and allowing children to enroll in coverage for a full year, as in most private plans.

The bill also makes numerous other improvements to Medicaid and the State Children's Health Insurance Program. This bill allows States to expand coverage to legal immigrants, young adults up to age 25, and offers

incentives for States to cover pregnant women.

Health care is every person's problem. It costs our country to have parents staying home to care for sick children, for the insured to pay higher premiums, for hospitals to provide uncompensated care, and for us to have a unhealthy younger generation.

We cannot continue to ignore a problem as large as 46 million uninsured people and certainly not the 9 million vulnerable uninsured children. To cover all children, it will cost us a fraction of what it cost to provide prescription drugs to seniors. I think it is time we agreed to make that investment for our future.

PRESIDENTIAL LIBRARY DONATION REFORM ACT OF 2007

SPEECH OF

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 2007

Mr. TOM DAVIS of Virginia. Mr. Speaker our Nation's Presidential libraries are a priceless resource for researchers, historians, and the public. They serve as legacies to our Presidents, repositories of history, and a source of tremendous pride for local communities. At the same time, they have become elaborate institutions, housing official papers, museums, classrooms, conference facilities, and even gift shops.

With this expansion, however, come additional costs. As the costs increase, so does the pressure to raise private funds. But under current law, those contributions do not need to be disclosed.

The gentleman from Tennessee, Mr. DUNCAN, worked to close this loophole. He has been a leader on this issue, drafting and moving legislation to an overwhelming House vote.

But we should keep politics out of this. The bill before us applies to the current President and future Presidents. I offered an amendment in Committee to make this law effective for the next elected President. I hope we again will resist inserting politics into a bill the House passed by a vote of 392 to 3.

With this legislation we are recognizing the perception of impropriety that contributions to a presidential library can raise. We don't need to re-open old wounds or begin inflicting new ones today. Presidents leave their mark on our rich history, and those giving to presidential libraries should be proud to have their donations publicly disclosed.

Mr. Speaker, our goal should be a unanimous vote on the House floor—anything less is a step back. I know my colleagues will agree: The cost of building presidential libraries: millions. The value of disclosing contributions to those libraries: priceless.

RECOGNIZING THE CONTRIBUTIONS OF MARCUS MOSIAH GARVEY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. RANGEL. Madam Speaker, I rise today to enter into the record an article by Michael

D. Roberts published on February 27, 2007 in the *Carib News*, entitled: *The Political Contributions of a Great Son of the Caribbean, Polemics of Garvey's Ideology Garveyism Is Black Action-Oriented and Just as Applicable, Today—An Analysis*. The article reminds us of Marcus Mosiah Garvey's ideals of Black nationalism, the need to relinquish what he referred to as mental slavery and the importance of Black pride.

Marcus Mosiah Garvey was a pioneer and is credited with creating the biggest movement of people of African descent. In the 1920's, he founded the Universal Negro Improvement Association and African Communities League (UNIA-ACL), an international self-help organization with the goal of working for the general uplift of people of African ancestry. At its zenith, the UNIA had over a million members. This movement is said to have had more participation from people of African descent than the Civil Rights Movement, making it the largest Pan-African movement ever.

For the last several years I have sought to clear the name of Marcus Mosiah Garvey, which was tarnished by an unjust prosecution and conviction by the United States Government. I introduced H. Con. Res. 24, Expressing the sense of the Congress that the President should grant a pardon to Marcus Mosiah Garvey to clear his name and affirm his innocence of crimes for which he was unjustly prosecuted and convicted.

Marcus Garvey once exhorted, "Up you mighty race, accomplish what you will." I have always believed that every Black child should know these words, and from whom they came. By passing this legislation we will be giving a gift to all people and acknowledge Garvey's teachings.

I urge my colleagues to recognize the contributions of Marcus Mosiah Garvey and support H. Con. Res. 24.

THE POLITICAL CONTRIBUTIONS OF A GREAT SON OF THE CARIBBEAN POLEMICS OF GARVEY'S IDEOLOGY GARVEYISM IS "BLACK ACTION-ORIENTED" AND JUST AS APPLICABLE TODAY—AN ANALYSIS

(By Michael D. Roberts)

For Marcus Mosiah Garvey, his ministry was clear—the complete, total and never-ending redemption of the continent of Africa by the people of African ancestry at home and abroad. This was his strategic aim and objective. His "Back to Africa" and "Black is Beautiful" were consciousness building tools that hold relevance today though some scholars will argue that the time for literally "going back to Africa" has long gone.

But there is another school of thought that is relevant today and that is that "Back to Africa" does not simply mean hopping onto a plane and visiting Africa. It means learning about Africa, embracing her culture and identifying with African history. That is something that Blacks in the Diaspora must do if, as the late great reggae superstar Bob Marley says they must, "liberate themselves from mental slavery."

I contend that an ideology is, at its most fundamental stage, simply a collection of ideas. The word ideology was coined by Count Destutt de Tracy in the late 18th century to define a "science of ideas." Thus, an ideology can be thought of as a comprehensive vision; as a way of looking at things in common sense with several philosophical tendencies. Ideologies therefore differ depending on socio-economic and political nuances and class relations in a society and the dominance (or lack of it) by one class over another (dominant ideology).

And while I'm at it let me try and define Garveyism so that this analysis can take on the significance that such an ideology deserves and exposes its essential lessons for 2007 and beyond. To more learned scholars on the subject and definition experts I readily admit my shortcomings but will try within the confines of this definition to set the stage for my discourse on Garveyism.

The ideology of Garveyism is that detachment of Black Nationalism which takes its core values and source from the works, words and actions of The Universal Negro Improvement Association and African Communities League (UNIA-ACL) and their founder Marcus Mosiah Garvey.

The basic tenet of Garveyism is its laser-like focus on the complete, total and never-ending redemption of the continent of Africa by people of African ancestry, at home and abroad. It is rooted in one basic idea: "whatsoever things common to man that man has done, man can do". Therefore, according to Garveyism, Africans in the Diaspora must have an uncompromising and unwavering commitment to the universal improvement of the Black race since its redemption will restore Mother Africa to her former greatness.

But how did this potent mix of Black Nationalism, Pan-Africanism, and African patriotism become so enmeshed in this Black Liberation ideology that today is paid little attention by Black leaders in America and the Caribbean who believe that rabble-rousing and posturing are the tools to advance the Black race? Let us revisit history for these answers.

In 1916 Marcus Mosiah Garvey (1887-1940) brought his budding Black Nationalist organization, the Universal Negro Improvement Association (UNIA) to Harlem. He had formed this organization two years before, in 1914, just as the big guns were booming and wholesale slaughter was taking place during the barbarism of the First World War in Europe.

UNIA itself was born out of Garvey's experience with racism, discrimination, and injustice both in his homeland Jamaica, and in other parts of the world where he traveled, and where Blacks were always at the bottom rung of the social, political and economic ladder. But Garveyism, as his philosophy and principles are now known, remains today, in 2007, an ideology largely underutilized and to some extent shunned by those who would lead Blacks to their promised land—wherever that may be. Nonetheless, Garveyism is a most powerful weapon and preaches a Black revolutionary path to achieving Black liberation.

Firstly Garveyism sees the Black problem as having to do with the cultural, economic and psychological degeneration of the Black race by centuries of slavery and racial stereotyping. Garvey himself believed that Blacks lacked knowledge and pride in their African ancestry and therefore were easy prey to the ravages and machinations of white racism.

This philosophy gained immense popularity in the early twenties when Garveyism was the most popular form of Pan-Africanism (a movement of union and recognition of cultural similarity and commonality of interests of all of the countries of Africa and Africans in the Diaspora) among Caribbean-Americans and African-Americans. It was an ideology which would find wide acceptance among Black leaders in Africa waging anti-colonialist struggles for independence and freedom.

But central to the teachings of Garveyism is the issue of race. Marcus Garvey felt that the Black man (and woman) was universally oppressed at the hands of the white power structure and that any program of emanci-

pation would have to be developed around the question of race first. By establishing a clear perspective on the racial question Garveyism outlined a comprehensive program of political, social, and economic action aimed at the total liberation of the Black race.

So that in 1916, the same year that he brought the UNIA to Harlem, Garvey convened the First Black Parliament which had an international flavor. In an historical context the principles outlined by Garvey and which form the basis of Garveyism today set the guidelines for all succeeding Pan-Africanist organizations all over the world and throughout the Black Diaspora.

Garveyism's cultural principles

Garvey used the UNIA newspaper "The Negro World" to combat the negative propaganda of white supremacist groups who held that the Black man was biologically inferior and therefore should be happy to remain enslaved. He waged a constant campaign against all forms of racism from whatever quarter they came—white or Black.

Garvey debunked the commonly held white myth about Black people being visited with a biblical Hamitic curse telling Blacks that their history was one of greatness, achievement and pride. UNIA (motto: "One God! One Aim! One Destiny") and the "Negro World" sponsored Black beauty contests and published photographs of Black women. Garvey called them "Black Queens of Beauty," and numerous cultural programs aimed at uplifting the Black race and developing racial consciousness.

To the critics who assailed Garvey over the fact that he was placing too much emphasis on the issue of Blackness and race, saying that his focus should have been on the broader problem of humanity, Garvey, in his typical blunt fashion, argued that it was not humanity which was being "lynched, burned, Jim Crowed and segregated" but Black people.

So deep was the issue of race to Garvey that he has left us with a major statement on the primacy of race in all things. This is how he put it:

"In a world of wolves one should go armed, and one of the most powerful defensive weapons within the reach of Negroes is the practice of race first in all parts of the world." It is a lesson which modern-day Black leaders would do well to revisit.

Garveyism's economic program

Garveyism places economic emphasis on the development of Black-owned businesses. That is because although Garvey believed that the racial consciousness of Black people was of paramount importance, he also understood that without economic power Blacks would still be the targets of exploitation, oppression and discrimination. Garveyism has left a practical approach to the issue of Black economics which is more than applicable in today's troubled times of economic scarcity and uncertainty.

Marcus Garvey was not just an excellent orator. He was a Pan-Africanist revolutionary who believed in positive action. The Black Star lines (an international commercial and passenger steamship line), the African Commercial league and African Factories Corporation (formed in 1922) were economic organizations developed by Garvey aimed at the economic liberation of the Black race.

And although many reactionary scholars pushing a Eurocentric line have tried to ridicule the idea of the Black Star Line, the powerful example of a great visionary can never be smeared. Garvey understood the importance of international trade and Black self-reliance. It was this self-reliance which led him and his followers to form Black-

owned laundries, Black-owned restaurants, and Black-owned grocery stores. Garvey encouraged Blacks to buy from Black businesses and even went so far as to have Black factories manufacture Black dolls for Black children.

Undoubtedly these principles of Garveyism should be dusted off by the leaders of Black America and the Caribbean today and used as a guide to positive action in these days when the Black Diaspora is coming under attack and the gains of past years are being threatened with erosion.

Garveyism's education program

Garvey stressed the importance of education beginning from the position that white educational values had completely contaminated the Black mind. In this Garvey was right. For one of the first and most lasting forms of slavery, is in fact "mental slavery." Garvey saw that it was fundamentally important to re-educate the Black race using Black history and African heritage as the building blocks. To this end Garvey formed the Liberty University, a vocational training school in Virginia which was modeled after Washington's Tuskegee Institute. This school was part of a wider program of ongoing education which the UNIA launched to combat the years of white conditioning of Black minds.

Marcus Mosiah Garvey was a giant of his time. No Black leader has so completely dominated the Black liberation struggle since his ministry. The sad thing is that the ideology and philosophy which bear his name is not used as a major tool today by present day Black leaders. But history is full of the successes of Garveyism.

The ruling African National Congress (ANC) party of South Africa began as a Garveyite organization and many of its guiding principles today have been developed using the tenets of Garveyism. Malcolm X's father was a Garveyite who was killed by the Ku Klux Klan and the famous African and Ghanian anti-colonialist and pro-independence leader Kwame Nkrumah was also a Garveyite. They understood the necessity to "go armed in a world of wolves."

Today, Garvey's contribution to Black history stands out as a monumental work of sacrifice and dedication. It is a pity that as the Black Diaspora suffers at the hands of international reaction in the form of white supremacists here in the United States and neo-Nazi skinheads in Europe. Black leaders are still failing to go armed among the wolves.

For the world of wolves have become much more sophisticated, but the same problems which confronted Garvey more than half a century ago, still plague the Black community and race today.

The wolves have become more sophisticated, more organized, and have traded in their white hoods, masks and sheets for Armani business suits.

LIGHT BULB BILL

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Ms. HARMAN. Madam Speaker, today I introduce legislation to phase out low-efficiency light bulbs—an important step toward making every household, business and public building in America more energy efficient.

Most incandescent light bulbs currently use 12–15 lumens per watt. My legislation would ban the sale of light bulbs using anything less

than 60 lumens per watt, the standards met by today's fluorescents. By 2016, the bill would ban the sale of anything under 90 lumens per watt. And by 2020, the baseline would be set at 120 lumens.

This standard—created in consultation with technical experts in the environmental community, architects, engineers and others—does not discriminate against any bulb type or technological composition. But it does create a bar that makes sense for the market, for the environment, and for America's energy future.

This bill also includes some practical carve-outs for specialized lighting, such as military, medical, and public safety uses and for situations where such lighting is not technologically feasible. But these would be small exceptions, not the rule. A seller of light bulbs would need to specifically seek a waiver and have it approved by a Department of Energy panel to put a non-conforming bulb on the market. These waivers would only be good for 2 years, pushing the market for more innovation.

Madam Speaker, it's clear that we need to change the way we consume and produce energy. This bill will help America one-day transform into a more energy efficient and energy independent Nation.

But today, most of us still use the same glass and filament bulbs that Thomas Edison invented 128 years ago. When it comes to lighting our homes, offices and public places, we still live in a cave.

Only 10 percent of the power used by today's incandescent bulbs is emitted as light. A full 90 percent is released as heat. The typical 60 watt bulb only lasts 750–1,000 hours. Most fluorescent bulbs can last 8 to 10 times longer.

The continued widespread use of incandescent lighting results in low overall efficiency, high energy costs and output, and in the end, tons and tons of harmful carbon emissions. According to the Department of Energy, one energy efficient bulb can prevent the release of over 450 pounds of greenhouse gases.

Because bulbs using 60 or more lumens significantly reduce energy consumption, everyone saves money—and new markets can blossom. Companies across the country, including some in my own district, will benefit by helping develop the technological innovations the legislation calls for.

Though the marketplace of ideas is suddenly crowded with proposals to cut carbon emissions, increase energy efficiency and tackle global climate change, sometimes the most effective, accessible ideas are also the smallest. One small change that everyone can make—one that is being proposed in Australia, in Europe, my home State of California, and now in Congress—is as simple as changing a light bulb.

TRIBUTE TO MAYOR GAYLON WATSON

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mrs. EMERSON. Madam Speaker, I rise today to congratulate Mayor Gaylon Watson on his 16 years of noble service to the city of Piedmont, MO. As the mayor of Piedmont, Mayor Watson brought passion, hard work

and innovative ideas to his job. Because of Mayor Watson's leadership, Piedmont continues to be a wonderful place in which to live, work and raise a family.

Mayor Watson possesses a deep sense of community and true desire to improve the lives of his fellow citizens. During his tenure, Mayor Watson brought more investment to the community than any other time in Piedmont's history—investments necessary to create jobs, improve infrastructure and foster the preservation of the area's natural resources. I have worked personally with Mayor Watson, and can attest to the fact that his dedication and steadfast leadership are responsible for making these investments possible.

Rural communities like Piedmont represent the best of our country, and they require constant and aggressive advocacy to keep that way of life alive. Mayor Watson has played a crucial role in advancing community interests while expanding economic opportunity for the Americans fortunate to live in southern Missouri. His successes have been closely observed and duplicated throughout our region, and Mayor Watson is a tremendous role model for those among the younger generation in Piedmont considering a career in public service.

Madam Speaker, it is a great privilege to honor Mayor Watson for his many achievements and the enduring impact he has made on his community, State and Nation. I ask that you join me, along with Mayor Watson's family and friends, in wishing him a wonderful and productive retirement.

CONGRATULATING KATE FANNING UPON BEING SELECTED "WOMAN OF THE YEAR" BY THE LACKAWANNA COUNTY FEDERATION OF DEMOCRATIC WOMEN

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Ms. Kate Fanning, who has been selected as "Woman of the Year" by the Lackawanna County Federation of Democratic Women.

Ms. Fanning resides on North Bromley Avenue in Scranton, PA. She is a daughter of James Fanning and the late Patricia Fanning.

She attended West Scranton High School, where she was a member of the school's marching band. Ms. Fanning graduated from Lackawanna Junior College and later from the University of Scranton where she earned a degree in criminal justice.

Ms. Fanning has been employed as a sergeant by the Lackawanna County Prison for 17 years. She is an active member of St. Patrick's Church in West Scranton, PA, where she has been a life member.

Ms. Fanning has been active in politics for many years, having helped to reinvigorate the Young Democrats of Lackawanna County 14 years ago. She has served as a Democratic committee-woman in West Scranton for many years.

She has also served as treasurer and is a veteran member of the Lackawanna County Federation of Democratic Women.

In addition to her political volunteerism with the Democratic Party, Ms. Fanning worked tirelessly for the Scranton Tomorrow "Winter in the City" project.

She is also a member of the Society of Irish Women.

Ms. Fanning also enjoys her role as aunt to her three nieces, Jennifer, Erin and Ellen and her nephew, James.

Madam Speaker, please join me in congratulating Kate Fanning on the occasion of this special honor. Her commitment to community service, citizenship and volunteerism serves as an inspiration to all and deserves the singular recognition she is receiving from the Lackawanna County Federation of Democratic Women.

THE RETIREMENT OF R. BYRON DAVIS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. RAHALL. Madam Speaker, I rise today in recognition of a great public servant to the State of West Virginia. After 45 years of federal service, R. Byron Davis recently retired and while he will surely be missed, he leaves behind a legacy of work that will benefit the State of West Virginia for years to come.

Beginning his career in the 1960s, serving as a civil engineer for the U.S. Army Corps of Engineers Huntington District and later the U.S. EDA, Byron went on to become the Chief of Engineering Service for the Veterans Administration Medical Center in Huntington. He has spent the last 20 years as the Economic Development Representative for the State of West Virginia with the EDA.

During that time, Byron has traveled to all 55 counties in the State, meeting with most County Commissions, conducting meetings with city officials, economic development authorities and public service districts. Through his hard work, many new projects have been funded and many long-term jobs have been created.

In my District, Byron was instrumental in providing us the support to establish multi-use industrial buildings and incubators to Marshall University, Beckley, Hinton and Huntington. He was also instrumental in helping with industrial park projects in Wayne, Mercer, Raleigh, Fayette, Logan, Summers, Monroe, Greenbrier and Mingo counties. Most recently, he was instrumental in helping with my establishment of a Mine Safety Technology Consortium in the Third District, and I am grateful for his support of this important project that will be a catalyst in transforming West Virginia coal mining.

It has truly been an honor and a pleasure to work with Byron through the years on these and so many other important initiatives. I admire and respect his dedication to our state, his strong work ethic and his unwavering values.

I again commend Byron for great work that he has accomplished. Of course, of all of his accomplishments, Byron would likely say that he is proudest of his strong Christian family, his wife of 47 years, Marion, and his seven grandchildren.

I hope that in his retirement he will get to spend a little more time with "his greatest ac-

complishment" and enjoy the fruits of his labor, for they are many. I wish him the best as he begins the next chapter in what has been and continues to be a life lived well.

Byron, the great State of West Virginia thanks you.

RECOGNIZING THE SIGNIFICANCE OF BLACK HISTORY MONTH

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 2007

Mr. CUMMINGS. Mr. Speaker, I rise today in support of H. Res. 198, a resolution recognizing the significance of Black History Month. I am an original cosponsor of this important legislation.

Celebrated during the month of February, Black History Month allows all Americans to celebrate the accomplishments of African Americans, the famous and the not so famous, who have made strides in all walks of life.

I would like to share with you the words of one of the most noted African Americans in history—civil rights leader, Pan-African sociologist, educator, historian, writer, editor poet, and scholar, W. E. B. DuBois, who said:

"The shadow of a mighty Negro past flits through the tale of Ethiopia the shadowy and of the Egypt the Sphinx. Throughout history, the powers of single blacks flash here and there like falling stars, and die sometimes before the world has rightly gauged their brightness."

This is time to celebrate the trials, tribulations, accomplishments and contributions of African Americans, who have certainly created and attained so much in this nation's young history.

As many of my colleagues know, many of our ancestors were brought here in the grips of iron chains on slave ships. Despite this demoralizing beginning, African Americans created a noble culture that encompasses the American spirit of survival through adversity.

I would like to share a few stories of my past, of why it is so important that we continue to celebrate Black History Month and continue to reflect on our country's struggle with the equality of all people.

More than 60 years ago, my parents, Robert and Ruth Cummings, grew up in rural South Carolina—near a small Clarendon County town called Manning. Some here may recall that Clarendon County would later have the dubious distinction of having its segregated mis-education of Black children successfully overturned in one of the Supreme Court's five Brown v. Board of Education school desegregation cases: Briggs v. Elliot.

I will never forget the painful lesson that my father taught us children about our Grandfather's death in Clarendon County.

When my father was a child in South Carolina, his father was taken back to their home after collapsing in church.

Granddad lay close to death as two white doctors arrived to examine him—an older doctor and his younger assistant.

Later on that moonless night, they emerged from the house onto the front porch.

They did not notice that my father was sitting over in the corner, alone in the dark.

"We should take this man to the hospital in town," the younger doctor pleaded. "It's not worth the effort," the older doctor replied. "He's just a N*-g-g-r."

My grandfather died on that dark, South Carolina night. As a result, I never had a chance to meet the man whose blood flows through my veins.

I never sat on his knee. He never took me fishing. I never learned about the struggles and joys of this strong and good man.

This, I think, is why I became convinced at an early age that we all must work together to create an America in which no life is considered to be without value.

For Americans of Color, the implications of this personal tragedy are clear.

Unable to depend upon the larger society to value our humanity, African American families have learned that we must create our own doctors and nurses.

We founded first-rate medical schools like those at Howard University College of Medicine, Meharry Medical College, Charles R. Drew University of Medicine and Science and Morehouse School of Medicine.

We have sent our children to study at world-class nursing schools like the ones in my District at the University of Maryland at Baltimore and Coppin State University.

And, in response, brilliant African American men and women have followed their calling to become our healers.

Some became famous—like Dr. Ben Carson at Johns Hopkins University.

Yet, despite all of these efforts, the American medical establishment has confirmed that "unequal treatment" all too often remains the rule, not the exception, in the medical care that Americans of color receive today.

In fact, African Americans receive inferior medical care—compared to the majority population—even when our incomes and insurance plans are the same. These disparities contribute to our higher death rates from heart disease, cancer, diabetes, HIV/AIDS and other life-endangering conditions.

Consider this: The December 2004 issue of the American Journal of Public Health contained important findings by a research team headed by President Clinton's Surgeon General, Dr. David Satcher, and Professor Stephen Woolfe of Virginia Commonwealth University.

The Satcher-Woolfe team examined data for the period of the Clinton years that they had gleaned from the National Center for Health Statistics.

During the 1990s, they found that more than 886,000 deaths could have been prevented if African Americans had received the same health care as White Americans.

My friends, when we consider our national health policy, we also are considering our national morality.

We must face the harsh truth: Being Black in America continues to be a medically dangerous condition. And being both Black and poor can be deadly.

But the crisis is spreading. Today more than 46 million Americans of every racial background are uninsured.

And, as a direct result, far too many Americans of every race and creed are dying before their time.

More often than not, health care issues are directly related to the broader challenge of providing access to economic opportunity.

Again, the story of my own parents illustrates this point.

My parents moved to South Baltimore in 1945.

They knew that they had to leave South Carolina if their children were to have a better life.

Life in Baltimore was difficult for my family. During my earliest years in South Baltimore, all that they could afford for themselves and their seven children was a small, rented, three-room house.

Yet, it was there in South Baltimore that my life was changed.

It happened at a neighborhood swimming pool, which at that time was segregated.

We were just children looking for a way to escape the summer heat of South Baltimore's concrete and asphalt streets.

In those days, South Baltimore's white children swam and relaxed in the Olympic-sized Riverside Pool that the City maintained not far from where I lived.

Black children were barred from Riverside by the cruelty of segregation.

We were consigned by the color of our skin to an aging wading pool at Sharp and Hamburg Streets. That wading pool was so small that we had to take turns to be able to sit in the cool water.

Upset about our exclusion from our neighborhood's public pool, we complained.

To their everlasting credit, Captain Jim Smith, Juanita Jackson Mitchell, and the NAACP organized a march.

Other people soon joined in this struggle.

I would like to be able to tell you that the White families at Riverside accepted us graciously. Sadly, that is not what happened.

As we tried to gain entrance to the pool each day for over a week, we were spit upon, threatened and called everything but children of God.

I still carry a scar that I received from a bottle thrown at me during the march. We were afraid. And our parents became concerned for our safety.

Then, when all seemed lost, we saw Juanita Jackson Mitchell marching up the street toward our little group. With her were two reluctant, but grimly determined, policemen. They seemed more afraid of Ms. Mitchell's anger than of the jeering, hostile crowd.

Four decades later, the history books say that the Riverside pool was peaceably integrated. We know the truth.

My friends, the struggle to integrate that public swimming pool at Riverside may not have been a large thing in the eyes of the world.

It was not Little Rock—not Selma, Birmingham nor St. Augustine.

But Riverside has a LARGE meaning for me.

At Riverside, I learned that there are dividing lines in every human lifelines that separate hatred from love.

And I learned that we all will face a time when we must choose on which side of these lines we will take a stand.

That choice is the same no matter who is the victim of prejudice, exclusion and hatred.

We face that same choice today as we open up America to people from every continent, language, religion and race.

And how we handle this choice will determine the future of generations yet unborn.

Black History Month means so much to so many people and I want to thank Congress-

man Al Green for his leadership in introducing H. Res.198 to recognize this fact. I strongly urge all my colleagues to support it.

CELEBRATING THE LIFE AND WORK OF FATHER ROBERT AN- THONY MACK

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. HIGGINS. Madam Speaker, I rise to commend Father Robert Anthony Mack for his 50 years of service as an ordained priest, and his significant contributions to the western New York community and Catholic Church.

Father Mack will be honored in a special Mass at Saint Louis Parish on Sunday March, 25, and today I honor his accomplishments and devoted service to his parish and community.

A passionate and dedicated man, his contributions to Buffalo include service as chaplain of Nardin Academy, Catholic chaplain of the Buffalo Fire Department, chaplain at Buffalo Memorial Auditorium and War Memorial Stadium, and division chairman of the Public and Service Division of the Erie County United Way.

A native of Riverside, Father Mack's first pastorate began in 1973 at Saint Matthew's Parish in Buffalo where he served until 1978. Father Mack also served as pastor of St. Bridget's in Newfane, NY, as well as at Saint Francis Xavier Parish of Buffalo. During his time at Saint Francis Xavier, Father Mack served as regional coordinator for Region 1 parishes and was a member and secretary of the Black Rock Riverside Clergy Association. In August 1989, Father Mack was honored in front of 25,000 people as Irishman of the Year at a home game of the Buffalo Bisons by the United Irish American Society of Erie County.

Father Mack also served as the pastor of All Saints and served as an administrator of the Rosary Parish in Niagara Falls before being appointed pastor of St. Louis Parish where he retired from in 2002. Father Mack also chaired the Peace and Justice Committee of the Priests' Senate and was appointed to the Arbitration Section of the Diocesan Due Process Committee.

Madam Speaker, Father Mack's experience during his 50 years as an ordained priest is unrivaled in our community. He has been a leader and an inspiration to countless parishioners and to the community at large. Father Mack is one of Buffalo's most prolific men of faith and on this special occasion, I recognize his vast accomplishments and dedication to our community.

RECOGNIZING RETIRING SUISUN CITY POLICE CHIEF RON FOR- SYTHE

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mrs. TAUSCHER. Madam Speaker, I rise to recognize Suisun City Police Chief Ron Forsythe, who after nearly 30 years of service to

the community of Suisun City has retired from the Suisun City Police Department.

Chief Ron Forsythe has unselfishly served his community with great dedication and pride, and will leave the department with special recognition and with the highest commendation.

Chief Forsythe began his professional career in 1973, as a student aide in the Daily Republic newsroom, eventually being promoted to reporter and photographer.

His time spent in the newsroom piqued his interest in law enforcement. In 1977, he became a dispatcher and reserve police officer for the Suisun City Police Department. Working his way up the ranks, Chief Forsythe was promoted to chief of police in 1993.

During his career in Suisun City, Chief Forsythe was known for his innovative and forward thinking policies. He took leadership roles in introducing technology, such as automation and car-mounted computers to the department.

Chief Forsythe also instituted the first "citizen police academy" in the county and later introduced the first "teen academy" in the country. Moreover, Chief Forsythe's role in implementing community policing in Suisun City played a key role in turning around a city that was once considered the worst city in the bay area to live in.

Police Chief Ron Forsythe has served the citizens of Suisun City with great distinction, evidenced by policing policies that have served as nationwide models and the numerous State and national awards the department received.

As Chief Ron Forsythe retires from the Suisun City Police Department, I would like to thank him, and his partner, Matthew Forsythe, for his record of service and concern for the protection of life and property in the local community, and extend to him sincere best wishes for continued success in his future endeavors.

JUDGE ELISEO B. VEGA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. ORTIZ. Madam Speaker, the nation—and South Texas—lost a valuable patriot today with the passing of longtime Port Isabel municipal judge and community leader Eliseo B. Vega. Known affectionately as "Cheo," Judge Vega died following a lengthy illness.

Judge Vega was an extraordinary caring and hardworking man. He was a familiar face in the Port Isabel area and was a political powerhouse. Despite his several setbacks due to illness, when most would think that he couldn't pull through, the man just kept going and wouldn't miss working. He was a man of great faith and loved life fully. He loved life so much he didn't want a sad funeral, so we will celebrate his life this week.

His life touched so many people. Judge Vega was best known for his role as judge in the municipal court system. His lengthy judicial career, beginning in 1971, spanned generations. He was what you wanted a judge to be: fair and even-handed. He understood people, he understood justice, and he stood at the intersection of both.

Prior to his legal and judicial career, the Judge was a banker and also served in a law

firm. He was the senior vice president of Merchants Marine Bank in Port Isabel for two decades, and as a public relations liaison for Linebarger Goggan Blair and Sampson, LLP Law Office . . . explaining the law long before he took the bench.

Judge Vega was also an educator. The Point Isabel Independent School (PIISD) District Junior High School complex bears his name to honor his role for his 33 years (1969–2001) as a PIISD school board trustee. He was also a trustee for the South Texas Independent School District since Feb. 2005.

He had also been inducted into the Rio Grande Valley Walk of Fame in February 2005 and the Point Isabel Independent School District Hall of Fame in 2002.

As a civic leader, Vega served as an officer or member of many economic, education, and public service organizations including: the Port Isabel/South Padre Island Chamber of Commerce, Port Isabel Urban Development Board, Texas Association of School Boards, National Association of School Boards, Salvation Army Service Unit, Port Isabel Jaycees, Port Isabel Volunteer Fire Department and the Port Isabel/South Padre Island Lions Club. He was also a lifetime member of Our Lady Star of the Sea Catholic Church.

Judge Vega was married to Olga Medina Vega, who was his boss for 40 years, and the love of his life. The couple had six children and ten grandchildren. The children are: Joe Eliseo, Albert, Nelda, Armando, Olgaïsela, and Arlene.

Madam Speaker, Members of the House, I ask you to join me in expressing our condolences to Judge Vega's family—and the larger South Texas family—who lost a giant of a man in Judge Vega.

TRIBUTE TO TRUDY OWENS

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Ms. HARMAN. Madam Speaker, over the 92 years that she lived, my dear friend and legendary political activist Trudy Owens witnessed some of America's most important watershed moments and milestones. She was a political trailblazer, and her accomplishments stand as a reflection of the times in which she lived.

Trudy was born on the eve of woman's suffrage. In the aftermath of World War II, she helped organize the Palos Verdes Democratic Club. In the 1960's, she witnessed the expansion of civil rights and women's liberation while serving as the women's chair of the California Democratic Party. An opponent of the Vietnam War, Trudy worked on the campaigns of my political mentor, former California Senator John Tunney, and on Robert Kennedy's 1968 presidential campaign. She was a delegate to the Democratic convention in Chicago that same year.

In 2000, as a testament to her long service in Democratic politics, I chose Trudy as an Electoral College elector for Al Gore. Few people deserved this opportunity more. While the outcome of the election may not have been what she had hoped, Trudy still called this the culmination of her political life. She traveled to Sacramento, cast her vote, and broke her hip.

Trudy passed away last week, but not before the first female Speaker of the House was sworn in. And while she will not be with us during the 2008 Presidential election, she was no doubt thrilled to know that a woman has a genuine chance to become President of the United States.

Trudy's enthusiasm for politics and the Democratic Party was infectious. She was the consummate volunteer. And she naturally balanced her political passions with a gentle graciousness towards everyone around her.

Today, I honor her memory, her dedication, and her long, rich life.

CONGRATULATING BRUCE HEIDEN FOR RECEIVING THE 2006 HARRY S. BAKER DISTINGUISHED SERVICE AWARD FOR COTTON

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. PASTOR. Madam Speaker, I rise before you today to congratulate Bruce Heiden for receiving the 2006 Harry S. Baker Distinguished Service Award for Cotton. This award, presented by the National Cotton Council, is given annually to an individual who has provided extraordinary service, leadership, and dedication to the U.S. cotton industry. Mr. Heiden exemplifies all of these qualities.

When talking about agriculture, Mr. Heiden says it's not just an occupation, but a way of life. Born in Buckeye, Arizona, Mr. Heiden grew up watching his father work on his cotton farm. After graduating from high school, he chose to continue his family legacy and began working on the farm full time. After his father's death in the 1970's, he took over the family business—H Four Farms, which produces cotton, wheat, and alfalfa, and the Heiden Land and Cattle Company, a cattle feeding business. Today, he handles the management and operations of the two companies, with his four children.

In addition to growing his successful family business, Mr. Heiden has been a leader in the agriculture industry not only in the Southwest, but in our Nation. As a former National Cotton Council President and Chairman, Mr. Heiden oversaw the successful drafting and passage of the 1990 farm law, helped expand funding for the trade, and directed a significant expansion in program activities and funding for Cotton Council International. For his efforts, Mr. Heiden was named the 1990 Progressive Farmer Magazine "Man of the Year" in Southwest agriculture and was inducted into the National Cotton Hall of Fame in 1996.

Madam Speaker, I am honored to recognize Bruce Heiden for being a recipient of this award and to thank him for his leadership and dedication to our Nation's agriculture.

RECOGNIZING THE CONTRIBUTIONS OF THE CARIBBEAN AMERICAN POPULATION OF THE UNITED STATES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD an opinion editorial published in the Carib News newspaper the week ending February 27, 2007, titled "Black History Month: The Hand of People From the Caribbean Seen in Every Aspect of Human Development"; as well as an article appearing the same week in the CaribNews paper, entitled, "A Celebration of the Caribbean-American Contribution to Black History: Achievement and Hard-Won Successes Caribbean-Americans Have Added to the Rich Cultural Tapestry of the United States," by Michael D. Roberts. I cannot agree more with the author. Now is the time to reflect on past achievements of immigrants of Caribbean descent and their impact on our country, as well as look to the future with an abundance of hope that their continual contributions to the United States will resonate through eternity.

Since the abolition of slavery in 1834, the Caribbean has provided the primary source of the growth of the Black population in the U.S. Today many Caribbean workers residing in the U.S. are entrepreneurs and small business owners. They can be found working in hospitals, at construction sites and in technology and communication industries. They act as agents of social change in this country by participating in local, State and Federal Government, representing their communities while simultaneously inspiring others abroad to strive for stability and democracy in the homeland. Caribbean-Americans represent a large part of my district and have made a substantial contribution to the fabric of New York City's economy and they contribute to the diversity that characterizes the United States of America.

I ask my colleagues to join me in recognition of the contributions of the Caribbean-American population in the U.S.

BLACK HISTORY MONTH: THE HAND OF PEOPLE FROM THE CARIBBEAN SEEN IN EVERY ASPECT OF HUMAN DEVELOPMENT

"When the great day of our liberation comes, we will find the West Indian foremost in the ranks of those fighting with his armor on and his sword raised aloft."

Fenton Johnson, an African-American editor, poet and political activist in Chicago was looking back while keeping his eyes on the prize ahead of him in 1919.

"In every industry, in every profession, in every trade, we find this son of the islands holding aloft the banner of Ethiopia," he added.

Although much of what he had in mind: the black political, cultural and economic awakening, has been achieved, a lot remains to be done.

But as we celebrate Black History Month and the achievements of African-Americans, some things are quite clear: African Americans and people from the Caribbean have been consistent allies. Secondly, there is need for even more trust in each other.

Frederick Douglass, the ex-slave and the golden trombone of the 19th century anti-slavery movement and one of the leaders of the abolition crusade recognized the need for this united effort when more than 170 years

ago he said: "Let no American, especially no colored American, withhold a generous recognition of this stupendous achievement."

The great achievement he had in mind as he addressed immigrants from the Caribbean islands in Elmira in New York was the impact of emancipation of slaves in the West Indies in the 1830s.

"Emancipation in the West Indies was the first bright star in the stormy sky," was the way he put it in Elmira, New York in 1880.

It was more than that.

(It was) "The first ray of hope" for African slaves in America, he insisted, was a reason to continue to fight, agitate, revolt and run away from atrocities perpetrated across the land by white slave owners who considered four million people nothing more than "beasts of burden."

But emancipation in the Caribbean, which spawned expressions of joy and happiness, came at a price, thousands of lives lost in the revolts against the brutality of European domination.

As Douglass pointed out, "the emancipation of our brothers in the West Indies came home to us and stirs our hearts and fills our souls with grateful sentiments which link mankind in a common brotherhood."

That's why it is so important to recognize the contributions of people from the Caribbean to the development of human civilization long before and after slavery was abolished.

The contributions were recorded in all areas of human endeavor and they have had an impact on the wide range of emotions—exhilaration after outstanding successes, sadness over the loss of life during the struggle for freedom and hope for what may be ahead. From the fight for freedom from British colonialism in North America and the Caribbean, the growth of agriculture, including the sugar industry, the rule of law, and the struggle for independence and sovereignty to the outstanding educational advancement, literary accomplishments, global recognition as an incubator for sports stars, entertainment, and social and economic development, the Caribbean and its people have made their mark on society.

Dr. Winston James, a history professor at Columbia University in New York, listed some of them in his book, "Holding Aloft the Banner of Ethiopia," which should be read by those searching for factual information about how we got where we are today.

Denmark Vesey, who organized a Black uprising in Charleston in 1832, was from the Virgin Islands. John Russwurm, a Jamaican, was among the first Blacks to graduate from an American college and in the Spring of 1827, a year after he left Bowdoin College in Maine, he joined forces with the Rev. Samuel Cornish and launched the Freedom Journal, the first Black newspaper in the country.

Robert Elliott, one of the most erudite 19th century members of the U.S. House of Representatives and a strong advocate of civil rights in the Reconstruction era was also from Jamaica. Crispus Attucks, the first person to give his life fighting for the independence of the United States, was from Barbados and Prince Hall, also a Barbadian founded the Black Masonic lodge and led the struggle in Massachusetts to educate Blacks in the country. Marcus Garvey, the leader of the greatest Black mass movement of the 20th century, was also from the West Indies. Derek Walcott and Prof. Sir Arthur Lewis, two of the great Nobel Laureates, came from St. Lucia.

Today political, social and business leaders from almost every Caribbean country are carrying on that tradition of accomplishment at home in the Caribbean, in England, continental Europe, Africa, Latin America and other regions of the world.

That rich history of making a difference on the stage of life and of setting examples that the rest of the world can follow is undeniable and underscores the value of Black History Month and the need to examine the role of people from the Caribbean. This is a time to reflect on past achievements and look to the future with an abundance of hope.

A CELEBRATION OF THE CARIBBEAN-AMERICAN CONTRIBUTION TO BLACK HISTORY: ACHIEVEMENT AND HARD-WON SUCCESSES CARIBBEAN-AMERICANS HAVE ADDED TO THE RICH CULTURAL TAPESTRY OF THE UNITED STATES
(By Michael D. Roberts)

Today, nobody can doubt the sterling contribution of Caribbean-Americans to the growth and development of America. And it's been a long history of proven commitment for those who have made this country their adopted homeland.

That our ancestry from Africa labored without reward or recompense in the dark days of slavery underscores the stake that Caribbean-Americans have here in 2007. And for the ignorant and uninformed few who consider Caribbean-Americans outsiders, just sponging off the legacy of American hospitality, I say this—read your history.

But not so long ago, it used to be the politically correct thing to deny one's Caribbean-American roots. Indeed, early Caribbean immigrants only wanted to assimilate into the American mainstream. Don't rock the boat. Hide your Caribbean identity; speak "yankee" in a few days. Never speak in public about the "old country."

But even with this sentiment finding favor among certain sections of the growing Caribbean community, Caribbean nationals, later to be fully assimilated into American life by the honorific name "Caribbean-Americans," formed alliances, and remained at the vanguard of the Black struggle in their adopted homeland.

Today, the term "Caribbean-American" is synonymous with hard work, a growing community of highly literate and skilled people, a landed immigrant community taking hold of and fashioning with a true "Caribbean flavor" all those areas of American infrastructure—from government to religion. And while there is still some way to go before we can truly say that this community has "come of age," that should never diminish the contribution that these immigrants from the Caribbean have made and continue to make on the American scene.

Still, many stories are told even today about the early Caribbean immigrants who waged those initial struggles to be accepted by both Black and white America alike and for economic well-being. For the most part, these early immigrants, many of whom came from the middle and professional classes in their various Caribbean island homelands, were forced to take low-paying, menial jobs on the way up the social and economic ladder. They drove taxis, tended bar, worked in people's kitchens as housemaids, and did two jobs, and sometimes three, to help the family here and "back home."

And in today's climate of xenophobia, and the sustained attack on the immigrant community, Caribbean-Americans living here must be reminded that they are not all "wards of the state," and recipients of the legacy of white folks. Indeed, the Caribbean-American experience and achievement in the United States, and their unequalled penchant for hard work, is chronicled in the pages of Black History. And there can be absolutely no doubt that starting with the American War of Independence, Caribbean-Americans have been involved and at the forefront of every major struggle in the liberation of Black America.

From the War of Independence to the New Deal to the Civil Rights Era, the Caribbean-

American record in their adopted homeland is one of which generations yet unborn can be very proud. Beginning with Crispus Attucks, the Barbadian man who was the first casualty of the War of Independence, to modern day leaders all over the country, Caribbean-Americans have excelled. Hard work, dedication, and a commitment to excellence at all and every level have marked their sojourn in America. Today this large, dynamic and growing community is recognized as one of the most affluent, educated, and upwardly mobile ones within the wider Black and immigrant communities—and the American society as a whole.

Despite many hardships, Caribbean-Americans have focused on getting ahead. Now the early generation of immigrants is almost retired, own their own homes, and have sent their children to college. They have also educated themselves along the way. This rising middle class has only now begun to flex its political muscle since the economic and social tasks have now been completed. First and second generations of Caribbean-Americans, those born here in America, have helped this community put down its roots, thus becoming an important part of American life. These new torchbearers will build and solidify the foundations started by the tremendous hard work, sacrifices and tenacity that their grandfathers and fathers have built.

On their journey Caribbean-Americans have drawn on the achievements of many who traced their roots to the Caribbean region in the persons of Hulan Jack, legendary trade unionist Raymond Jones, "The Fox of Harlem," and one of the first Caribbean-American members of New York's City Council, the king-maker Fred Samuels.

Upon the shoulders of these pioneering Caribbean-American leaders now stands a modern generation of new leaders in all areas of American life. The entertainment industry is littered with the names and achievements of Caribbean-American actors like Cecily Tyson, whose portrayal of Harriet Tubman, the legendary Black freedom fighter is considered a classic; Harry Belafonte, singer, actor, activist, and ambassador of goodwill; and Sydney Poitier, exquisite actor of film and television. Today's crop of actors who trace their roots to the Caribbean are no less impressive: Sheryl Ralph and Delroy Lindo from Jamaica.

Two Caribbean-Americans, former Congresswoman Shirley Chisholm, the first elected Black woman to the United States Congress, and Trinidadian Congressman Mervyn Dymally, were indefatigable fighters for the cause of Blacks. Both have made their marks on national and international politics. As did the deceased former Stokely Carmichael, now Kwame Toure, who was born in Trinidad and Tobago, and who excelled during the Civil Rights/Black Power era in the United States. Of course, the work and dedication of the late Cleveland Robinson, a Jamaican who marched with Dr. Martin Luther King, Jr., and who helped him plot the course of the Civil Rights struggle, also stands out, as well as his lifelong commitment to workers' rights in the trade union movement.

Retired General Colin Powell, the youngest Chief of Staff of the United States Armed Forces and former United States Secretary of State, was blessed by having a Jamaican mother and father. Minister Louis Farrakhan, leader of the powerful and influential Nation of Islam, traces his roots to the tiny Caribbean island of St. Kitts. And the legendary Malcolm X's mother came from the revolutionary island of Grenada, while his father was a Jamaican.

Today, New York is home to a little over two million Caribbean-Americans and while

there is still some way to go, Caribbean-Americans have prospered and excelled. Indeed the impressive list of achievements reflects strong and bold strides in every area in the fight for social and economic justice. Caribbean-Americans have partnered with African-Americans in forging a common understanding and a need to work in each other's interests. Not only that, Caribbean-Americans have reached out to other immigrant communities to broaden the base of the socio-economic and political struggle.

This natural dynamic has spawned the likes of Congresswoman Yvette Clarke, Assemblyman Nick Perry, Former City Councilwoman Una Clarke, Councilman Dr. Kendall B. Stewart, deceased Assemblywoman Pauline Rhodd Cummings, former City Councilman Rev. Lloyd Henry and State Senator John Sampson, in the present political arena. Social and educational interaction has produced Nobel Prize winner, the St. Lucian playwright Derek Walcott, the novelist Paulie Marshall, the basketball stars, Patrick Ewing and Tim Duncan and many, many others.

So this record of not remaining aloof from the fracas that is American life and politics is clearly outlined in Black historical records. Caribbean-Americans have also had to contend with similar problems faced by African-Americans, and then some more. They have had to deal with the problems of racism and discrimination. They have been used as handy scapegoats when opportunistic politicians needed a vulnerable group of people to beat up on. And they have been used as an unwitting tool against each other in the devious tactic of divide, rule and conquer.

Recent problems of having to come to grips with a horrendous xenophobic climate and some very draconian immigration laws which all but say to immigrants, "You are not welcomed here," has literally placed this community under siege. And compounding these problems is the pervasive nature of neo-racism which hits all Blacks—not only Caribbean-Americans. For many Caribbean-Americans, like their African-American brothers and sisters, education is the key to liberation and thousands have taken advantage of these opportunities in the United States.

They have succeeded despite the constant changing of the rules and the shifting of the bar to perpetuate a program of exclusion.

The Caribbean-American contribution to Black and American history is a saga of struggle, dedication and commitment to success. Caribbean-Americans have defied all odds and surmounted every obstacle along the way.

They have formed alliances and forged new partnerships to defend and protect common interests.

They have brought their political savviness to the Black liberation struggle. And they have made America richer for the experience.

PROVIDING FOR CONSIDERATION OF H.R. 720, WATER QUALITY FINANCING ACT OF 2007

SPEECH OF

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 9, 2007

Mr. HULSHOF. Madam Speaker, I rise in support of H.R. 720, the Water Quality Financing Act of 2007. I am pleased to support this important and needed reauthorization of the Clean Water State Revolving Fund.

Economic growth can only occur if the infrastructure, the roads, the power grids, and the water/wastewater systems can accommodate this growth. A community cannot prosper without suitable infrastructure.

Too often, this vital infrastructure is not keeping up with the existing needs or future development. A recent report by the Environmental Protection Agency, EPA, found that, "without continued improvements in wastewater treatment infrastructure, future population growth will erode away many of the Clean Water Act achievements." Further EPA studies have found there to be a gap of \$181 billion between the revenue that is available and the wastewater infrastructure that is needed. It is expected that this gap will widen to more than \$500 billion by 2019.

These shortfalls unfortunately hit small communities the hardest. Water systems that serve these communities face a continued battle to keep their infrastructure in working order, all the while construction and maintenance costs continue to rise. Moreover, small systems simply do not have the ability to pass these costs on to their consumers.

The Clean Water State Revolving Fund has helped address this need. This program allows communities to seek Federal and State dollars from the fund. From FY 2002 through FY 2006 the Missouri SRF provided \$745,776,200 in loans to water systems. These dollars went to create new collection sewers, replace existing or outdated sewers, and build treatment and secondary treatment plants. Without these updates, the environment around Missouri communities would have suffered. So for these reasons I rise in support of this legislation.

But I have concerns about extending Davis-Bacon Act requirements to all dollars within the Clean Water State Revolving Fund. While it is true the prevailing wage requirements of Davis-Bacon were attached to Federal dollars in the Clean Water State Revolving Fund program from 1972 through 1995, these requirements have never been attached to the State dollars in the Clean Water State Revolving Fund.

The unprecedented move of placing prevailing wage requirements on all State Revolv-

ing Fund dollars is bad national policy. Placing Davis-Bacon on all dollars within the State Revolving Fund is a gross overreach of Congressional power. Though Missouri does apply prevailing wage requirements, 18 States have said through referendum or resolution that they don't want to have a prevailing wage law. This is a decision that should remain at the State level, not be subverted by the Federal government. Unfortunately, H.R. 720 says to the residents and lawmakers of these States, "you were wrong and we're not going to listen to you." This is wrong. Congress should not be in the business of preempting State law in this area. For this reason, I voted for the Baker Amendment which sought to remove the Davis-Bacon provision from the bill. I was disappointed that this amendment was not adopted.

Because of the pressing need to improve our Nation's wastewater infrastructure, I will support this legislation but I do so with serious reservations about the Davis-Bacon requirements in the underlying bill. I am voting to move this important bill on to the Senate, but it is imperative that this unjustified and inappropriate provision be removed as this measure moves through the legislative process.

RECOGNIZING THE "STARS" OF THE 2007 LITTLE SMILES STAR BALL

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 2007

Mr. MAHONEY of Florida. Madam Speaker, it is my great pleasure to recognize the 2007 "Stars" of the Little Smiles Star Ball for their bravery and spirit. I am honored to be able to celebrate each of these exceptional children and the achievements they have made over the past year.

I would like to recognize Joey Botto, Nicole Cadavid, Steven Castro, Aleesha Choksi, Thannade "Eddie" Duclot, Ainsley Erb, James Franklin, Dominick Fuller, Gabriella Gonzalez, Sharnay Hightower, Tanner Hrobak, Cassandra McClanahan, Sean McKelvey, Chelsey Smith, Cesar Valasquez, and Syppress Wilson.

Each of these incredible children is being recognized for the courage they have shown and the big smiles they bring to their families and to the doctors, nurses and staff at the south Florida hospitals and hospices where they currently receive treatment. Each of them has a shining spirit and truly deserves "star" treatment.

Please join me in celebrating the "Stars" of the Little Smiles Star Ball and their outstanding achievements.

Daily Digest

HIGHLIGHTS:

Senate agreed to S. Res. 107, Iraq Resolution.

Senate agreed to S. Con. Res. 20, Iraq Resolution.

Senate rejected S. J. Res. 9, Iraq Resolution.

House committees ordered reported 15 sundry measures, including the Emergency Supplemental Appropriations for Fiscal Year 2007.

Senate

Chamber Action

Routine Proceedings, pages S3149–S3237

Measures Introduced: Twenty-three bills and five resolutions were introduced, as follows: S. 888–910, S. Res. 107–110, and S. Con. Res. 20.

Pages S3199–S3200

Measures Reported:

S. Res. 95, designating March 25, 2007, as “Greek Independence Day: A National Day of Celebration of Greek and American Democracy”.

S. Res. 96, expressing the sense of the Senate that Harriett Woods will be remembered as a pioneer in women’s politics.

S. J. Res. 5, proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

S. Con. Res. 14, commemorating the 85th anniversary of the founding of the American Hellenic Educational Progressive Association, a leading association for the 1,300,000 United States citizens of Greek ancestry and Philhellenes in the United States.

Pages S3198–99

Measures Passed:

Iraq Resolution: By 96 yeas to 2 nays (Vote No. 76), Senate agreed to S. Res. 107, expressing the sense of the Senate that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions.

Pages S3187–88

Iraq Resolution: By 82 yeas to 16 nays (Vote No. 77), Senate began consideration of S. Con. Res. 20, a concurrent resolution expressing 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 mission.

Page S3188

Greek Independence Day: Senate agreed to S. Res. 95, designating March 25, 2007, as “Greek Independence Day: A National Day of Celebration of Greek and American Democracy”.

Pages S3228–29

Congratulating the University of Alaska Fairbanks Rifle Team: Senate agreed to S. Res. 109, congratulating the University of Alaska Fairbanks rifle team for winning the 2007 National Collegiate Athletic Association Rifle Championship.

Page S3229

American National Red Cross Governance Modernization Act: Senate passed S. 655, to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American National Red Cross in the 21st century, after agreeing to the committee amendment.

Pages S3229–34

United States-Poland Parliamentary Youth Exchange Program Act: Senate passed S. 377, to establish a United States-Poland parliamentary youth exchange program.

Page S3234

NATO Freedom Consolidation Act: Senate passed S. 494, to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, after agreeing to the following amendment proposed thereto:

Reid (for Biden) Amendment No. 462, to clarify references to Macedonia.

Pages S3234–36

Board of Directors of the Inter-American Foundation: Senate passed S. 676, to provide that the Executive Director of the Inter-American Development

Bank or the Alternate Executive Director of the Inter-American Development Bank may serve on the Board of Directors of the Inter-American Foundation. **Page S3236**

Calling on the Government of the United Kingdom: Committee on Foreign Relations was discharged from further consideration of H. Con. Res. 20, calling on the Government of the United Kingdom to immediately establish a full, independent, and public judicial inquiry into the murder of Northern Ireland defense attorney Patrick Finucane, as recommended by Judge Peter Cory as part of the Weston Park Agreement, in order to move forward on the Northern Ireland peace process, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Pages S3236–37**

Reid (for Biden) Amendment No. 463, of a technical nature. **Page S3237**

Measures Rejected:

Iraq Resolution: By 48 yeas to 50 nays (Vote No. 75), Senate rejected S.J. Res. 9, to revise United States policy on Iraq, after agreeing to the motion to proceed. Pursuant to the unanimous-consent agreement of Thursday, March 15, 2007, requiring 60 votes for the adoption of the joint resolution, the vote was vitiated and the joint resolution was returned to the calendar. **Pages S3162–88**

Committee on the Budget—Agreement: A unanimous-consent agreement was reached providing that on Friday, March 16, 2007, notwithstanding the adjournment of the Senate, that Committee on the Budget be permitted to report the concurrent budget resolution during the hours of 10 until 12 noon. **Page S3237**

Preserving United States Attorney Independence Act: A unanimous-consent agreement was reached providing that at 2 p.m. on Monday, March 19, 2007, Senate begin consideration of S. 214, to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys; that the bill be considered under certain limitations and that certain amendments be in order; that there be 6 hours of debate equally divided and controlled by the Chairman and Ranking Member of the Committee on the Judiciary; that on Tuesday, March 20, 2007, Senate vote on, or in relation to, certain amendments; that upon disposition of all amendments, Senate vote on final passage of the bill; provided further, that the motion to invoke cloture on the bill be withdrawn. **Pages S3161–62**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 95 yeas (Vote No. EX. 78), Thomas M. Hardiman, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

Pages S3188–92, S3237

John Preston Bailey, of West Virginia, to be United States District Judge for the Northern District of West Virginia. **Pages S3188, S3191, S3237**

Otis D. Wright, II, of California, to be United States District Judge for the Central District of California. **Pages S3188, S3190–91, S3237**

Nominations Received: Senate received the following nominations:

Dell L. Dailey, of South Dakota, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

Mark P. Lagon, of Virginia, to be Director of the Office to Monitor and Combat Trafficking, with the rank of Ambassador at Large.

Henry Bonilla, of Texas, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.

William R. Brownfield, of Texas, to be Ambassador to the Republic of Colombia.

Phillip Carter, III, of Virginia, to be Ambassador to the Republic of Guinea.

Hans G. Klemm, of Michigan, to be Ambassador to the Democratic Republic of Timor-Leste.

Stephen W. Porter, of the District of Columbia, to be a Member of the National Council on the Arts for a term expiring September 3, 2012. **Page S3237**

Messages From the House: **Page S3198**

Measures Referred: **Page S3198**

Executive Reports of Committees: **Pages S3198–99**

Additional Cosponsors: **Pages S3200–01**

Statements on Introduced Bills/Resolutions: **Pages S3201–27**

Additional Statements: **Pages S3195–98**

Amendments Submitted: **Page S3227**

Notices of Hearings/Meetings: **Page S3227**

Authorities for Committees to Meet: **Pages S3227–28**

Privileges of the Floor: **Page S3228**

Record Votes: Four record votes were taken today. (Total—78) **Pages S3187, S3188, S3192**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:31 p.m., until 2 p.m. on Monday, March 19, 2007. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S3237.)

Committee Meetings

(Committees not listed did not meet)

FHA

Committee on Appropriations: Subcommittee on Transportation, and Housing and Urban Development, and Related Agencies concluded a hearing to examine solvency and reform proposals for the Federal Housing Administration, after receiving testimony from Brian D. Montgomery, Assistant Secretary for Housing, Federal Housing Commissioner, and Kenneth M. Donohue, Inspector General, both of the Department of Housing and Urban Development; William B. Shear, Director, Financial Markets and Community Investment, Government Accountability Office; and JoAnne Poole, National Association of Realtors, and John M. Robbins, Mortgage Bankers Association, both of Washington, D.C.

INTERNATIONAL FOOD ASSISTANCE

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies concluded a hearing to examine international food assistance, after receiving testimony from Mark Keenum, Under Secretary of Agriculture for Farm and Foreign Agricultural Services; James Kunder, Deputy Administrator, United States Agency for International Development; James Morris, United Nations World Food Programme, Rome, Italy; Walter Middleton, World Vision International, Federal Way, Washington; Cindy Brown, Chippewa Valley Bean Company, Inc., Menomonie, Wisconsin; Daniel Kuot, Chicago, Illinois; and Abass Mohamed, Princeton, New Jersey.

APPROPRIATIONS: NASA

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2008 for the National Aeronautics and Space Administration, after receiving testimony from Michael D. Griffin, Administrator, National Aeronautics and Space Administration.

APPROPRIATIONS: ARMY CORPS OF ENGINEER/DEPARTMENT OF THE INTERIOR

Committee on Appropriations: Subcommittee on Energy and Water Development concluded a hearing to examine proposed budget estimates for fiscal year 2008, after receiving testimony in behalf of funds for their respective activities from John Paul Woodley, Jr., Assistant Secretary of the Army for Civil Works, and Lieutenant General Carl Strock, Chief of Engineers, both of the Army Corps of Engineers; Robert Johnson, Commissioner, Bureau of Reclamation, and

Mark Limbaugh, Assistant Secretary for Water and Science, both of the Department of the Interior.

APPROPRIATIONS: INTELLIGENCE SUPPLEMENTAL

Committee on Appropriations: Subcommittee on Defense concluded a closed hearing to examine the fiscal year 2007 Intelligence community supplemental request, after receiving testimony from Patrick Kennedy, Deputy Director for Management, Mary Margaret Graham, Deputy Director for Collection, and Tom Fingar, Deputy Director for Analysis, all of the Office of the Director of National Intelligence.

DEPARTMENT OF DEFENSE BUDGET

Committee on Armed Services: Committee concluded a hearing to examine the posture of the United States Army in review of the Defense Authorization Request for fiscal year 2008 and the future years Defense Program, after receiving testimony from Preston M. Geren, III, Acting Secretary, General Peter J. Schoomaker, USA, Chief of Staff, Lieutenant General James J. Lovelace, Deputy Chief of Staff, and Lieutenant General Jack C. Stultz, Commanding General, United States Army Reserve Command, all of the United States Army; and Lieutenant Colonel Coll S. Haddon, Deputy Director, Operations Program Manager, Future Combat Systems, Brigade Combat Team.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported the nominations of Lieutenant General Robert L. Van Antwerp, USA, for reappointment to the grade of lieutenant general and to be Chief of Engineers/Commanding General, United States Army Corps of Engineers, Admiral Timothy J. Keating, USN, for reappointment to the grade of admiral and to be Commander, United States Pacific Command, Lieutenant General Victor E. Renuart, Jr., USAF, for appointment to be general and to be Commander, United States Northern Command/Commander, North American Aerospace Defense Command, and Lieutenant General Peter W. Chiarelli, USA, for appointment to be lieutenant general and Senior Military Assistant to the Secretary of Defense.

2008: BUDGET

Committee on the Budget: Committee ordered favorably reported an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

ARMY CORPS OF ENGINEERS BUDGET

Committee on Environment and Public Works: Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality concluded a hearing to examine water resources needs and the President's proposed budget request for fiscal year 2008 for the Army Corps of Engineers, after receiving testimony from Senator Feingold; John Paul Woodley, Jr., Assistant Secretary of the Army for Civil Works; Pamela Mayer Pogue, Rhode Island Emergency Management Agency, Cranston, on behalf of the Association of State Floodplain Managers, Inc.; James Williams, Nature Conservancy of Montana, Helena; and Doug J. Marchand, Georgia Ports Authority, Savannah, on behalf of the American Association of Port Authorities.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the Nominations of Zalmay Khalilzad to be a Representative to the United Nations, with the rank and status of Ambassador, and the Representative in the Security Council of the United Nations, and to be a Representative to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative to the United Nations, after the nominee, who was introduced by Senators Lieberman and Hagel, testified and answered questions in his own behalf.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Gregory B. Cade, of Virginia, to be Administrator of the United States Fire Administration, Department of Homeland Security, after the nominee, who was introduced by Senator Warner, testified and answered questions in his own behalf.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported:

S. 624, to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers, with an amendment in the nature of a substitute;

S. 657, to amend the Public Health Service Act to add requirements regarding trauma care, with an amendment in the nature of a substitute;

S. 845, to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls, with an amendment in the nature of a substitute; and

The nomination of W. Craig Vanderwagen, of Maryland, to be Assistant Secretary for Preparedness and Response, Department of Health and Human Services.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 261, to amend title 18, United States Code, to strengthen prohibitions against animal fighting, with an amendment;

S. 231, to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012;

S. 368, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program;

S. 627, 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;

S. 863, to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds;

S. Con. Res. 14, commemorating the 85th anniversary of the founding of the American Hellenic Educational Progressive Association, a leading association for the 1,300,000 United States citizens of Greek ancestry and Philhellenes in the United States;

S.J. Res. 5, proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously;

S. Res. 95, designating March 25, 2007, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy";

S. Res. 96, expressing the sense of the Senate that Harriett Woods will be remembered as a pioneer in women's politics; and The nomination of John Wood, of Missouri, to be United States Attorney for the Western District of Missouri.

Also, committee began consideration of S. 236, to require reports to Congress on Federal agency use of data mining, and S. 376, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, but did not complete action thereon, and recessed subject to the call of the Chair.

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.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 27 public bills, H.R. 1530–1556; 1 private bill, H.R. 1557; and 8 resolutions, H. Con. Res. 92–93; and H. Res. 247–252 were introduced. **Pages H2619–21**

Additional Cosponsors: **Page H2621**

Report Filed: A report was filed today as follows:

H.R. 835, to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians (H. Rept. 110–50). **Page H2619**

Speaker: Read a letter from the Speaker wherein she appointed Representative Solis to act as Speaker Pro Tempore for today. **Page H2573**

Chaplain: The prayer was offered by the guest Chaplain, Rabbi Shea Harlig, Chabad of Southern Nevada, Las Vegas, Nevada. **Page H2573**

Accountability in Contracting Act: The House passed H.R. 1362, to reform acquisition practices of the Federal Government, by a recorded vote of 347 ayes to 73 noes, Roll No. 156. **Pages H2575–97**

Agreed to the Representative Tom Davis (VA) motion to recommit the bill to the Committee on Oversight and Government Reform with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 309 yeas to 114 nays, Roll No. 155. Subsequently, Representative Waxman reported the bill back to the House with an amendment and the amendment was agreed to. **Pages H2595–97**

Pursuant to the rule, the amendment in the nature of a substitute printed in part A of H. Rept. 110–49 shall be considered as the original bill for the purpose of further amendment. **Page H2575**

Agreed to:

Matheson amendment (No. 1 printed in part B of H. Rept. 110–49) that provides Congress with prior notice of any sole source contract expected to be awarded to a foreign-owned company that is based in or has majority operations in a country known to sponsor terrorist activity, with the intent of allowing Congress to review and comment on the proposed contract and **Pages H2592–93**

Castle amendment (No. 2 printed in part B of H. Rept. 110–49) that requires the Office of Government Ethics to submit recommendations on requiring government contractors and federally funded research and development centers that advise the government to comply with personal financial interest restrictions. **Pages H2593–95**

H. Res. 242, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 223 yeas to 190 nays, Roll No. 154, after agreeing to order the previous question. **Pages H2575–78**

Meeting Hour: Agreed that when the House adjourns today, it adjourns to meet at noon on Friday, March 16th; when the House adjourns on that day, it adjourns to meet at 12:30 p.m. on Monday, March 19th for Morning Hour debate; and further, when the House adjourns on Thursday, March 22nd, it adjourns to meet at 9 a.m. on Friday, March 23rd. **Pages H2598–99**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, March 21st. **Page H2599**

Commission on Security and Cooperation in Europe—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives, in addition to Representative Hastings (FL), Chairman, to the Commission on Security and Cooperation in Europe: Representatives Slaughter, McIntyre, Solis, Butterfield, Smith (NJ), Aderholt, Pence, and Pitts. **Page H2599**

Quorum Calls—Votes: Two yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H2578, H2596, H2597. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 5:20 p.m.

Committee Meetings

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FISCAL YEAR 2007

Committee on Appropriations: Ordered reported, as amended, the Emergency Supplemental Appropriations for Fiscal Year 2007.

The Committee also approved the Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2007.

EUROPEAN COMMAND; JOINT FORCES COMMAND BUDGET

Committee on Armed Services: Held a hearing on the Fiscal Year 2008 National Defense Authorization Budget Request from the U.S. European Command and Joint Forces Command. Testimony was heard from the following officials of the Department of Defense: GEN Bantz J. Craddock, USA, Commander, U.S. European Command, NATO Supreme Allied Commander Europe; and GEN Lance Smith, USAF, Commander, U.S. Joint Forces Command,

NATO Supreme Allied Commander for Transformation.

MILITARY ADVOCACY/BENEFICIARY GROUPS

Committee on Armed Services: Subcommittee on Military Personnel continued hearings on views of military advocacy and beneficiary groups. Testimony was heard from public witnesses.

SHIP CONSTRUCTION LOAN GUARANTEE PROGRAM

Committee on Armed Services: Subcommittee on Seapower and Expeditionary Forces held a hearing on the Federal ship construction loan guarantee program. Testimony was heard from Sean Connaughton, Administrator, Maritime Administration, Department of Transportation; and public witnesses.

EMPLOYER-PROVIDED HEALTH BENEFITS

Committee on Education and Labor: Subcommittee on Health, Employment, Labor and Pensions held a hearing on Examining Innovative Approaches to Covering the Uninsured Through Employer-Provided Health Benefits. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Ordered reported the following bills: H.R. 251, amended, Truth in Caller ID Act of 2007; H.R. 477, amended, Stroke Treatment and Ongoing Prevention Act; H.R. 727, Trauma Care Systems Planning and Development Act of 2007; H.R. 545, Native American Methamphetamine Enforcement and Treatment Act of 2007; and H.R. 1132, amended, National Breast and Cervical Cancer Early Detection Program Reauthorization Act of 2007.

COMBATING SPYWARE

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing entitled "Combating Spyware: The Spy Act." Testimony was heard from public witnesses.

CLIMATE CHANGE: STATE AND LOCAL PERSPECTIVES

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing entitled "Climate Change: State and Local Perspectives." Testimony was heard from Lisa P. Jackson, Commissioner, Department of Environmental Protection, State of New Jersey; Linda Adams, Secretary, Environmental Protection Agency, State of California; Julie Caruthers Parsley, Commissioner, Public Utility Commission, State of Texas; Ron Curry, Secretary, Environment Department, State of New Mex-

ico; and Patrick McCrory, Mayor, City of Charlotte, North Carolina.

LEGISLATIVE PROPOSALS—GSE REFORM

Committee on Financial Services: Held a hearing entitled "Legislative Proposals on GSE Reform." Testimony was heard from Robert Steel, Under Secretary, Domestic Finance, Department of the Treasury; the following officials of the Department of Housing and Urban Development: James B. Lockhart, III, Director, Office of Federal Housing Enterprise Oversight; and L. Carter Carnick, General Deputy Assistant Secretary, Department of Housing and Urban Development; and public witnesses.

U.S. POLICY TOWARD SOUTH PACIFIC ISLANDS

Committee on Foreign Affairs: Subcommittee on Asia, the Pacific, and the Global Environment held a hearing on U.S. Policy Toward South Pacific Island Nations, Including Australia and New Zealand. Testimony was heard from Glyn Davies, Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State.

U.S.-TURKISH RELATIONS

Committee on Foreign Affairs: Subcommittee on Europe held a hearing on U.S.-Turkish Relations and the Challenges Ahead. Testimony was heard from the following officials of the Department of State: Daniel Fried, Assistant Secretary, Bureau of European and Eurasian Affairs; and GEN Joseph W. Ralston USAF (Ret.), Special Envoy, Countering the Kurdistan Worker's Party; and Dan Fata, Deputy Assistant Secretary, European and NATO Affairs, Department of Defense.

IRANIAN NUCLEAR CRISIS

Committee on Foreign Affairs: Subcommittee on Terrorism, Nonproliferation, and Trade, and the Subcommittee on the Middle East and South Asia held a joint hearing on Iranian Nuclear Crisis: Latest Developments and Next Steps. Testimony was heard from public witnesses.

FEMA DISASTER RESPONSE

Committee on Homeland Security: Held a hearing entitled "Disaster Declarations: Where Is FEMA in a Time of Need?" Testimony was heard from VADM Harvey Johnson, USCG, Deputy Director, FEMA, Department of Homeland Security; Mike Beebe, Governor, State of Arkansas; and Bruce Baughman, Director, Emergency Management Agency, State of Alabama.

BORDER CROSSINGS; IMMIGRANTS AND HUMAN TRAFFICKING

Committee on Homeland Security: Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled “Crossing the Border: Immigrants in Detention and Victims of Trafficking.” Testimony was heard from John P. Torres, Director, Office of Detention and Removal Operations, Immigration and Customs Enforcement, Department of Homeland Security; and public witnesses.

ELECTION REFORM

Committee on House Administration: Subcommittee on Elections held a hearing on Election Reform “Machines and Software.” Testimony was heard from Eric Clark, Secretary of State, Mississippi; and a public witnesses.

Hearings continue March 20.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 580, amended, To amend chapter 35 of title 28, United States Code, to provide for a 120-day limit to the term of a United States attorney appointed on an interim basis by the Attorney General; H.R. 1433, District of Columbia House Voting Rights Act of 2007; and pending Committee business.

The Committee also approved pending Committee business.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing on the following bills: H.R. 713, Niagara Falls National Heritage Area Act; H.R. 754, To designate the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, as the National Museum of Wildlife Art of the United States; and H.R. 929, Land Between the Rivers Southern Illinois National Heritage Area Act of 2007. Testimony was heard from Representatives Slaughter and Cubin; Janet Snyder Matthews, Associate Director, Cultural Resources, National Park Service, Department of the Interior; and public witnesses.

NASA’s FISCAL YEAR 2008 BUDGET REQUEST

Committee on Science and Technology: Held a hearing on NASA’s Fiscal Year 2008 Budget Request. Testimony was heard from Michael Griffin, Administrator, NASA.

MISCELLANEOUS MEASURES

Committee on Small Business: Ordered reported the following bills: H.R. 1361, RECOVER Act; H.R. 1332, amended, Small Business Lending Improve-

ments Act of 2007; and H.R. 1468, Disadvantages Business Disaster Eligibility Act.

WATER RESOURCES DEVELOPMENT ACT OF 2007

Committee on Transportation and Infrastructure: Ordered reported, as amended, H.R. 1495, Water Resources Development Act of 2007.

The Committee also approved pending Committee business.

VETERANS MEASURES

Committee on Veterans’ Affairs: Ordered reported the following bills: H.R. 327, Joshua Omvig Veterans Suicide Prevention Act; H.R. 797, amended, Dr. James Allen Veteran Vision Equity Act; and H.R. 1284, Veterans’ Compensation Cost-of-Living Adjustment Act of 2007.

TRAUMATIC BRAIN AND POLY-TRAUMA CENTERS

Committee on Veterans Affairs: Subcommittee on Health held a hearing on Traumatic Brain and Polytrauma Centers. Testimony was heard from Barbara Sigford, National Program Director, Physical Medicine and Rehabilitation, Veterans Health Administration, Department of Veterans Affairs; representatives of veterans organizations; and public witnesses.

AMERICAN WORKERS—ECONOMIC SECURITY

Committee on Ways and Means: Subcommittee on Income Security and Family Support held a hearing on Increasing Economic Security for American Workers. Testimony was heard from former Secretary of Labor Robert B. Reich; and public witnesses.

NONMARKET ECONOMY TRADE REMEDY ACT

Committee on Ways and Means: Subcommittee on Trade held a hearing on H.R. 1229, Nonmarket Economy Trade Remedy Act of 2007. Testimony was heard from Representative Visclosky; David M. Spooner, Assistant Secretary, Import Administration, International Trade Administration; and public witnesses.

CIA BRIEFING; GEOSPATIAL INTELLIGENCE

Permanent Select Committee on Intelligence: Met in executive session to receive a CIA briefing. The Committee was briefed by departmental witnesses.

The Committee also met in executive session to hold a hearing on Geospatial Intelligence. Testimony was heard from public witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D 297)

H.R. 521, 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". Signed on March 15, 2007 (Public Law 110-12)

**COMMITTEE MEETINGS FOR FRIDAY,
MARCH 16, 2007**

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Legislative Branch, to hold hearings to examine proposed budget estimates for the fiscal year 2008 for the Government Accountability Office, Government Printing Office, Congressional Budget Office, and the Office of Compliance, 10 a.m., SD-138.

House

Committee on Oversight and Reform, hearing on White House Procedures for Safeguarding Classified Information, 10 a.m., 2154 Rayburn.

CONGRESSIONAL PROGRAM AHEAD
Week of March 19 through March 24, 2007**Senate Chamber**

On *Monday*, at 2 p.m., S. 214, Preserving United States Attorney Independence Act and consider certain amendments.

On *Tuesday*, Senate will vote on final passage of S. 214, Preserving United States Attorney Independence Act, upon disposition of all amendments.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: March 21, to hold hearings to examine the performance of the United States trade and food aid programs for the 2007 Farm Bill, 9:30 a.m., SR-328A.

Committee on Appropriations: March 19, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2008 for the National Institutes of Health, 1 p.m., SH-216.

March 20, Subcommittee on Interior, Environment, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of the Interior, 10 a.m., SD-124.

March 21, Subcommittee on Defense, to hold hearings to examine the proposed budget estimates for fiscal year

2007 for the United States Air Force, 10:30 a.m., SD-192.

March 21, Subcommittee on Energy and Water Development, to hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of Energy, 2 p.m., SD-138.

March 21, Subcommittee on Financial Services and General Government, to hold hearings to examine proposed budget estimates for fiscal year 2008 for the Federal Judiciary, 3 p.m., SD-192.

March 22, Subcommittee on Military Construction and Veterans' Affairs, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2008 for Military Construction, 10 a.m., SD-124.

March 22, Full Committee, business meeting to mark up the Supplemental Appropriations Bill for fiscal year 2007, 1 p.m., SD-106.

Committee on Armed Services: March 20, to receive testimony on the the United States Air Force in review of the Defense Authorization Request for fiscal year 2008 and the future years Defense Program, 9:30 a.m., SR-325.

March 21, Subcommittee on Strategic Forces, to receive testimony on nuclear and strategic policy options, 10:30 a.m., SR-222.

Committee on Banking, Housing, and Urban Affairs: March 21, to hold hearings to examine assessing the effectiveness of the current United States sanctions on Iran relating to minimizing potential threats from Iran, 9 a.m., SD-538.

March 22, Full Committee, to hold hearings to examine causes and consequences relating to mortgage market turmoil, 10 a.m., SD-538.

Committee on Commerce, Science, and Transportation: March 20, Subcommittee on Interstate Commerce, Trade, and Tourism, to continue hearings to examine economic and safety concerns relating to promoting travel to America (Part II), 10 a.m., SR-253.

March 20, Subcommittee on Science, Technology, and Innovation, to hold hearings to examine energy innovation, 2:30 p.m., SR-253.

March 21, Subcommittee on Consumer Affairs, Insurance, and Automotive Safety, to hold an oversight hearing to examine the Consumer Product Safety Commission, 10:30 a.m., SR-253.

March 22, Subcommittee on Aviation Operations, Safety, and Security, to hold hearings to examine the Federal Aviation Administration (FAA) modernization, 9:30 a.m., SR-253.

Committee on Energy and Natural Resources: March 20, to hold hearings to examine the nomination of Stephen Jeffrey Isakowitz, of Virginia, to be Chief Financial Officer of the Department of Energy, 10 a.m., SD-366.

March 20, Subcommittee on National Parks, to hold hearings to examine S. 126, to modify the boundary of Mesa Verde National Park, S. 257, to direct the Secretary of the Interior to conduct a study to determine the feasibility of establishing the Columbia-Pacific National Heritage Area in the States of Washington and Oregon, S. 289, to establish the Journey Through Hallowed Ground National Heritage Area, S. 443, to establish the Sangre

de Cristo National Heritage Area in the State of Colorado, S. 444, to establish the South Park National Heritage Area in the State of Colorado, S. 500, to establish the Commission to Study the Potential Creation of the National Museum of the American Latino to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC, H.R. 512, to establish the Commission to Study the Potential Creation of the National Museum of the American Latino to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino in Washington, DC, S. 637, 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, S. 817, to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide additional authorizations for certain National Heritage Areas, and for other proposes; and S. Con. Res. 6, expressing the sense of Congress that the National Museum of Wildlife Art, located in Jackson, Wyoming, should be designated as the "National Museum of Wildlife Art of the United States", 2:30 p.m., SD-366.

March 22, Full Committee, to hold hearings to examine the "Future of Coal" report recently published by the Massachusetts Institute of Technology, 2:30 p.m., SD-366.

Committee on Environment and Public Works: March 21, to hold hearings to examine Vice President Al Gore's perspective on global warming, 2:30 p.m., SD-106.

Committee on Finance: March 20, to receive testimony on identifying needs, partnerships, and resources relating to a competitive education, 10 a.m., SD-215.

Committee on Foreign Relations: March 20, to hold hearings to examine Chad and the Central African Republic, focusing on the regional impact of the Darfur crisis, 10 a.m., SD-419.

Committee on Health, Education, Labor, and Pensions: March 20, Subcommittee on Retirement and Aging, to hold hearings to examine the state of Alzheimer's disease research 100 years later, 10 a.m., SH-216.

March 21, Full Committee, to hold hearings to examine a review of treatment, diagnosis, and monitoring efforts, focusing on the long-term health impacts from September 11, 10 a.m., SH-216.

March 22, Full Committee, to hold hearings to examine ensuring safe medicines and medical devices for children, 10 a.m., SD-430.

Committee on Homeland Security and Governmental Affairs: March 20, Permanent Subcommittee on Investigations, to continue hearings to examine Medicare doctors who cheat on their taxes and efforts to address the problem, 2:30 p.m., SD-342.

March 21, Full Committee, to hold hearings to examine an overview of the Government Accountability Office Assistance to Congressional Oversight, focusing on past work and future challenges and opportunities, 9:30 a.m., SD-342.

March 22, Full Committee, to hold hearings to examine deconstructing reconstruction, focusing on problems,

challenges, and the way forward in Iraq and Afghanistan, 10 a.m., SD-342.

March 22, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine a review of the Merit Systems Protection Board and the Office of the Special Counsel, focusing on the safeguarding of the merit systems principles in preparation for the consideration of the reauthorization of the two agencies, 2:30 p.m., SD-342.

Committee on Indian Affairs: March 22, to hold an oversight hearing to examine Indian housing, 9:45 a.m., SR-485.

Committee on the Judiciary: March 20, to hold hearings to examine combating war profiteering, focusing on investigating and prosecuting contracting fraud and abuse in Iraq, 10 a.m., SD-226.

March 20, Subcommittee on Antitrust, Competition Policy and Consumer Rights, to hold hearings to examine monopoly or competition from new technologies relating to the XM-Sirius merger, 2:15 p.m., SD-226.

March 21, Full Committee, to hold hearings to examine the Inspector General's findings of the improper use of the National Security Letters by the Federal Bureau of Investigation relating to the misuse of the Patriot Act powers, 10 a.m., SD-226.

March 21, Subcommittee on Terrorism, Technology and Homeland Security, to hold hearings to examine recent developments involving the security of sensitive consumer information relating to identity theft and solutions for an evolving problem, 2:30 p.m., SD-226.

Select Committee on Intelligence: March 20, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH-219.

March 22, Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH-219.

House Committees

Committee on Agriculture, March 21, Subcommittee on Specialty Crops, Rural Development, and Foreign Agriculture, hearing to review the USDA rural development programs and the agency's rural development proposal for the 2007 Farm Bill, 10 a.m., 1302 Longworth.

Committee on Appropriations, March 19, Subcommittee on Financial Services and General Government, on OMB, 2 p.m., 2220 Rayburn.

March 19, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, on Employment and Training Administration/Office of Job Corps/Veterans' Training/Vocational and Adult Education, 2 p.m., 2359 Rayburn.

March 19, Subcommittee on Select Intelligence Oversight, executive, on National Reconnaissance Office Budget, 5 p.m., H-140 Capitol.

March 20, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Research and Economics, 1 p.m., 2362A Rayburn.

March 20, Subcommittee on Commerce, Justice, Science and Related Agencies, on Equal Employment Opportunities Commission, 10 a.m., and on International

Trade Administration/Bureau of Industry and Security, 2 p.m., H-310 Capitol.

March 20, Subcommittee on Energy and Water Development, and Related Agencies, on Department of Energy: Energy Supply and Conservation/Fossil Energy/Electricity Delivery and Energy Reliability, 10 a.m., 2362B Rayburn.

March 20, Subcommittee on Homeland Security, on Determining Critical Infrastructure and How To Protect It, 10 a.m., 2358 Rayburn.

March 20, Subcommittee on Interior and Environment, and Related Agencies, on National Endowment for the Humanities/National Endowment for the Arts, 9:30 a.m., B-308 Rayburn.

March 20, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Worker Protection Agencies, 10 a.m., 2359 Rayburn.

March 20, Subcommittee on Legislative Branch, on Library of Congress: Future of Digital Libraries, 1:30 p.m., H-144 Capitol.

March 20, Subcommittee on Military Construction, Veterans' Affairs, and Related Agencies, on Base Realignment and Closure, 9:30 a.m., and on VA Long-Term Health/Nursing Home Care, 1:30 p.m., H-143 Capitol.

March 21, Subcommittee on Commerce, Justice, Science, and Related Agencies, on NOAA, 10 a.m., 2237 Rayburn, and on Department of Justice Overview, 2 p.m., H-310 Capitol.

March 21, Subcommittee on Financial Services and General Government, on Federal Judiciary, 10 a.m., 2220 Rayburn.

March 21, Subcommittee on Homeland Security, on Enhancing Privacy and Civil Rights While Meeting Homeland Security Needs, 10 a.m., 2362A Rayburn.

March 21, Subcommittee on Interior, Environment and Related Agencies, on Holocaust Museum/National Gallery of Art/Commission on Fine Arts/National Capital Planning Commission/Advisory Council on Historic Preservation, 9:30 a.m., B-308 Rayburn.

March 21, Subcommittee on Military Construction, Veterans' Affairs and Related Agencies, on Public Witnesses, 2 p.m., H-143 Capitol.

March 21, Subcommittee on State, Foreign Operations and Related Programs, on International Affairs Budget, 10 a.m., 2359 Rayburn.

March 21, Subcommittee on Transportation, and Housing and Urban Development and Related Agencies, on Project-Based and Tenant-Based Section 8, 10 a.m., 2358 Rayburn.

March 22, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Conditions and Trends in Rural Communities, 10 a.m., and on Rural Development, 1 p.m., 2362A Rayburn.

March 22, Subcommittee on Commerce, Justice, Science and Related Agencies, on Attorney General, 10 a.m., 2216 Rayburn, and on DEA/Bureau of Alcohol, Tobacco and Firearms, 2 p.m., H-310 Capitol.

March 22, Subcommittee on Energy and Water Development and Related Agencies, on Department of Energy: Nuclear Nonproliferation, 10 a.m., 2362B Rayburn.

March 22, Subcommittee on Financial Services and General Government, on Small Business Administration, 10 a.m., 2220 Rayburn.

March 22, Subcommittee on Interior, Environment, and Related Agencies, on Minerals Management Service/Office of Surface Mining, 9:30 a.m., B-308 Rayburn.

March 22, Subcommittee on Legislative Branch, on Library of Congress and Open World: Budget, 10 a.m., H-144 Capitol.

March 22, Subcommittee on Military Construction, Veterans' Affairs and Related Agencies, on Army Budget, 2 p.m., H-143 Capitol.

March 22, Subcommittee on Transportation, and Housing and Urban Development and Related Agencies, on FAA, 10 a.m., 2358 Rayburn.

March 23, Subcommittee on Interior, Environment and Related Agencies, on Kennedy Center/Woodrow Wilson Center/Presidio Trust/White House Commission on the National Moment of Remembrance, 9:30 a.m., B-308 Rayburn.

March 23, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Secretary of Labor, 10 a.m., 2359 Rayburn.

Committee on Armed Services, March 20, to mark up the Wounded Warrior Assistance Act of 2007, 4:30 p.m., 2118 Rayburn.

March 20, Subcommittee on Readiness, hearing on the Fiscal Year 2008 National Defense Authorization Budget Requests for military construction, family housing, base closures and facilities' operations and maintenance, 2 p.m., 2118 Rayburn.

March 20, Subcommittee on Seapower and Expeditionary Forces, hearing on U.S. shipyard modernization initiatives and ship cost reduction, 2 p.m., 2212 Rayburn.

March 20, Subcommittee on Strategic Forces, hearing on the Fiscal Year 2008 National Defense Authorization Budget Request for the Department of Energy's atomic energy defense activities, 10 a.m., 2212 Rayburn.

March 21, full Committee, hearing on the Fiscal Year 2008 National Defense Authorization Budget Request from the U.S. Strategic Command, Northern Command, Transportation Command, and Southern Command, 10 a.m., 2118 Rayburn.

March 21, Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on Department of Defense counterproliferation, counterterrorism, and science and technology priorities, 2 p.m., 2212 Rayburn.

March 22, Subcommittee on Air and Land Forces and the Subcommittee on Seapower and Expeditionary Forces, hearing on Department of Defense Aircraft Programs, 2 p.m., 2118 Rayburn.

March 23, full Committee, hearing on the Second Report to Congress by the Commission on the National Guard and Reserves, 11 a.m., 2118 Rayburn.

March 23, Subcommittee on Strategic Forces, hearing on Fiscal Year 2008 National Defense Authorization Budget Request and the status of space activities, 9 a.m., 2212 Rayburn.

Committee on Education and Labor, March 21, hearing on ESEA Reauthorization: Options for Improving NCLB's Measures of Progress, 10:30 a.m., 2175 Rayburn.

March 22, hearing on the BP-Texas City Disaster and Worker Safety, 10 a.m., 2175 Rayburn.

March 22, Subcommittee on Higher Education, Lifelong Learning, and Competitiveness, hearing on The Higher Education Act: Approaches to College Preparation, 1:30 p.m., 2175 Rayburn.

March 23, Subcommittee on Early Childhood, Elementary and Secondary Education, hearing on Impact of NCLB on English Language Learners, 9:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, March 20, Subcommittee on Energy and Air Quality, hearing on Climate Change: Perspectives of Utility CEOs, 10 a.m., 2123 Rayburn.

March 21, Subcommittee on Energy and Air Quality and the Subcommittee on Energy and Environment of the Committee on Science and Technology, joint hearing entitled "Perspectives on Climate Change," 9:30 a.m., 2123 Rayburn.

March 22, Subcommittee on Oversight and Investigations, to continue hearings on The Adequacy of FDA Efforts To Assure the Safety of the Drug Supply, Part II, 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, March 20, Subcommittee on Domestic and International Monetary Policy, Trade and Technology, hearing on H.R. 180, Darfur Accountability and Divestment Act of 2007, 1 p.m., 2128 Rayburn.

March 23, full Committee, hearing on the Role of Public Investment in Promoting Economic Growth, 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, March 20, hearing on Proposed Legislation on Iraq, 10 a.m., 2172 Rayburn.

March 20, Subcommittee on International Organizations, Human Rights, and Oversight, hearing on Welcome to America?, 2 p.m., 2172 Rayburn.

March 21, Subcommittee on Africa and Global Health, hearing on the Global Threat of Drug-Resistant TB: A Call to Action for World TB Day, 3 p.m., 2172 Rayburn.

March 21, Subcommittee on Middle East and South Asia, hearing on U.S. Policy Toward Pakistan, 10 a.m., 2172 Rayburn.

March 22, full Committee, hearing on Foreign Policy and National Security Implications of Oil Dependence, 10 a.m., 2172 Rayburn.

March 22, Subcommittee on Africa and Global Health, hearing on Prospects for Peace in Guinea, 2 p.m., 2200 Rayburn.

March 22, Subcommittee on International Organizations, Human Rights and Oversight, hearing on Polling Data on European Opinion of American Policies, Values and People, 3 p.m., 2172 Rayburn.

Committee on Homeland Security, March 20, hearing entitled "Organizational and Policy Proposals for the Fiscal Year 2008 Department of Homeland Security Authorization: Positioning US-VISIT for Success and Establishing

a Quadrennial Homeland Security Review Process," 10 a.m., 311 Cannon.

March 20, Subcommittee on Border, Maritime, and Global Counterterrorism, to continue hearings entitled "Crossing the Border: Immigrants in Detention and Victims of Trafficking," 3 p.m., 311 Cannon.

March 21, Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, hearing entitled "Countering the Nuclear Threat to the Homeland: Evaluating the Deployment of Radiation Detection Technologies," 2 p.m., 1539 Longworth.

March 21, full Committee, hearing entitled "Securing LNG Tankers To Protect the Homeland," 10 a.m., 311 Cannon.

March 22, Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, hearing entitled "Over-classification and Pseudo-classification: The Impact on Information Sharing," 10 a.m., 311 Cannon.

March 23, Subcommittee on Transportation Security and Infrastructure Protection and the Subcommittee on Emerging Threats, Cybersecurity, Science and Technology, joint hearing entitled "Foreign Ownership: Impact on Data Controls and Critical Infrastructure," 10 a.m., room to be announced.

Committee on House Administration, March 20, Subcommittee on Elections, to continue hearings on Election Reform: Auditing Federal Elections, 2 p.m., 1310 Longworth.

Committee on the Judiciary, March 20, hearing on the Inspector General's Independent Report on the FBI's Use of National Security Letters, 9:30 a.m., 2141 Rayburn.

March 20, Subcommittee on Crime, Terrorism, and Homeland Security, hearing on the Second Chance Act of 2007, 2 p.m., 2141 Rayburn.

March 22, Subcommittee on the Constitution, Civil Rights and Civil Liberties, hearing on Changing Tides: Exploring the Current State of Civil Rights Enforcement Within the Department of Justice and an oversight hearing on the Civil Rights Division of the Department of Justice, 10 a.m., 2237 Rayburn.

March 22, Subcommittee on Courts, the Internet, and Intellectual Property, hearing on Reforming Section 115 of the Copyright Act for the Digital Age, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, March 20, Subcommittee on Energy and Mineral Resources, oversight hearing on the effect of global climate change on public lands and resources as a result of federal energy policies and actions, 2 p.m., 1334 Longworth.

March 22, Subcommittee on Insular Affairs, hearing on the following bills: H.R. 900, Puerto Rico Democracy Act of 2007; and H.R. 1230, Puerto Rico Self-Determination Act of 2007, 10 a.m., 1324 Longworth.

March 20, Subcommittee on National Parks, Forests and Lands, oversight hearing on Yellowstone National Park Bison, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, March 19, hearing on Allegations of Political Interference with Government Climate Change Science, 10 a.m., 2154 Rayburn.

March 20, full Committee, Subcommittee on Government Management, Organization, and Procurement, hearing on Federal Financial Statements for Fiscal Year 2006: Fiscal Outlook, Management Weaknesses and Consequences, 2 p.m., 2154 Rayburn.

March 21, Subcommittee on Domestic Policy, hearing on Foreclosure, Predatory Mortgage and Payday Lending in America's Cities, 2 p.m., 2154 Rayburn.

March 21, Subcommittee on Federal Workforce, Policy, Postal Service and the District of Columbia, hearing on H.R. 1124, To extend the District of Columbia College Access Act of 1999, 2 p.m., 2247 Rayburn.

Committee on Rules, March 19, to consider H.R. 1227, Gulf Coast Hurricane Recovery Act of 2007, 5 p.m., H-313 Capitol.

Committee on Science and Technology, March 20, Subcommittee on Research and Science Education, hearing on National Science Foundation Reauthorization, Part I, 10:30 a.m., 2318 Rayburn.

March 22, Subcommittee on Space and Aeronautics, hearing on FAA's Research and Development Budget Priorities for Fiscal Year 2008, 10 a.m., 2318 Rayburn.

March 22, Subcommittee on Energy and Environment, hearing on NOAA Fiscal Year 2008 Budget, 2 p.m., 2318 Rayburn.

Committee on Small Business, March 21, Subcommittee on Contracting and Technology, hearing on Federal Government Efforts in Contracting with Women-Owned Businesses, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, March 20, Subcommittee on Highways and Transit, hearing on Motorcoach Safety, 10 a.m., 2167 Rayburn.

March 21, Subcommittee on Aviation, hearing on the Federal Aviation Administration's Financing Proposal, 10 a.m., 2167 Rayburn.

March 21, Subcommittee on Aviation, hearing on A Review of Federal Aviation Administration Operational and Safety Programs, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, March 22, Subcommittee on Economic Opportunity, hearing on Education Benefits for National Guard and Reserve members, 2 p.m., 349 Cannon.

Committee on Ways and Means, March 20, Subcommittee on Oversight, hearing on IRS operations, the 2007 tax return filing season, and the tax gap, 10 a.m., 1100 Longworth.

March 20, Subcommittee on Trade, hearing on negotiations to complete a free trade agreement between South Korea and the U.S., 2 p.m., 1100 Longworth.

March 21, Subcommittee on Health, hearing on the Medicare Advantage Program, 2 p.m., 1100 Longworth.

March 22, Subcommittee on Select Revenue Measures, hearing on the Alternative Minimum Tax, 10 a.m., B-318 Rayburn.

March 22, Subcommittee Income Security and Family Support, hearing on assistance for elderly and disabled refugees, 12:30 p.m., B-318 Rayburn.

Next Meeting of the SENATE

2:00 p.m., Monday, March 19

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Friday, March 16

Senate Chamber

Program for Monday: Senate will begin consideration of S. 214, Preserving United States Attorney Independence Act, and consider certain amendments during 6 hours of controlled debate.

House Chamber

Program for Friday: To be announced.

Extensions of Remarks, as inserted in this issue

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