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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, April 16, 2007, at 2 p.m.

Senate

THURSDAY, APRIL 12, 2007

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

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

Let us pray.

Lord of humanity, forgive our foolish ways. We have tried to enjoy freedom without duty and have attempted to receive forgiveness without true repentance. Forgive us. We have received without gratitude and without giving in return. Forgive us. We have sought for victory without wisdom or sacrifice. Show us the folly of our ways. Transform our contrition into exemplary living for Your glory.

Today, bless our Senators as they labor for You and country. Create in them hearts fit to be filled with Your presence and minds ready to think Your thoughts. Go before them to show the way.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 12, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, this morning there will be a period of 60 minutes for morning business. The majority will control the first 30 minutes and the Republicans the second 30 minutes.

Following morning business, the Senate will resume the motion to proceed to S. 372, the Intelligence authorization bill, and vote soon thereafter on a motion to invoke cloture on the motion to proceed. I have been advised that the chairman of the Intelligence Committee, Senator ROCKEFELLER, will be on the floor and will speak prior to the vote.

Later today, I will have more to say about the schedule for the remainder of

this week. A lot will depend on what happens in the motion to proceed on the Intelligence bill.

FIRST 100 DAYS

Mr. REID. Mr. President, last November, the call for change in Washington rang out from coast to coast. The Presiding Officer was one of the results of that historic vote on November 7, which has been good for the people of the State of Maryland and for the people of this country. The American people called for us to put partisanship aside in pursuit of common ground, to end the culture of corruption, to cast away the rubber stamp, and, most importantly, to change the course in Iraq. This Congress has heard that call. As we reach our 100th day, we are well on our way to delivering a government as good and honest as the people it serves.

From the very first day, we knew all our progress would depend on renewing the people's faith in the integrity of Congress. And just as an aside, Mr. President, I would note that while I am not much of a poll watcher, it was brought to my attention earlier this week that the polls showed the American people are much more supportive of the Congress than they were just a few months ago. A lot of that is as a result of what we have been able to do here.

Our first order of business was passing the toughest lobbying ethics reform legislation in the Nation's history, and we have done that. We voted to give working Americans a much deserved and long overdue raise in the

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



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minimum wage. We passed a continuing resolution that enacted tough spending limitations, and earmarks were eliminated. We passed every single recommendation of the 9/11 Commission, after they languished in the Congress for years with nothing being done. We passed a responsible pay-as-you-go budget that cut taxes for working people and invested more in education, veterans, and health care. And I might say that as a result of Senator JOHNSON being incapacitated for the next few weeks, we were able to pass that budget even though the margin here was 50 to 49. We had two brave Republicans to join with us on this very sound budget, which we appreciate very much—Senators SNOWE and COLLINS—and it was done even though in the past the Republicans couldn't pass the budget with a much larger majority than we have.

Yesterday, we passed legislation offering the promise of stem cell research in a responsible, ethical way, with 66 votes—or actually 63, but three Democratic Senators were unable to be here. They would have voted for that. So 66—1 short of being able to override the promised veto of the President. I think it is very possible we will get this bill, and it will be the first to override the President's veto. I think we can do that. There must be another Republican who will step forward, in a profile in courage, and vote with us and give hope to millions of Americans.

In the weeks ahead, we will turn our focus to reducing drug costs for senior citizens. That is going to be a battle because the wealthy, strong, powerful pharmaceutical industry has hired nearly every lobbyist in town—those with Gucci shoes and chauffeur-driven limousines—and they have been flooding this Capitol to prevent the American people from having the benefit of Medicare being able to negotiate for lower priced drugs. The big HMOs, the health care providers, and the insurance companies can but not Medicare. What does that say? It says the pharmaceutical industry is way too powerful. But we are going to have a shot at it. We will see how much power the pharmaceutical industry has over the Senate. On this side of the aisle, they have very little power, but we will see how much power they have over on the other side of the aisle. So we are going to try to allow Medicare to negotiate for lower priced drugs.

We are going to do our very best to develop a new strategy for energy, and we are going to act as quickly as we can to see what we can come up with regarding comprehensive immigration reform. We passed something here last year. We did it without the help of the President. With the help of the President this year, maybe we can do better. I certainly hope so. He says he wants to help, but actions speak louder than words.

All the while, during these first 100 days, as I mentioned, we retired the rubber stamp and restored Congress to

its rightful, constitutionally mandated role as a coequal branch of Government. The Bush administration is finally being held accountable for some of its failures—and I say some of them, whether the political manipulation at the Department of Justice, where we learned today that all the e-mails dealing with their so-called political computers appear to have been destroyed or hidden—just part of the manipulations of this very historic Justice Department, and I mean historic in the sense of being the most corrupt ever, the most inept ever. We have also been able to look at this administration for its failures at Walter Reed, the deplorable conditions at Walter Reed, and the tragic mishandling of the war in Iraq.

No message was more clear in November than the call for a new direction in Iraq. Yet, in the months that have passed, President Bush has only dug us deeper, deeper in this intractable civil war going on in Iraq. Now we hear the Army will be forced to put further strain on the troops by extending their tours of duty from 12 to 15 months. Next, the Marine Corps will have added time to their already strained forces.

Today, although you didn't read it in the paper because it happened since the papers went to print, a bridge in Iraq was blown up right in the city of Baghdad, with cars piled up off of that. They do not know how many are dead as a result of that. In the Green Zone, inside the Iraqi Parliament, a bomb went off today, killing members of Parliament. They do not know how many, maybe only a couple. We don't know at this stage. But many were injured right in the Iraqi Parliament.

Policing the civil war was never supposed to be the mission, and every day the price we pay grows worse and worse—3,300 American lives lost, tens of thousands more wounded, and about \$½ trillion spent. That is \$½ trillion that could go to health care for the 47 million Americans who have no health care and to look at what we are going to do about the children dropping out of school and to do something to provide monies for the Leave No Child Behind Act, which could help education around our country. This \$½ trillion spent, yet no end in sight, according to our President, for the troops. More of the same.

It takes more than saying we support our troops to make it so, and in these first 100 days, this Congress put words to action. Our emergency supplemental appropriations bill gives the troops every single penny requested by the commanders on the ground, plus it gives more than the President requested. It provides a reasonable, realistic strategy to draw them out from the crossfire of another country's civil war, and it provides funds that the President's budget left out to make right the unconscionable situations at Walter Reed and other VA medical facilities, because our troops do deserve that support. The support of the Amer-

ican troops doesn't end when they leave Iraq; it must continue when they come home to American soil.

No single piece of legislation will bring this tragic war to a climax. The American people understand that, but they elected us to lead the way, to chart a new course, showing President Bush the way forward, and in these first 100 days, we have done precisely that on the war in Iraq and the issues here at home.

In the weeks and months ahead, we will continue to do the very best we can to change the direction at home and abroad.

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. There will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes controlled by the majority leader or his designee and the last 30 minutes controlled by the Republican leader or his designee.

The Senator from New York is recognized.

FIRST 100 DAYS

Mr. SCHUMER. Mr. President, I rise to join our distinguished leader, my friend, Senator REID, and to thank him and our whip, Senator DURBIN, for their leadership and commitment to this body and to the American people.

Last November, the American people asked us to do three things: No. 1, change course in Iraq; No. 2, make middle-class families' lives a little better; and No. 3, oversee an administration that is out of touch and has had virtually no oversight for 6 years.

Over the past 100 days, we have made significant progress. Change, accountability, and oversight have become more than words; they have become our mission. We are demanding the change in Iraq that the American people want. The President is ordering us to send him a blank check to continue to fund a failed policy, no questions asked. In fact, anyone who asks questions, their integrity is often impugned. That is because the President thinks the only way to support our troops is to rubberstamp what he wants.

We in the Congress are keeping faith with the American people. We have passed a bill that funds our troops and at the same time changes our mission from policing a civil war to focusing on counterterrorism. We have worked on resolutions that offer alternatives to the President's head-in-the-sand policy in Iraq. We have held hearings to ask

the tough questions that have gone unasked over the past 4 years of the war. We have also made our country safer and more secure by implementing the 9/11 Commission recommendations.

We have funded homeland security grant programs, improved communications for first responders, increased information-sharing among our intelligence and law enforcement agencies, and strengthened the visa waiver program while boosting civil liberties protections.

In the first 100 days, we also passed an increase in the minimum wage that will put real money into the pockets of hard-working individuals and families. A minimum wage increase was long overdue. While the costs of everyday life continue to rise, wages for the middle class and those aspiring to be middle class have not kept pace.

We passed a bill to open the hope of stem cell research for millions of families who suffer from debilitating diseases and, in the first 100 days, Congress has resumed one of its fundamental responsibilities—oversight of the White House and the administration. From the Justice Department to the Defense Department, Democrats are asking tough questions that have needed to be asked.

On U.S. attorneys, our investigation—not in a partisan manner but bipartisan, both parties seeking the truth—continues, and we will work until we receive every document we need and until we have talked to all the key figures involved, whether they be in the Justice Department or the White House.

Already, we passed legislation that will make sure the Senate has a say in the confirmation of U.S. attorneys because we must put the finest people in these positions, not simply cronies. We cannot allow the deprofessionalization of the U.S. attorneys.

Our oversight also meant that when major failures were disclosed, such as the disgraceful treatment of our veterans at Walter Reed and at VA centers around the country, we did not let them get swept under the rug. We held hearings to get to the bottom of things and it is clear we need accountability from those who were in charge and we need to make changes in our veterans system so our veterans do not fall through the cracks again. There is no higher priority than giving our soldiers the medical care they need, and that is why we put over \$4 billion in the supplemental appropriations bill for veterans health care. When it comes to our vets, money is no object. It never should be.

It only has been 100 days, but there are marked changes in the way this Congress is being run. We are not rubberstamping the President's failed agenda, unlike the previous Congress. We have accomplished a great deal and we know there is a lot more to do.

As we move forward, we hope our colleagues across the aisle will join us and the vast majority of the American people

who are with us in forging a new direction for the country, especially when it comes to Iraq. Let us use the next 100 days to show we support the troops by providing them with the funding they need and the change in mission the situation requires.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, today we mark the 100th day of the new Congress. We have much more to do on behalf of the American people, but we have already accomplished an awful lot.

We have heard the American people's call for accountability and competence in their Government, and we started making those goals a reality. We have returned the focus to the rights and interests of the American people.

As I have commended the members of the Judiciary Committee—and I commend the distinguished Presiding Officer as well as the other members for their help and active participation in the work of our committee—I come to the Senate today to thank the majority leader and those Senators who have been working so hard to restore balance to our Government, protect the liberties and rights of all Americans, and also to revive America's leadership in the world.

First and foremost, we are making progress restoring the Senate and Congress to their proper constitutional role. From the FBI's illegal and improper use of national security letters to the politically motivated dismissal of so many of the Nation's U.S. attorneys, there are concerns about the competence—but especially the independence—of the Department of Justice. This pattern of abuse of authority and mismanagement causes me, and I might say many Republicans as well as Democrats, to wonder whether the FBI and Department of Justice have been faithful stewards of the great trust the Congress and the American people have placed in them.

We need to keep our Nation safe, but we also have to respect the rights and the liberties of all Americans. In the previous Congress, the administration sought expanded powers in the PATRIOT Act to appoint U.S. attorneys without Senate confirmation and to more freely use national security letters. You know, the administration got those powers, and almost immediately they bungled them. They bungled them badly.

In the Judiciary Committee, early oversight efforts included our January 18 hearing with Attorney General Gonzales. There we examined the

change in course of this administration, which had engaged in warrantless wiretapping of Americans, contrary to the law, for years. Under the watchful eye of the new Congress, the President's program for warrantless wiretaps on Americans has been revised, and now the Government has to seek approval for those wiretaps from the Foreign Intelligence Surveillance Court—something we have always expected. If our Government is going to inspect our papers, our computers, our voices, they should get a court order first.

We must engage in all surveillance necessary to prevent acts of terrorism, but we can and should do so in ways that protect the basic rights of all Americans, including the right to privacy. The issue has never been whether to monitor suspected terrorists but doing it legally and with proper checks and balances to prevent abuses. The Administration's recent reversal of course was a good first step.

Last month we held oversight hearings with FBI Director Mueller, and we called him to task for the longstanding FBI abuses of national security letters. The inspector general's report we insisted be provided included troubling findings of widespread illegal and improper use of national security letters to obtain Americans' phone and financial and credit and other records.

Nobody would stand for it if you had somebody—agents—walk into your home in the middle of the night grabbing these records. It is the same thing when they grab them electronically.

Inspector General Glenn Fine testified there could be thousands of additional violations among the tens of thousands of national security letters the FBI is now using, willy-nilly, each year.

The inspector general also found widespread use by the FBI of so-called "exigent letters." These letters, which are not authorized by any statute, were issued at least 739 times to obtain Americans' phone records when there was often no emergency and never a follow-up subpoena, as the FBI had promised. Despite these extensive abuses, the top leadership at the FBI sat idly by for years, doing nothing to stop this practice.

We questioned the FBI Director about these matters and reports that the FBI has repeatedly submitted inaccurate information to the Foreign Intelligence Surveillance Court in its efforts to obtain secret warrants in terrorism and espionage cases. It severely undermines the Government's credibility in the eyes of the Chief Judge of that court.

If the people charged with law enforcement in this country don't follow the law themselves, it all breaks down. Every one of us, every one of the 100 Senators, every one of us are required to follow the law. None of us—no American—is above the law, but it becomes even worse if those who are supposed to enforce the law do not follow

the law. These abuses are unacceptable. Director Mueller now knows that and knows these abuses and violations can no longer be continued or repeated.

The Judiciary Committee is now in the midst of an investigation in which we are uncovering an abuse of power that threatens the independence of U.S. Attorneys' Offices around the country. It undermines the trust and confidence of all Americans in Federal law enforcement. We are examining the mass firing of U.S. attorneys. We are trying to get to the truth of what happened so these abuses do not happen again. I want the American people, all Americans, to have a Justice Department and U.S. Attorneys' Offices that enforce the law without regard to political influence and partisanship. I want the American people to have confidence in Federal law enforcement. I want our Federal law enforcement officers to have the independence they need to be effective and merit the trust of the American people.

Sadly, what we have heard from the administration has been a series of shifting explanations and excuses and a lack of accountability or acknowledgment of the seriousness of this matter. The women and men replaced and whose reputations were then stained by those seeking to justify these firings as "performance related" were appointees of President Bush. Several had significant achievements in office and glowing performance reviews.

As we learn more details about the ousters of these U.S. attorneys, the story grows more troubling. Had we believed and accepted the initial testimony of the Attorney General of the United States and the other Department officials, then we would not have gotten to the truth. The White House and the Attorney General dodged Congress's questions. They ducked real accountability for years. In the past, they counted on a rubberstamping Congress to avoid accountability. The American people have a new Congress, and this is a Congress that asks questions and wants the truth, and we will get the truth. The Attorney General has admitted "mistakes were made," but somehow he doesn't say what those mistakes were.

He will have another chance, yet another chance to tell the truth and the whole truth and nothing but the truth next Tuesday at our Judiciary Committee oversight hearing. The days when he could come by once a year and not answer questions are over.

I made no secret during his confirmation hearing of my concern whether Mr. Gonzales could serve as an independent Attorney General of the United States on behalf of the American people and leave behind his role as counselor to President Bush.

The Department of Justice should serve the American people by making sure the law is enforced without fear or favor. It is an oath I took when I was a prosecutor. That is the oath all prosecutors take, but it is an oath the At-

torney General has to remember. The Department of Justice cannot be turned into a political arm of the White House.

Accountability has been lacking in this administration because there has been a "rubberstamp" Congress. Loyalty to the President is rewarded over all else. That lack of accountability and the lack of the checks and balances that foster it must end, and I hope it has ended. We do not need another commendation for the "heckuva job" for those who failed in their essential duties to the American people. True accountability means being forthcoming, and it means there are consequences for improper actions.

The White House continues to stand by the firings of the U.S. attorneys and despite assurances by the President that we would receive cooperation, documents and access to witnesses, the White House has yet to produce a single document or make any witnesses available.

Now we are learning that people in the White House were having "off-book" communications by using Republican political e-mail addresses, and they say these e-mails have not been preserved. I don't believe that. I don't believe that. You can't erase e-mails, not today. These e-mails have gone through too many servers. They can't say they have been lost. That is akin to saying the dog ate my homework. It doesn't work that way. Those e-mails are there, the White House just doesn't want to produce them. It is similar to the famous 18-minute gap in the Nixon White House tapes. They say these e-mails have been erased or misplaced.

They are there. The White House knows they are there, and we will subpoena them, if necessary, and we will have them because now, when the administration suddenly is facing meaningful oversight, they say they cannot produce the information. They have the information. They have to bring it out and show it to the American people. The administration has worn out the benefit of the doubt. They have undermined whatever credibility they had left.

The American people are right that they are entitled to full and honest testimony of the White House staff responsible for this debacle.

We have asked for administration officials and now former officials to cooperate with the Judiciary Committee in its inquiry, and I hope that they will. Through the committee's oversight work so far, we know some of the answers to some of the questions we have been asking, and the answers are troubling. We have learned that most of the U.S. attorneys that were asked to resign were doing their jobs well and were fired for not bending to the political will of some in Washington. Apparently, their reward for their efforts at rooting out serious public corruption is a kick out the door.

Along with these oversight matters, the Judiciary Committee has taken up

questions relating to the war in Iraq and congressional authority to condition funding, the plight of Iraqi refugees, the recommendation of the Iraq Study Group on policing and the administration of justice in Iraq, and contracting fraud and abuse in Iraq.

We have examined enforcing our antitrust laws, restoring open government by reinvigorating the Freedom of Information Act, ending antitrust immunity for insurers, increasing drug competition, strengthening protections against identity theft, and providing for fair and comprehensive immigration reform.

We have also moved legislative initiatives. Indeed, I think the first legislation passed by the Senate this year was our bill to restore the cost-of-living adjustment for Federal judges. We have passed a bill to amend the reauthorization of the Voting Rights Act to honor the contribution of Cesar Chavez and other outstanding Americans. We passed by a bipartisan vote of 94 to 2 a bill to repeal that part of the PATRIOT Act reauthorization that had contributed to the U.S. attorney firings and thereby moved decisively to repeal the Attorney General's unlimited authority to appoint so-called interim U.S. attorneys without Senate consideration. At long last, we have given final passage to the bill against animal fighting that has languished for so many years. And we have passed the Genocide Accountability Act, the first legislative result of the new subcommittee I worked with Senator DURBIN to create within the Judiciary Committee on Human Rights and the Law.

I hope that the Senate will soon be considering a number of our other legislative initiatives. We have reported a court security bill, S. 378; a bill to increase drug competition by giving the FTC authority to stop drug companies from paying other companies not to compete, S. 316; a bill to establish a school loan program for those willing to serve as prosecutors and public defenders, S. 442; and legislation to reauthorize the successful Byrne grant program for law enforcement, S. 231. A number of additional items are not far behind, including a bill to reauthorize the COPS program, S. 368; and a bill that Senator SESSIONS and Senator LANDRIEU cosponsored attacking fraud in disaster and emergency relief funding. I hope to see action on our bill against war profiteering, S. 119, as well.

It is a new Congress. It is a new Congress that is off to a strong start in restoring accountability, revitalizing the checks and balances of our system, and earning back the public's trust in Government which was eroded during the rubberstamp Congress. Much remains to be done, but we have made meaningful progress in just 100 days.

Mr. SCHUMER. Mr. President, if my colleague would yield to me.

Mr. LEAHY. Of course, I will yield.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I just want to thank our chair and leader on the Judiciary Committee for the amazing job he has done on the U.S. attorney's issue and on so many others. One of the things that has been lacking for 6 years in this administration is oversight. There has been virtually none.

As to what the chairman of the Judiciary Committee alluded to, in the U.S. attorney's area, it has been appalling what has happened, and again with no oversight. It has been on issue after issue after issue. So many of the things that we have begun to uncover, whether it is with the NSA wiretaps, whether it is with the security letters, whether it is with some of the other things going on, have been done under his watch.

I thank my colleague for his remarks and for the great job he has done.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from New York. Of course, he is a member of the Senate Judiciary Committee, and one of the most active members we have. He has spent countless hours on this issue. We talk every single day. We have worked together. I have been so proud of what he has done on that committee. He made my job a lot easier.

Mr. President, I suggest the absence of a quorum, and I would ask that the time not be charged to either side.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EMERGENCY SUPPLEMENTAL

Mr. THUNE. Mr. President, last month I came to the Senate floor to express my doubts about the emergency supplemental spending bill put forth by the Democratic leadership in the House and Senate.

The supplemental was, and still is, a flawed bill that will do little to advance the cause of either liberty or victory in Iraq. It is a poorly crafted bill that includes language directing the President to begin a phased withdrawal of American troops, essentially tying the hands of the Commander in Chief, and signaling to our enemies that this is the day on which we will wave the white flag and surrender.

Mr. President, the Democrats believe the war in Iraq is a civil war between Sunni and Shia, and that America has no place in their war. I see the war in Iraq as a war between Islamic fascists and everyone else.

Contrary to the belief of many of my Democratic colleagues, we are in the

middle of that war, be it in Baghdad, New York, Pennsylvania, Bali, London, or Madrid. What my colleagues on the other side of the aisle fail to realize is that diplomacy and the exertion of military force are not mutually exclusive of one another. You can and must have both, and they must be effective.

But it is naive to think that you can have diplomacy in a vacuum, especially when you are dealing with a country such as Iran, a country bent on developing nuclear weapons, increasing its ballistic missile capability, and providing weapons and training to our enemies in Iraq.

However, this is all moot because the Democratic leadership on the war supplemental spending bill has been absent these last couple of weeks. Here we are, almost 3 weeks after the bill was passed in the Senate. There has been no conference of the bill. And the other body, the House of Representatives, has yet to appoint conferees. What are we waiting for? Why are we asking our men and women in uniform to wait?

Well, unfortunately, waiting is what our military is going to do. The Democratic leadership has thus far decided to purposefully send a bill to the White House that they know will be vetoed in order to set up a confrontation with the President to score political points.

I find it ironic that many of the Democrats who are so insistent on micromanaging the war and usurping the power of the President cannot even show up and show the requisite leadership to pass an emergency bill that funds our troops. Our troops deserve more from this Congress.

I hope my colleagues across the aisle will do what is right and get a bill passed that the President can sign into law. If you look at what the consequences of us not acting are, it has been very clear. Secretary of Defense Robert Gates said: This kind of disruption to key programs will have a genuinely adverse effect on the readiness of the Army and the quality of life for soldiers and their families.

The supplemental is necessary to pay for training and equipping our soldiers in Iraq and Afghanistan. If the supplemental is not passed by April 15, the military will be forced to consider the following steps: Curtailing and suspending home station training for Reserve and Guard units; slowing the training of units slated to deploy next to Iraq and Afghanistan; cutting the funding for the upgrade or renovation of barracks and other facilities that support quality of life for troops and their families; stopping the repair of equipment necessary to support predeployment training; reducing the repair work being done at Army depots; delaying or curtailing the deployment of brigade combat teams to their training rotation; this, in turn, will cause additional units in theater to have their tours extended because other units are not ready to take their place; delaying formation of new bri-

gade combat teams; implementation of a civilian hiring freeze; prohibiting the execution of new contracts and service orders, including service orders for training events and facilities; holding or canceling the order of repair parts to nondeployed units in the Army.

These are all things that can result simply because this Congress has not acted in a way that is consistent with what is in the best interest of our men and women in uniform who are serving their country in Iraq and Afghanistan. It is about the politics of whether we ought to be withdrawing. Of course, as I said, the legislation that has passed both the House and Senate, including time lines for withdrawal, which ties the hands of our Commander in Chief, ties the hands of our generals in the field, sends a very clear message to our troops that we don't believe in their mission, that we don't believe it is possible for them to attain victory. It sends a very clear message to our enemies that on this date certain, we are going to pull out. What does that say to them, other than all they to have do is to wait us out?

Irrespective of where you are on this particular war—I know it is divisive in the United States—when it comes to the fundamental question of making sure our troops have the resources they need to do the job we have asked them to do, to make sure we are supporting the important work they are doing and giving them the impression we believe they can win and that we want them to win, there is nothing more important in the Senate for us to be dealing with. I know there are a lot of important issues the Senate has to deal with. We have an Intelligence authorization bill we are deliberating. We had stem cell research in the last couple of days. We ought to be dealing with issues such as immigration and health care and energy, all issues that are important to the people.

I submit nothing is more important than making sure the men and women in uniform, serving our country in theaters of conflict, have the resources they need to do the job we have asked of them.

Meanwhile, while the House is out of session and has yet to appoint conferees so even our staffs in the House and Senate could get together and begin discussing the differences between the House and Senate bills to get a bill to send to the President, which the President can subsequently veto and send back here so we can have an override vote, which will fail—then we will be right back where we started—the troops don't have any funding. Hopefully, at that point, perhaps, the Democrats in the House and Senate will come to the realization that all these theatrics and shenanigans being played on the floor of the House and Senate are not doing anything but sending a message to our enemies that we are weakening in our resolve and not doing what we need to be doing, and that is funding our troops to make

sure they have the necessary training and equipment and ability to conduct and win this mission we have asked them to complete.

The ironic thing about it is, while all this is not going on here, the absence of activity in the Congress where we ought to be conferencing the supplemental bill so we can get the process moving forward and hopefully get a bill back from the President that will have been vetoed so we can send him another bill that has funding in it for our troops, while all this is not going on in Washington, the Speaker of the House of Representatives, while the House is out of session this week in recess, is traveling around the world conducting foreign policy. Where and since when is it the job of the Speaker of the House of Representatives to conduct foreign policy, going to other countries in the world, particularly countries with which we don't have a relationship, countries that harbor and sponsor terrorist activities, meeting with them to deliver messages from other countries around the world?

I know we have a President and Vice President, we have a State Department and a diplomatic corps, all of which are tasked with that important job. But the Speaker of the House of Representatives somehow decided she should be the courier of messages between Israel and Syria.

It should come as no surprise that the Israeli Prime Minister took issue with the Speaker of the House of Representatives conducting Israeli foreign policy as well, not to mention the fact that she didn't have the authority to do it, nor was the message she delivered the correct message. It seems to me what we ought to be focused on as a Congress is not running around the world meeting with leaders who are aiding and abetting the very people our men and women in uniform are fighting against in Iraq but, rather, being in Washington, dealing with the important issue of funding our men and women in uniform who are involved in a very important mission for the future of our country. I know this is an issue on which this country has great debate. I know people in my State, as in many States, are weary of the conflict in Iraq.

We have in place a new strategy that includes additional troops, a change in rules of engagement, new conditions and benchmarks for the Iraqi Government, for the Iraqi military. I want to see it work. I want to see our troops succeed. I believe a majority of the people want to see our mission in Iraq succeed, knowing full well the consequences of failure will be detrimental and disastrous to the United States and to our security in the future. Yet here we are. The Senate is here. We can't conduct a conference because the House of Representatives is not in session, nor did they, before they departed for a 2-week recess, appoint conferees to the supplemental appropriations bill that would enable us to go about this important work.

Mr. SESSIONS. Will the Senator yield for a question?

Mr. THUNE. I am happy to yield to the Senator from Alabama.

Mr. SESSIONS. About the conference process, when an emergency supplemental is passed, even though it had language in it that I know the Senator opposes, and so do I, it would normally have to go to a conference committee of Members of the House of Representatives and Members of the Senate. Sometimes it takes a good while, does it not, historically, for differences in the House and Senate bills to be worked out? It sometimes takes a good while; would the Senator agree?

Mr. THUNE. That is correct. The Senator is absolutely right. He well knows, anytime the House and Senate act on separate pieces of legislation, it has to go to a conference committee. Differences have to be worked out before the conference report can come back to the House and Senate and be passed and ultimately sent to the President.

Mr. SESSIONS. Those conference committee appointments are decided by the leaders of the Senate for the Senate conferees and the leaders of the House, the Speaker of the House, Ms. PELOSI, would appoint those conferees. If it were something they wanted to have done badly, that was high on her agenda, would not they have appointed conferees before we recessed almost 2 weeks ago so the conferees could have begun work during this interim period, staffs could have been working on these issues and been ready to move rapidly when the House comes back in session? If they had wanted to, couldn't they have done that?

Mr. THUNE. Mr. President, I serve with my colleague from Alabama on the Armed Services Committee. This is an issue he cares deeply about, making sure our men and women are well cared for and that they are in a position to do the work we ask them to do. It would make sense—I think it is fair to say—that the House, knowing they were going to take a 2-week recess, to appoint the conferees so the important work of the conference committee could get underway, so we wouldn't have to wait another several weeks to get this legislation through the conference committee, ultimately sent to the President, where it is certain to be vetoed, so that it has to come back here and start all over again. It seems that would be a fair expectation of our colleagues in the other body when it comes to appointing conferees for this important legislation.

Having served three terms in the House of Representatives, I had the privilege during those terms to represent my class as a Member of the House leadership. On a weekly basis, I had the opportunity, under both Speakers Gingrich and HASTERT, to be a part of the process. I know how many pressures and how much responsibility comes with the job of Speaker of the House. Our Senate leaders on both

sides have a caucus of about 50 people, thereabouts, that they have to deal with. The Speaker of the House has a responsibility for making sure that 435 Members of the House of Representatives are moving forward with a legislative agenda. There is a lot of responsibility, a lot of pressure. I have experienced and seen firsthand much of that.

What I don't understand, however, is where in the job description of the Speaker of the House comes this notion that somehow the Speaker of the House ought to be going out and meeting with Syrian leaders, countries and leadership that are aiding and abetting the people we are fighting against, our enemies in Iraq, and trying to conduct foreign policy, representing the interests of one of our allies, the Nation of Israel, and not only misrepresenting their views but, frankly, exercising authority that clearly they didn't give her to exercise. I am at a loss to explain why we would be here waiting to conference an important supplemental appropriations bill that will fund the troops while the leadership of the other body is traveling the world, conducting meetings that clearly ought to be in the purview of our representation at the State Department and the White House and diplomatic corps.

If the Senator from Alabama would like to make some comments on this particular subject, I am happy to yield the floor.

Mr. SESSIONS. Mr. President, what time remains on this side?

The PRESIDING OFFICER. The Senator has 14½ minutes.

Mr. SESSIONS. I thank the Chair.

I thank my colleague from South Dakota. I believe his National Guard per capita is one of the largest National Guards in the country. I know mine is, both on a per-capita and aggregate basis. We have soldiers in Iraq right now from our home States. I talked to the mother of a soldier who was recently killed, and this is a painful subject for us all. At this very moment throughout Baghdad, Al Anbar Province, American soldiers are walking those streets, working closely with Iraqi soldiers, Iraqi police officers, in an effort to create stability so that political agreements can be reached that could lead to a stable and successful Iraq. This is an extremely, deeply important matter. Now we are in a situation in which our leader in the Senate, Democratic leader, Senator REID, has said they intend to fund our troops. They intend to provide the money the President needs to conduct this war, but at the same time they want to tell the generals how to conduct it. They want to say that on a given date we have to move troops in this direction or that direction, and we will begin to bring troops home 4 months from today, regardless of the conditions in Iraq, regardless of what the military experts say, without any real thought, if you want to know the truth.

I have been to Iraq four times and will be soon going my fifth. Very few

people in the Senate have been there so often. I submit we don't know sufficiently how to direct the deployment of our troops. I don't know. Who knows the best? General Petraeus? This is his third full tour over there. He has studied insurgencies and written a Department of Defense manual on how to defeat an insurgency.

Who is the best qualified to make these decisions? This is not a little matter. We voted, over three-fourths of this Senate, to authorize military force in Iraq. Our soldiers are doing what we asked them to do—not what they want to do, what their duty is.

A father of a military Army officer told me right out here a few weeks ago—his son was about to go to Iraq—he said: Senator, they are watching you like a hawk. Our soldiers over there are watching what we in Congress do. They wonder what is going on.

They are putting their necks on the line for the policies we asked them to do, and they hear this kind of talk, they hear of this delay. We can't get even the emergency supplemental passed. It is very discouraging to me. I don't believe this is an action worthy of a responsible Senate. We know this Senate has the power, this Congress has the power to shut off funding for the war in Iraq and bring our troops home immediately.

But if we are not going to do that—and the Democratic leader said we are not going to do that, we are going to give them the money they need under this supplemental—if we are not going to bring them home, and we are going to give them the money, for Heaven's sakes, let's don't micromanage what they do, and let's don't demand commitments from the Commander in Chief he cannot agree to.

He cannot agree to 100 Senators telling him when and how to deploy the troops. What would General Petraeus think? What would his responsibility be to his general whom he asked to serve, who is serving, whom he told would be given responsibility to be successful in Iraq and bring stability there, with his whole effort focused on that?

I wish to share with my colleagues a deep concern that we not get into some sort of game of chicken with the President and the Congress. I must say, I am glad the Democratic leaders apparently said last night, after earlier saying no, now they will meet with the President at his request to discuss their differences.

But it is not just a political game of chicken between the Congress and the President; we have soldiers in the field whose lives are at risk this very moment. They need better support than that. Our allies need to know we are not going to be acting in a way this Senate resolution suggests. The enemy needs to know we are not going to be acting in that fashion, in my view.

We have a tough challenge over there, there is no doubt about it. Gen-

eral Petraeus committed, at my request, that if he thought what we were doing would not be successful, he would not hesitate to tell the Congress and the American people exactly that. I believe he will. Right now, he believes he can be successful. If we allow him to do so, I believe he will be.

Mr. President, I see others on the floor. I conclude by saying I believe we ought not to be in this posture of brinkmanship over this issue. I believe it is irresponsible. I believe it places those soldiers we have sent at greater risk for their lives, and their mission is placed in a situation where it would be more difficult to accomplish. That is something we should not do. I hope cooler heads will prevail.

Mr. THUNE. Mr. President, I ask the Senator from Alabama if he will yield for a question.

Mr. SESSIONS. I am pleased to yield.

Mr. THUNE. Mr. President, I say to the Senator, I agree with everything he said. The thing I guess that has troubled me about this process since the inception of the debate we have had in the Senate, that has been swirling around in Washington for some time, has to do with the way this supplemental bill was constructed and the proscriptive language that was put in it relative to tying the hands of our Commander in Chief, tying the hands of our generals, essentially substituting the judgment of politics in Washington for the judgment of our generals in the field.

I am extremely troubled by that language, as is the President, which is why he has indicated he is going to veto this bill when it comes before him. They knew that. They knew that when it was passed. They knew when it went down there, it was going to be an issue which the President, absolutely, in his constitutional role as Commander in Chief, could not allow—that type of language and that type of restriction—to be imposed on his ability to prosecute and win wars.

But I guess my question to the Senator from Alabama has to do with: If the Senate or the House wanted to stop what is happening in Iraq, wanted to withdraw, get our troops home immediately—in spite of the fact that under this new strategy we now have more troops there, we have different rules of engagement, we have more buy-in from the Iraqis; the Iraqis are coming more into the fight; we have an opportunity, in my view, at least, hopefully, to have success there—what is the step the Congress, if they wanted to basically end our involvement there, could do? Is it not to cut off funding? Would that not be?

If the Senate and the House were serious about this, why is it they are going about all these shenanigans, trying to provoke this confrontation with the President over this particular language that ties his hands relative to time lines, when in fact the real constitutional role the Congress has is funding? Is funding not the way, if the

Senate and the House wanted to be heard on this, they would go about doing that?

Mr. SESSIONS. Mr. President, I could not agree with the Senator more. Having been in the Department of Justice a number of years as U.S. attorney and having had a few occasions to deal with this specific issue, money not appropriated by Congress cannot be spent by the Government. In fact, there is an Antideficiency Act that makes it a criminal offense for a governmental official to spend money that Congress has not appropriated.

So that is our responsibility: to fund or not fund. The Democratic leader said they are going to fund. It is not our responsibility to micromanage the war, however. So I would say we absolutely as a Congress—if we reach that decision—can shut off funding, and tomorrow the troops would have to be brought home, or shortly thereafter.

Mr. THUNE. Mr. President, I would say to the Senator from Alabama because I think it is an important point to make—I have heard the debate here a lot, and, again, as it continues in this city and across the country, that there has to be a political or diplomatic solution that somehow we have to reach; the sides have to come together, which I do not disagree with. However, I would also argue, in order for that to happen, you have to have security. You cannot have a functioning democracy or government absent security; in the last several hours, a couple of lawmakers in Iraq were killed in the Green Zone.

How is a government to function, how is a political process to work, if there is not adequate security, which is the point I believe many of us have made all along. I say to my colleague from Alabama, there has to be not only a political solution, but there has to be security established. That is what this new strategy is designed to accomplish, to allow that process to work. We ought to allow this strategy an opportunity to work, rather than pass bills out of here that tie the hands of the President, tie the hands of our generals, substitute the judgment of politicians in Washington for the judgment of our generals in the field. Furthermore, we need to get funding to our troops.

So I think the Senator from Alabama has put it very eloquently, and I join him in urging the rest of our colleagues in the Senate—and, obviously, hopefully, very soon in the House—to get this process wrapped up, to get a bill to the President that he will ultimately veto, send it back here, start over again, and let's at least get the funding to our troops so we can get this situation in Iraq secure so this political process can function and work and, hopefully, create a stable democracy.

Mr. SESSIONS. Mr. President, I say to Senator THUNE, I agree, and will recall for our colleagues that—I believe it was postelection—General Schoomaker, the Chief of Staff of the Army,

pleaded with us not to allow what happened last year to happen this year. He was referring to delaying passing the supplemental because it causes all kinds of problems.

A few weeks ago, he testified again, and he was passionate about this. It is his soldiers, predominantly, Army soldiers in Iraq. He pleaded with us not to delay this supplemental. He said you have to take money from all kinds of accounts, and time and effort the leadership in the Department of Defense needs to be spending helping the soldiers being successful has to be redirected to bringing money together in ways that are not easy to fund the effort. He described it as trying to walk through a marsh waste deep in water—those were his words—in the muck.

We are creating a political muck that makes it very difficult and adds additional burdens to our Defense Department when they have so many important things to do. We should not do that.

I thank the Senator for his eloquent remarks and his leadership on the Armed Services Committee and for his commitment to our soldiers and commitment to the United States of America and the good foreign policy we have had, we seek to accomplish.

Our foreign policy is a foreign policy designed to improve the Middle East. It is designed to improve the lives of the people in Iraq. It is not an imperialistic attempt to gain wealth or power at their expense. We want them to be successful. In the end, it will be successful for us. It will make us more safe. It will make the world more safe and can begin the end of some of the radicalism we are seeing.

I thank the Presiding Officer and yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that I be recognized for the time remaining under morning business, and I further ask consent that after my time expires, the Senator from Missouri, Mr. BOND, be recognized for a period of 5 minutes.

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

INTELLIGENCE AUTHORIZATION

Mr. ROCKEFELLER. Mr. President, let me take this opportunity to extend my deep appreciation to my good friend, Senator REID, for his very genuine persistence in pursuing this Intelligence authorization bill. He has

worked hard, both as minority leader and as majority leader, to try to make this happen.

I suspect Senator BOND and I will have some fairly strong words to say in agreement about this because I think both of us are very dismayed that despite the very considerable efforts of Vice Chairman BOND and myself—we operate very closely together—to get agreement on this bill, there is still an objection to its consideration, as I understand.

It is almost inconceivable to me we are forced to come to this point of cloture and motions to proceed and all kinds of things on a national security bill. I do not understand that, where that comes from, why the motivation, how that happens.

In any event, we are talking about the authorization bill of the Intelligence Committee for 2007; and this is already the period for the 2008 authorization bill. It is inexcusable. From 1978 through 2004—that is a long time, 1978 to 2004—every year, there was an authorization bill, like every year there is a military authorization, Armed Services authorization bill. It happens in all major committees. The Senate had an unbroken 27-year record of having authorization bills every single year. This year and the last year—and I think the preceding year—we did not.

It is very frustrating to the Senator from Missouri and myself. This should be considered, and is considered, must-pass legislation. It is in the national interest. We are in the middle of a war on terror. Our continued military involvement in Iraq and Afghanistan calls for an analysis of what is going on in the intelligence community, putting it into authorization form so it can go on to be discussed and debated on the floor.

It is a matter of life and death. But we are being blocked again from considering a bill that provides the legislative roadmap for America's intelligence programs. America is not meant to work that way. Similar to the bills I have mentioned, you have to get authorization. It is done routinely. It is very puzzling.

Now, there are 16 separate provisions under our 2007 authorization bill—we are in the period for the 2008 authorization bill—enhancing and clarifying the authority of the Director of National Intelligence. These provisions include improvements to the way we approach and manage human intelligence, which the vice chairman and I feel very strongly about, information sharing, and the ability to manage intelligence community resources. Those are words with a great deal behind them.

I, like many of my colleagues, have been increasingly concerned about the seemingly endless stream of leaks of classified information. This bill includes provisions improving the authority of the Director of National Intelligence, whom we put in charge to look at matters such as these, and the

Director of the CIA to protect intelligence sources and methods and a provision to increase the penalties for unauthorized disclosure of the identity of a covert agent.

The bill also contains numerous provisions intended to improve oversight of the intelligence community. We have not been doing that in the sense that we should, and Vice Chairman Bond and I worked very closely together on this issue. He is a ferocious pursuer of intelligence wherever he can find it, and he usually manages to bring it back with him. Section 408 will establish a statutory inspector general for the intelligence community. The DNI, the Director of National Intelligence, has used his power to create an IG, but the power to do so doesn't mean a requirement to do so. So we would strengthen that position in this legislation and make it more accountable to Congress.

Section 434 of the bill strengthens accountability and oversight of the technical intelligence agencies by providing a very important matter: that the heads of the National Security Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency are to be appointed by the President, as they have been but with the advice and consent of the Senate. That has not been the case. This is an enormous fountain of intelligence, and we think they ought to be responsive to the two Intelligence Committees in the Senate and the House.

My colleagues may be surprised that the head of an agency with as central a role in the intelligence community as the National Security Agency or an agency with the enormous budget of the National Reconnaissance Office is not appointed with Senate confirmation. It is really shocking. Whether it was an oversight or not, I have no idea, but it is wrong. Senator MIKULSKI pointed this out. This bill would correct that.

Section 108, cosponsored in committee last year by Senators LEVIN and HAGEL, seeks to improve the timely flow of information to congressional intelligence committees. In other words, things can't be put off for a year or 2 years, 6 months or whatever. We try to enforce our view that we are an oversight group and we intend to be treated as such and we will not be treated in a lesser way. Similar language was included in the intelligence reform legislation that passed the Senate in 2004 and in S. 4, which passed the Senate last month.

There are requirements for the provision of specific information, including a report on the implementation of the Detainee Treatment Act and a separate report on the operation of clandestine detention facilities. These are not trivial matters, as the Presiding Officer understands, and they cannot be dealt with trivially by this body, and therefore we need this bill.

These provisions are all intended to improve our ability to make decisions

leading to better intelligence for the military and policymakers. There is no reason the Senate cannot pass the bill and do so quickly so that we can conference with the House and do that quickly so that we can pass the bill, the authorization bill of 2007, here in April of 2007 and proceed on.

I will close by saying: I would remind my colleagues that we are at war in Iraq and in Afghanistan, and we are at war in scores—or potentially at war in scores of countries around the world where al-Qaida is strong and growing, or groups such as the Taliban or others are growing. We can't have delay. This is an important bill. I encourage my colleagues to vote for the motion to invoke cloture and allow this process to move forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I wholeheartedly join with my new chairman of the Senate Intelligence Committee, Senator ROCKEFELLER, in urging our colleagues to work constructively with us in reestablishing congressional oversight of our intelligence community.

More than 30 years ago, the Senate Select Committee on Intelligence was formed to address a serious problem, and that problem was previously a complete lack of congressional oversight of the U.S. intelligence operations. The attacks of September 11, 2001, and the findings of the 9/11 Commission confirmed that congressional oversight of intelligence was still seriously lacking in many areas.

With the painful lessons of 9/11 in mind and the threats laid out by Chairman ROCKEFELLER, it is more important than ever that we perform our oversight role. Unfortunately, the last Congress failed to see an intelligence authorization bill pass the Senate, although Chairman ROBERTS and Vice Chairman ROCKEFELLER tried hard to pass one. There were political reasons—neither side of the aisle was blameless in that regard—but it did not happen.

When Senator MCCONNELL asked me to be vice chairman of the Intelligence Committee for this session of Congress, I wrote a letter with suggestions to the chairman on the priorities, and at the top of the list was passing the fiscal year 2007 Intelligence Authorization Act. Chairman ROCKEFELLER and I strongly agreed that if we were to be able to conduct constructive oversight and make our suggestions and our requests and demands known, we would have to pass this bill. We have to pass authorization bills. We have been in agreement on that matter since the beginning.

We have a managers' amendment we will be describing in more detail which we will offer which addresses some of the serious concerns other Members and I have had for some time, and I would ask anybody who has concerns about the underlying bill to look at the managers' amendment, which I think

addresses most, if not all, of the serious concerns that might be raised.

We have to reassert our oversight. Now, there may be some officials in the executive branch who prefer a lack of congressional oversight. I sure understand their positions. If I were running an agency, I wouldn't want to have Congress looking over my shoulder. But that is not how the system works. We have a responsibility to provide the funding and oversee how they are carrying out their duties, and I suggest this bill will give us the power to do so and ensure constructive accountability. One of the most significant means of providing such accountability is authorizing the appropriations for the intelligence community's national intelligence program, or NIP. For that reason, the authorization of the appropriations section in this bill may be its most important section.

Is this bill perfect? No. There is no such thing as perfect legislation—I have never seen one, and I don't expect to see one—but we all get an opportunity and will have an opportunity to vote to improve it.

The bill, as reported, is largely the same bill as last year and contains many provisions sought by intelligence community agencies to help them in their job. For example, the bill provides the Director of National Intelligence with additional authorities to improve information access across the intelligence community. So there can no longer be stovepipes of information not shared among the agencies collecting it. The DNI is given full access to human intelligence and the authority to improve access and coordination across the community.

Nearly half of the provisions contained in this bill were requested by the intelligence community for fiscal year 2006 and 2007. We are in the process of receiving the IC request for 2008, as it clears OMB. When we pass this bill, we will have addressed 23 of the 31 cleared provisions that are contained in the IC's fiscal 2008 request.

There is also included an example of where our committee wants to take some initiative. The bill creates within the office of the DNI a National Space Intelligence Center—or we may call it an office—to address intelligence collections related to our space assets or threats to the United States from space. The need for this office was emphasized recently by the successful antisatellite weapons test by the People's Republic of China. Creating this new office or center is an example of the forward-leaning oversight that corrects a present deficiency within the IC.

It is time the Senate reassert its constitutional role in oversight. Does the process have warts? As I said, of course it does, but it is a critical component of our national security.

I urge all Senators to work with us constructively to pass the bill. We look forward to hearing from both sides on the amendments they have, and maybe

we will be able to clear many of them and get this bill passed. We ask that Members bring those amendments to us as soon as possible.

Again, I strongly urge and request my colleagues who recognize that intelligence is so important in this global war on terror declared on us by al-Qaida and radical Islamists—not a war we started but a war they started, that can only be countered by good intelligence—help us get to the process of improving our intelligence community and our intelligence performance.

Mr. President, I thank my colleague for his leadership, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

HONORING SENATOR TED STEVENS

Mr. MCCONNELL. Mr. President, I rise to honor a colleague and a friend, Senator TED STEVENS, who this week becomes history's longest serving Republican member of the Senate. This is an outsized accomplishment for a man whose name is virtually synonymous with the Nation's largest State. Yet no one who ever crossed paths with Senator STEVENS is surprised that he has achieved it.

The long list of things he has done for the people of Alaska in the course of a remarkable 39 years in the Senate traces an arc as vast as the State itself. His love for that State and this country is legendary. This milestone is merely an occasion to recall and retell that legend. As the Republican leader, an admirer, and a friend, I welcome it.

It is a story that takes us back to a day when transistor radios were new to the White House and construction workers had just cleared a space in the Bronx for Yankee Stadium. America was changing quickly, and Theodore Fulton Stevens would take as much of it as he could.

Born in Indianapolis, he moved to Redondo, CA, as a boy and learned to surf along the beaches of the South Bay. His pioneering spirit took him to Oregon and Montana for college and then to even more exotic places as an Army Air Corps pilot in World War II. At 19 years old, he was flying C-46 transport planes over the Himalayas and into China supporting the legendary Flying Tigers. He left the Army after achieving the rank of lieutenant and in recognition of his bravery received a Distinguished Flying Cross and an Air Medal.

A decorated war veteran in his early 20s, TED returned to California to resume his studies and later enrolled at Harvard Law School. A consummate tough guy, the man who would one day prepare for tough legislative fights by donning ties that featured the Incredible Hulk helped pay his way through law school by tending bar and selling his own blood.

After law school, TED showed up in Washington to practice his trade. He

married a girl named Ann, and together they set out on yet another adventure. With an appetite for risk and a passion for service, TED would carve a life for himself and his young family out of the vast expanse of the Alaska territory. He would devote the rest of his life to helping people there achieve the same rights and privileges that those in the lower 48 took for granted. As a result of decades of work in the service of that goal, the name "TED STEVENS" would one day be synonymous with an area one-sixth the size of the entire United States.

He was there at the creation. As a young lawyer at the Department of the Interior, TED STEVENS stood over a map with President Eisenhower and traced out the borders of the 49th State. He returned there in 1961, started a law firm of his own, and soon won a seat for himself in the Alaska House of Representatives. Four years after that, Democratic Senator Bob Bartlett passed away, and on Christmas Eve, the State's Republican Governor chose TED to replace him.

Now, TED STEVENS wasn't well known outside his home State, but curious folks in Washington could have found this brief description of him in Newsweek. Here is how they summed him up:

Stevens is a 5'6" cigar smoker who hunts moose and earned a reputation as a scrapper in the Alaska House of Representatives.

It was brief, but it wasn't far off. Ted didn't leave his scrappiness in Juneau. He would bring it to Washington.

A story about the Marine Mammal Protection Act of 1972 illustrates the point. Ted was a first term minority senator at the time, but he was determined to find a way to get this piece of legislation enacted into law.

The story goes that Ted was carpooling into work one morning with the Democratic chairman who could make it happen, and he got him to agree to a vote on his amendment that day.

Well, the day passed without any action. They called the bill up on the floor, and the thing went through second reading, third reading, and then onto a final vote. No amendment.

Ted ran right up to the Chairman and yelled at him right to his face: "You SOB, you promised me a vote!" Hearing the commotion, the Democratic leader, Mike Mansfield, came over to chastise Ted. Nobody swears in this chamber, he said.

But then Ted told Mansfield what had happened, and how important the bill was to his State. Mansfield turned to the chairman and asked whether the story was true. When he found out it was, he took the bill back to a second reading, offered the Stevens amendment in his own name, and the amendment passed.

This was just one of the major pieces of critical legislation Ted has fought for on behalf of Alaskans. There have been many others. Ted never tires of fighting for the people of Alaska. But if you ask his staff, they'll say he just never tires.

His chief of staff, George Lowe, remembers his first trip to Alaska with the boss. A staff assistant at the time, George was a little taken back when he picked Ted up at 6 a.m. and the Senator had already gone through the briefing book he'd been given the night before, already read the papers, and already been on the phone to Washington for a couple hours.

I needed a vacation after doing for two weeks what he'd been doing for 39 years,' he said.

After Ann's tragic death, Ted met his beloved Catherine. They would add a sixth child to Ted's brood, Lily, who many of us remember running around the Senate as a little girl.

Catherine had to get used to Ted's tenacity early on. The day after their wedding, he agreed to fill in for a colleague on a trip to tout Reaganomics in China. She had never let him live down that "Honeymoon."

As chief of staff, George says nothing's changed. He's learned to put his Blackberry in the basement when he goes to bed at night, or the boss would keep him up with e-mails.

Ted will tell you he works so hard because there's so much work to do. Alaskans don't have the benefit of centuries of infrastructure and planning that much of the rest of the country does. Of the giant State's more than 200 villages, only a handful had running water when Ted came to the Senate. But largely thanks to him, roughly half of them do now.

He's tried to make sure that people on the outside understand the challenges. And turning down an invitation to Alaska from Ted Stevens isn't recommended if you ever expect to appear before him at a committee hearing. An entire generation of Federal officials has trekked up there at Ted's invitation.

Elaine and I have spent six of the last seven July recesses at the Kenai River King Salmon Classic and, like everybody else who's been there, we never leave without being impressed by two things: the magnificence of the scenery, and just how much of Alaska's progress is a direct result of Ted Stevens.

It starts at the airport: Ted Stevens Anchorage International. It runs through the pipeline; the land settlement claims; the double-hulled tankers that move along the shore; and through all the homes in the remotest reaches of Alaska that have radio and television because of Ted. And it continues with his epic battle to open up the Arctic National Wildlife Refuge.

'They sent me here to stand up for the State of Alaska,' Ted once said. That's just what he's done. And Alaskans love him for it: on March 22, 2000, the Alaska State Legislature named Ted Stevens Alaskan of the Century.

But he's done a lot more for the rest of us besides. Thanks to a remarkable 35-year tenure on the Appropriations Committee, no one has done more for the U.S. military than Ted Stevens. Never one to deny or delay materials or supplies to troops at home or in the field, he's secured funds to continue funding the F-117, to replace Air Force One, for Unmanned Aerial Vehicles like the Predator and Global Hawk, and for a replacement Coast Guard Icebreaker and the F-16 program.

He was instrumental in ensuring funds for early military research on everything from breast cancer to AIDS.

I remember asking myself when I first arrived in the Senate whether Stevens was ever in a good mood.

But I learned, as everyone else who knows him does, that, like Hamlet, Ted Stevens "speaks daggers but uses none." And in this, "his tongue and his soul be hypocrites."

Those who weren't convinced of this changed their minds during that sad week in September 2003, when we learned about the death of Senator Gordon Smith's son, Garrett. Senator Smith opposed Ted on ANWR, the biggest issue of his life. And a lesser man might have held a grudge. Yet it was Ted who arranged to fly himself and his colleagues in the Senate to the funeral.

They say the only way to have a friend is to be one. And Ted's friendship with Senator Inouye, is one of the great models of bipartisanship this building has ever known. We all know the two men call each other brothers. But some might not recall that Ted has actually donated money from his own Political Action Committee to Senator Inouye's re-election campaign.

How does Ted do all this?

He's always looking forward. Thirty-nine years in the Senate, and he doesn't reminisce. He hasn't slowed down a bit. He plays tennis and enjoys fishing. He tries to get in an hour at the Senate gym every day. And when he says he's a fighter, he means it: his staff assures me he still trains on a speed bag.

When Ted got to the Senate, he had a motto: "To hell with the politics, do what's right for Alaska." Over the years, he changed that motto, just slightly. Now it's: "To hell with the politics, do what's right for the Nation." But in one of the most distinguished careers in the history of this body, he's done both.

The people of Alaska and this Nation are better for having Ted Stevens around. We'd hardly know what to do without him. And in appreciation of his friendship and his noble service to State and country, I honor him today for his historic achievement and wish him many more years of good health and service.

(Applause.)

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, I am a proud Democrat. TED STEVENS is a proud Republican. People have said, how can you two ever get together? Well, as the leader has indicated, we call each other brothers.

I know this is a violation of our party rules, but I have contributed to Ted's campaign, and he has contributed to my campaign. Last election was one of the most negative and partisan ones that I have ever experienced. The issue was Iraq, as it is today. TED STEVENS came up to me and said: You know, this election is sending a bad message to the fellows and the women in Iraq. We should send another message. So he proposed that we do our very best to pass the Defense appropriations bill in a timely fashion unanimously. The record will show that the subcommittee came out and voted unanimously for the Defense appropriations bill. The full committee responded by unanimously voting for it, and the Senate, for the first time in history, voted 100 to 0.

That is bipartisanship, Mr. President. We have demonstrated that it can be done, and it has been done many times. We have many things in common, but I think more things uncommon. He represents glaciers; I represent coconut trees. But we do have many things in common. We fought in World War II—he in China with the Flying Tigers, and I was in Europe fighting the Germans. We represented territories. So we came in as new Members of the Senate, and he and I have received the crown of being "pork men of the year." We are No. 1 in add-ons in the United States Senate.

Mr. President, I am proud to call TED STEVENS my brother. I hope we can

continue this brotherhood for as long as we are here. We have just given him a new title: the Strom Thurmond of the Arctic Circle.

(Applause.)

Mr. GREGG. Mr. President, I want to join my colleagues in recognizing Senator TED STEVENS upon this milestone of his serving longer in this body than any other Republican Senator. This is a significant moment and our former President pro tempore of the Senate has set an impressive, historic accomplishment.

I think this is most significant not because we are recognizing TED STEVENS for his length of service in this body, but rather because we are recognizing what TED STEVENS has accomplished in this institution as a U.S. Senator. There are few individuals who can equal his service and accomplishments as a true leader.

As Alaska's Senior Senator, his steadfast and tenacious advocacy of his State and constituents is widely known. His career transcends Alaska's transition from a frontier and U.S. territory to an important and vibrant State.

After earning his law degree at Harvard University, TED STEVENS moved to the heart of Alaska, the Chena River and Fairbanks, where he became a prosecutor and a U.S. attorney in the early 1950s.

TED quickly became a leader in the statehood movement and in 1956 he served his first assignment in Washington as the Department of Interior's legislative counsel and later Solicitor General. He later returned to Alaska and was elected to the Alaska House of Representatives where he became the majority leader and speaker pro tempore. In 1968 he was appointed to fill Senator Bartlett's seat in the U.S. Senate. He was elected to retain that seat in 1970 and has been a part of this institution ever since.

TED is a forceful and dedicated advocate for the people of Alaska. He has brought about significant economic development, be it clearing the way for North Slope petroleum development and the construction of the Alaska pipeline, the upcoming natural gas pipeline, countless small airports and aviation improvements, or overall basic infrastructure. He has been a tenacious advocate for the Alaskan fishing industry, including creation of the Exclusive Economic Zone to allow the sustainable harvest of the largest and most valuable fishery in the United States. It is not by chance that the basic law governing fisheries in this Nation is called the Magnuson-Stevens Act.

Like most Alaskans, TED is a true sportsman with a rich appreciation for the unique and special environmental resources of his State. Men and women fishing on the Kenai River or trolling off Cape Chacon or other waters need just look next to them, through sunshine or inclement weather, to see the Senior Senator from Alaska fishing for kings, or reds or silvers or halibut.

TED STEVENS is an American Senator who has made tremendous contributions to U.S. security policy and defense posture since the 1960s.

TED STEVENS left college to fight in the Second World War. Senator Stevens served in the Army Air Corps and flew support missions over the Himalayas to General Stillwell and our forces in the China/Burma theater.

Since 1980, Senator Stevens has served as either chairman or ranking member of the Senate's Department of Defense Appropriations Subcommittee. The aircraft, the ships, the missiles, the tanks and combat vehicles, and the weapons systems that are manned by our dedicated men and women in the U.S. Armed Forces have been developed, procured and supported under TED STEVENS's steady and pragmatic leadership. The training, pay and support of our personnel have been carried out by programs that he championed and shepherded through the Congress. The "operating tempos" and readiness levels are items of personal interest for him. He is a champion of research and development to ensure our Nation's leadership is not diminished, and that America remains prepared to take on threats to its national security.

As an appropriator, TED STEVENS has often focused on the business of national defense. Like others, he has been a champion of the "top line" for the Defense Budget, seeking to ensure that national security is remains a priority and receives appropriate funding. He has also dedicated long hours to ensuring that funds are not wasted and that priorities are addressed.

Finally, TED STEVENS should be recognized for his work as a legislator in this body. TED STEVENS has authored and championed legislation far too numerous to list. He has left his mark on so many laws, policies and programs that benefit Americans across this Nation. For example, TED STEVENS has played a leadership role in our national space programs, and it was his personal effort that allowed NASA to recover from the *Challenger* disaster in 1986. He helped create the National Oceanic and Atmospheric Administration and has been the sponsor or cosponsor of countless significant pieces of environmental legislation. He has championed remote sensing satellites that protect our Nation from severe weather and is the author and foremost supporter of our Nation's ocean exploration program.

TED STEVENS has also left his mark on every piece of telecommunications legislation over the past 20 years. He has put forward legislation that provides for our airports and air transportation systems, and terrorism countermeasures. He is a strong advocate for the Coast Guard and has overseen fleet, aircraft, and system modernization during the 1980s and 1990s.

TED STEVENS has been a leader on issues as diverse as reform of U.S. civil service retirement programs, to the rules governing the operation of the U.S. Senate. So often it is Senator STE-

VEN'S style to be the workhorse and moving force behind legislation, but to let others receive the credit. He is a Senator who pulls up his sleeves and works and he is a man of his word.

TED is a dedicated family man—to his wife Catherine and his daughter Lily, and his children from his first marriage to Ann Stevens. TED STEVENS is a Senator who lives every day to the fullest. He is tireless.

So Mr. President, it is very appropriate that the Senate convene here today to recognize and congratulate our Republican President pro tempore, the vice chairman of the Commerce Committee and the former chairman of the Senate Appropriations Committee. We are here today to recognize the length of his service and the accomplishments of his Senate service.

Mr. HATCH. Mr. President, I rise today to pay tribute to my friend and colleague, Senator TED STEVENS of Alaska. Today, Senator STEVENS has the distinct honor of becoming the longest serving Republican Senator in this Chamber.

I know of no greater patriot and lover of freedom than TED STEVENS. Whether flying his C-47 with the Flying Tigers in World War II, or serving in the Alaska House of Representatives, Senator STEVENS' life is a model of heroism and personal integrity.

TED's tenure in the Senate has been equally impressive. He chaired the Senate Appropriations Committee for 6 years, the Commerce, Science, and Transportation Committee for 2 years, and served as the Senate President pro tempore for 4 years. In each and every one of these high offices, TED served with dignity and distinction.

As one who has had a stewardship over our Nation's military for many years, there is no greater friend to our men and women in the military than Senator STEVENS. No one in Congress has done more to make our Nation's military the great institution it is today. We all rely heavily on TED's expertise on so many defense-related matters, as I believe many in this body and throughout the Federal Government do. He is the Senate's greatest asset with regard to the needs of the military, and his knowledge about defense issues has proven invaluable every time this Nation has faced a crisis in the last four decades.

Although TED is not the tallest man in the Senate, my colleagues and I all look up to the senior Senator from Alaska. When he comes to work in his Incredible Hulk tie, you know he means business and is ready to do whatever it takes to ensure legislation which improves the lives of Americans gets safely shepherded through the Senate.

It has been my privilege to know and work with TED for many years here in the Senate, and even though he has been described by some as gruff and grouchy, I have always found him to be very helpful and patient. Take for example a few months ago when I was

meeting with several constituents from Utah in my DC office. During our conversations, we found that we needed some expertise that only TED could provide. I hurriedly called him at home in Alaska without pausing to calculate the time difference. Although it was midmorning where I was sitting in DC, it was quite early in the morning in Alaska where a groggy TED STEVENS courteously took my call, helped me with the information I needed, and—I hope—promptly went back to bed to finish his night's sleep. TED has shown similar types of courtesy and kindness to several Members of this body and he has always proven able to balance the delicate, yet competing, needs to maintain good friendships and still move the work of the country forward even when all sides are not in agreement.

TED's wisdom and his character have served as an example to everyone he meets, and I am grateful for the opportunity I have had to serve the people of the United States alongside my dear, dear friend, Senator TED STEVENS.

So, from one old bull to another old bull, I would like to thank my good friend TED for his friendship and leadership. Also, I would like to thank his wife Catherine for her selflessness and willingness to share her husband. The hours kept by a hard-working Senator are long and can be very demanding on families, but Catherine has been extremely patient and our Nation is grateful.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I am embarrassed but very grateful to my friends, our leader, Mr. MCCONNELL, and my great friend and brother, DAN INOUE. DAN and I have been here a long time. Actually, he came to the Senate before I got here. I was downtown with the Eisenhower administration when he arrived in the Department of the Interior. I went home after that Presidency ended to Alaska and never expected to come back. But I did, and I am grateful for the outline of my service that our Republican leader has presented in the Senate.

I can only say two or three things. One is that I would not be here now if it wasn't for a real understanding family. My first wife was, and my current wife, Katherine, has been supportive beyond anyone's understanding. It is a long way to go home. I remember one year I flew home 35 times—one day up and one day back, almost. But I have been away from my family a great deal. I have 6 children and 11 grandchildren and they have understood my commitment to the Senate. I do believe that it would be impossible to be here without that type of support.

I also have been privileged and ask that after my remarks, I be permitted later to have printed in the RECORD a list of the dedicated young Alaskans who have come down and worked with me in various positions; also, those who have worked with me at home. I have had a series of distinguished

chiefs of staff who have gone on to other functions and have shown what training in the Senate can do for a young person. I think over a dozen of my chiefs of staff have gone through law school working full time in my office and going to school full time. We sort of run a separate adjunct of the Senate, and that is a law school on the side, I think.

I do believe I have had the honor of serving with many great people. I served with the people who were here when I came here—Senator Baker, Senator Mansfield, Senator Scott, Senator Magnuson, Senator Dole, Senator Jackson, Senator Cook, Senator Bible, Senator Bell, Senator Hollings—there are so many.

I remember the time when Senator McClellan, who was chairman of the Appropriations Committee, took the whole committee up to Alaska because he was tired of asking me why I was seeking so much money. He decided to take the whole committee up there. We traveled through the State for 2 weeks. That doesn't happen now.

I am surrounded by friends here on both sides of the aisle, and I am still very honored to be here.

Let me close by saying I really think I am here because of the mentors I had in Alaska. Two publishers—Bill Snedden, publisher of the Fairbanks Daily News-Miner, and Bob Atwood, publisher of the Anchorage Times—urged me to come to Washington to participate in the Eisenhower administration during our fight for statehood. I was lucky enough to tie into former Senator Fred Seaton who was Secretary of the Interior. I worked with him for a period of almost 4 years and left Washington as the Solicitor of the Department of the Interior, his reward to me for our working together.

I was also honored to follow a good friend, a friend I got to know during the territorial days as we fought for statehood, and that was Bob Bartlett. He was my predecessor. He was, during the time we were fighting for statehood, the delegate from the Territory of Alaska as a Democrat.

I think our relationship was almost as close as the relationship I have with Senator INOUE. He was a fine man, a great and distinguished public servant for Alaska. I am honored to hold what Alaskans call the Bartlett seat.

I thank my colleagues again for the courtesy all have shown me. I passed a milestone only because Strom made the mistake of being a Democrat for two terms. I am honored to have this recognition today.

(Applause, Senators rising.)

The PRESIDING OFFICER (Mr. BROWN). The majority leader is recognized.

Mr. REID. Mr. President, when I came to Washington, Senator INOUE—I am sorry, Senator STEVENS. They are like brothers, and it is easy to get them mixed up—Senator STEVENS had already been here 12 or 13 years. He has a distinguished service: 38 years in this

Chamber, going on 15,000 votes, decorated pilot in World War II. But there are a number of instances that I want to spread on this record regarding Senator STEVENS.

First of all, he has a relationship that has already been mentioned with one of America's great people, Senator DAN INOUE. DAN INOUE, of course, is a Medal of Honor winner. A gentleman describes who he is. But the relationship between Senator INOUE and Senator STEVENS, when the history books are written, will be legendary. They are friends, a Republican and a Democrat, who are like a couple of brothers.

They have traveled the world over many times, and the relationship is something we should all recognize as being possible in this Chamber. People of different parties from different parts of our United States can become friends. Party affiliation is secondary to their relationship.

For me, the example they have set has paved the way for the relationship Senator ENSIGN and I have. We are from the same State, with totally different political philosophies, but our friendship is, in our own minds, comparable to that of Senator STEVENS and Senator INOUE. Thank you very much, I say to Senator STEVENS and Senator INOUE, for the example you have set for us.

I also want to relate to everyone something that is remarkable to me. I was serving in the House of Representatives when Senator Alan Bible died. Senator Bible served in the Senate for 20 years. He was a great public servant from the State of Nevada and a dignified Senator who, because of illness, left the Senate after 20 years.

When he died, there was a plane available to take anyone who wanted to go to the State of Nevada to his funeral. I went, and the only other Member of Congress who traveled to Nevada was TED STEVENS. It was a long way to Reno, NV, where Senator Bible was buried, but TED STEVENS went. Why did he go? Because on a very important vote to Senator STEVENS that made the difference between Senator STEVENS carrying the day or losing the day, Senator Bible stepped forward, as Senator STEVENS said, courageously and voted with this Republican Senator.

Think about that: Senator Bible was long gone, hadn't been in the Senate for many years. He died. But Senator STEVENS remembered Senator Bible doing something that he thought was beyond the call of his democratic duty. And so Senator STEVENS and I took this lonely flight to Reno, NV, to attend the funeral of my friend and Senator STEVENS' friend, Senator Bible. That speaks volumes about the kind of person Senator STEVENS is.

One of the highlights of my congressional service has been the ability to travel all over the world. It is part of our obligation as Members of Congress to go see what American interests are doing around the world. On one of those trips, I signed up to go as a

young Senator and was led by the great John Glenn and TED STEVENS. It was a memorable trip. I can remember—the Iron Curtain was down—leaving Austria and going into Czechoslovakia. They stopped the train. In came the KGB and other Iron Curtain soldiers. They looked under the train, in the train, and looked at all of us. We went into Prague, and in a little diner, bar, that evening, a man came in wearing a flight jacket, a World War II flight jacket. Of course, Senator Glenn and Senator STEVENS had worn those flight jackets representing the United States as they flew airplanes: one a marine, one a member of the Army Air Corps.

The conversation that night with that man, who probably was a KGB plant, as we talked later, developed into a great conversation. We were able to be regaled with conversations about Senator Glenn in World War II and Senator STEVENS in World War II flying airplanes for America's interests around the world. I always will remember that.

Finally, I say to Senator STEVENS, at this desk right here, you watched me manage a few bills. We were able to finish an appropriations bill. You thought I helped a lot. So you gave me the distinct honor of giving me one of your Hulk ties, which I still have.

(Laughter.)

We laugh and joke about that, but it meant a lot to me that Senator STEVENS thought enough of me to give me one of his ties.

So I say to Senator STEVENS, at this important occasion for you, of course, and our country, recognizing you, your service in this body, the longest serving Republican in the history of the Republic, I extend to you my appreciation and my friendship.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, the junior Senator from Alaska is on her feet. I wanted to make sure you saw her. She will be seeking recognition.

The PRESIDING OFFICER. The junior Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, it gives me enormous pride to pay tribute to our senior Senator, to my senior Senator, Mr. STEVENS, and to listen to the comments, to listen to the stories from so many of you as colleagues and friends.

For so many years—I think my whole life—I have grown up hearing the stories about Senator STEVENS, and to understand how today—tomorrow, actually—he makes history as the longest serving Republican Senator.

What you all need to appreciate is that so much of the history of TED STEVENS is also the history of the State of Alaska. They are inextricably tied, and we know that. So to be able to share that with his friends and colleagues for so many years is so important.

I truly appreciate the words of the Republican leader outlining the history, the very storied military career that Senator STEVENS had, understanding how he went on to be the U.S. attorney for the territory at the time,

his schooling through UCLA, through Harvard. Coming back to the State of Alaska is where we all kind of pick up with the history that is now legendary and is seen in so many places.

Someone mentioned the Ted Stevens International Airport. We look around to so many of the monuments in the State, whether it is the Trans-Alaska Pipeline that has been delivering oil to the lower 48 for the past 25-some-odd years—we look at those and we think: TED STEVENS.

I don't know how many of you are aware of the history of our State as it relates to our lands and knowing and understanding that it was Ted Stevens who moved these forward, whether it was ANILCA, our land conservation act, the Native Claims Settlement Act, the effort to build the Trans-Alaska Pipeline, the Magnuson-Stevens Fisheries Act, the Denali Commission—these are living legends, if you will, through legislation that came about through the dedication, through the persistence, through the urging of Senator STEVENS.

We all want to believe, certainly, that we work on behalf of the people we represent, but as we look to these legislative victories, these legislative successes that Senator STEVENS has put in place over the years, I believe that truly demonstrates his commitment to the people of Alaska. When we think about providing the Native peoples with title to their lands, when we think about the educational challenges that face us in this enormous State with geographic and rural challenges that we can only imagine, when we think about how we provide health care in a State such as Alaska, all we need to do is look to the initiatives that have been put in place.

Senator STEVENS has always—always—kept Alaska first and has been very selfless in his efforts to put his State, to put the people of Alaska first.

We lovingly call him throughout the State “Uncle Ted.”

And you chuckle, but I think it is fair to say. They might not say it to your face, TED, but behind your back they are always calling you Uncle TED, because I hear it. They love it. The people of Alaska love it when you put on your Super Hero tie, when you wear the Hulk tie, because that is your signal that you mean business on behalf of the people of the State of Alaska.

You know, talk about people who have minds as sharp as a tack, TED will come up to me and we will be talking about something and he will say, You remember back in 1973 when so-and-so said something to so-and-so? And I am thinking, I was still in high school back then; no, I don't remember that. But he has such a grasp of the history and the facts. I appreciated his comment that he doesn't reminisce, but he is not going to let go of the factual background that has gotten us to where we are today.

Senator STEVENS mentioned those who have worked for him, and he and I have a unique relationship in that I was an intern for him. I credit him as

my first political mentor here. Whether that means your staff will go on to succeed both you and me, who knows, but I look to what you have provided me as I have joined the family of the Senate here. I could not have asked for a better mentor, a better colleague to work side by side with as we move forward to advance the interests of the State of Alaska.

I know I will have you to work together with for years to come, and I join my colleagues again in acknowledging you on this truly historic occasion. I think it is fair to say, as an Alaskan, I feel personally blessed to have you and your leadership for our State and our Nation, and for that I thank you very much.

(Applause, Senators rising.)

Mr. STEVENS. Mr. President, I ask unanimous consent that the list of family and Senate staff to which I previously referred, be printed in the RECORD.

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

FAMILY

My wife, Catherine Ann Stevens, my deceased wife, Ann Cherrington Stevens, who left us due to our 1978 accident. We have six children, Susan, Beth, Walter, Ted, Ben, and Lily; and our eleven grandchildren, Susan, Ben, Augustus, Theodore II (Ben and Elizabeth Stevens family), Sally Masako (Ted and Junko Stevens family), Ann, Rachel and Elizabeth (Walter and Debbie Stevens family), Laura Beth, John Peter, and Sara Ann (Susan and David Covich family).

SENATE STAFF

CHIEFS OF STAFF

Ron Birch; George Nethercutt; Tim McKeever; Rebecca Cox; Bill Phillips; Greg Chapados; Lisa Sutherland; Mitch Rose; Carol White; Dave Russell; George Lowe.

FORMER STAFF IN THE WHIP OFFICE

Susan Alvarado—one of the first professional female staff assistants to leadership.

Larry Burton—whip office.

DeLynn Henry—long term scheduler.

STAFF DIRECTORS

Appropriations—Steve Cortese, Jim Morhard; Commerce—Lisa Sutherland, Christine Kurth; Government Affairs—Wayne Schley, Al McDermott; Rules—Al McDermott; Ethics—Bill Canfield; Whip—Rebecca Cox; President Pro Tempore Office—Jennifer Lowe; President Pro Tempore Emeritus Office—George Lowe.

ALASKA STAFF

Barb Andrews Mee; Marie Nash; Edie Opinsky; Jim Egan; Gloria McCutcheon; Ruth Burnett; Mike Dalton; Diane Hutchinson; Connie McKenzie.

CURRENT AND FORMER STEVENS' PERSONAL OFFICE STAFFERS FROM 1969 TO APRIL 12, 2007 (*CURRENT STAFF MEMBER)

A

Albrittain, Nancy A.; Alexander, David M.; Allen, Dorothy M.; Alowa, Allen D.; Alvarado, Susan E.; Alvord, Melanie A.; Andrews, Barbara A. (now Andrews-Mee); Andrews, Christina; Angerman, Lillie; Arai, T. Juliette; Aravosis, John G.; Arness, Peggy M.; Arnold, Susan L.; *Arthur, Will.

B

Bahmer, Barbara A.; Bahmer, Gale O.; Bailey, Helen S.; Baker, Bridget L.;

Baker, Elizabeth Anna-Marie; Baker, Laurie; Ballash, Heather L.; Banks, Gary S.; Barbagallo, Nelly E.; Barnes, Mark; Bartosik, Curtis J.; Bass, Sandra R.; Bates, Gwendolyn J.; Behm, Yvonne D.; Beighle, Jon J.; Belcher, Janet B.; Belon, Valerie L.; *Bennett, Doris C.; Bennett, Patricia A.; Bergstrom, Minta C.; Bertoston, Todd; *Bertrand, Joel; Binns, Mahalia J.; Birch, Ronald G.; Blackwell, Michelle; Blanchard, Virginia; Boatman, Robert W.; Bolton, Jerry K.; Bookout, Cynthia R.; Bombeck, Tui; Boone, Courtney; Bourassa, Phillippe H.; Boyer, Robert L.; Brandman, Sonja; Brandt-Erichsen, Svend A.; Braniff, Mimi; Brewer, Martha J.; Bridenbaugh, Kathleen A.; Briggs, Michael G.; Britt, Gloria; Britt, Sharon M.; Brown, Benjamin E.; Brown, Charlie L.; Brown, Lauren E.; Brown, Sylvia H.; Bryant, Julie; Bullock, George D.; Bundy, Elliot; Burnett, John S.; Burnett, Ruth E.; Burnett, Suzanne; Burnett, Wally; Burton, Larry D.; Butzlaff, Nathan B.

C

Cabaniss, Virginia Dale; Call, Kay L.; *Campbell, Nikki; Carlisle, Margo D.B.; Carlson, Thomas L.; Castillo, Florence A.; Causey, Janel (Anderson); Chaffins, Katherine E.; Chapados, Greg; Chapek, Rebekah A.; Christian, Diana F.; Christie, Monica A.; Chomski, Kathleen (Brown); Ciccone, Christine M.; Cipra, Fredesvinda K.; Clancy, Lynda E.; Clark, Jane B.; Clements, Barbara; Clements, Charles; Cole, Brent; Collins, William L., III; Colver, Jane D.; Comstock, Earl W.; *Connell, Elizabeth J.; Covington, G. Dianne; Constantine, Janet A.; Cook, Caroline W.; Cook, Cora J.; Corbin, Lelani; Corthell, Lisa L.; Costello, Earle E.; Covington, G. Dianne; Cowen, James S.; Cowen, Joseph D.; Cox, Rebecca (Gernhardt); Craddick, Elaine L.; Craddick, Jan O.; Crawford, James M.; Crews, Darcy L.; Crittenden, Benjamin R.; Crittenden, Evelyn M.; Crittenden, Harriet C.; Crosley, Margy M.; Crossman, Sally J.; Crow, Michelle (now Maher); Cullen, Ann P.

D

Dalton, Kathleen F.; Dames, Edna M.; Dames, John C.; Daniels, Lorna; Darnell, Joseph; Davidge, Ric; *Davis, Mark; Dearing, Barbara G.; *Demopoulos, Nicolai; Derr, H.J.; Devore, Jon M.; Devore, Michelle (Butler); Dewhirst, Mary K.; Dickey, H. Gen; Dietz, Suzanne; Dinneen, Mark K.; Dittman, David; Dittman, Terry; Dixon, Karen G.; Donahue, Helen S.; Doogan, Laura; Dow, Wendi; Drager, Philip J.; Droege, Phillip; Dunbar, Henry T.

E

*Eames, Seth; Egan, James B.; Eklund, Nancy A.; Elerding, Mary Jane; Elliott, Norman H., IV; Elwell, Dan; *Engibous, Robyn; Evans, Ernest H.

F

Farr, Meghan; Farrell, Alycia; Fate, Julie Y.; Faunce, Mary L.; Feind, Gena M.; Ferguson, John D.; Ferguson, Pamela G.; Fessenden, Lori Ann; Fink, Joshua; Fitch, Karen M.; Flanders, Barbara; Flannigan, Michael J.; Fradley, Dennis C.; Franz, Joan L.; Fraser, Robert C.; Frazier, Ernest M.; Freitag, Renee; Friehle, Ann; Fromuth, Peter J.; Fuller, Douglas S.; Fuller, Kimberly A.

G

Gallagher, Hugh G.; Gayman, Carol (Steiner); German, Penelope S.; Gibson, Duane R.; Gilman, Bradley D.; Gilman, Lisa C.K.; Gilman, Margaret; Gimm, Viola M.; Glasmann, Michael J.; Godwin, Agnes C.; Goodman, Stuart A.; Gore, Mary; Grane, Kimberly; Grant, Ian; Graves, Roger K.; Gray, Louise A.; Green, Isaac A.; Greisen, David; Gregg, Samantha C.; Griffiths, Leslie

O.; Groseclose, Robert B.; Gruenberg, Max F., Jr.; Gustufson, Carol.

H

Haggart, Richard G.; Halcomb, Patricia M.; Henry, Diana L. (now Diana H. West / then Diana H. Barnhart); Hall, Lisa C.; Halvarson, Janet M.; Hansen, Paul G.; Hanson, Ingrid C.; Harrison, Ardine; Haugen, Leif; Hayes, James; Hayes, Lindsay; Hays, Dorothy A.; Hefke, Nancy L.; Hegg, Ruth E.; Hegyi, Karen R.; Henry, Diana; *Henry, Martha DeLynn; Henthorn, Deborah T.; Herman, Margaret G.; Hess, Carol (Logan); Hess, Kelly A.; Hett, Susan Elaine; Hickling, Elizabeth M.; Highbaugh, Rita K.; Hill, Cynthia L.; Hilscher, Hilary J.; Hinkley, Jeanette (Nichols); Hobbs, Mary Jo; Hodson, Lona M.; Hogan, John J.; Hozey, John; *Hughes, Brian; Hultberg, Rebecca L.; Hutchison, Diane.

I

Iani, Frances S.; Irrigoo, Connie; Ivko, Terri L.

J

Jaehning, Leslie; Jeffress, R.D.; Jennings, Malin T.; Jessup, Carolyn R.; Johansen, Gary L.; Johnsen, Krag A.; Johnson, Louise L.; Johnson, Myrtle F.; Johnson, Rhonda; Johnson, Robert W.; Johnston, Martha R.; Jolly, Claire Anne; Jones, G. Kevin.

K

Kaplan, Gregory D.; Katongan, Adeline R.; Katz, John W.; Keller, Kristen L.; Kelly, Ernest B., III; Kempel, Denali A.; Kerezy, John D.; *Kerley, Patrick J.; Kerttula, Anna M.; Kidd, Margaret L.; King, Sara L.; Kirchoff, Scharine; Kloster, Kendra; Konigsberg, Charles S.; Kozie, Michelle; Kron, Stephanie A.; Kurth, Christine.

L

Lack, Jonathon H.; Ladd, Priscilla D.; Lahmeyer, Lillian A.; Lahmeyer, Michelle E.; Landry, Jeffrey; Lang, Cheri A.; Lang, Deborah S.; Langton, Michal; Lappi, Karen D.; Larson, Dean M.; Larson, Michelle R.; *Laudenberger, Theresa A.; Layton, Mark; Lawrie, Heather A.; *Leathard, Scott; Lee, Claire K.P.; Leonard, Lindsay; Lewis, Irene C.; Lock, Kathleen M.; Loewen, Reuben M.; Logan, Douglas M.; Longnecker, Barbara A.; Louis, Claudia J.; Lounsbury, Joel; *Lowe, George H., IV; Lowe, Jennifer (Mies); Lund, Thomas R.; Lundquist, Andrew.

M

Macaulay, Margie M.; Maculay, Gail C.; Magnusson, Lori M.; Mai, Audra M.; *Maitlen, Brandon; Maloney, Wayne; Martin, Bernadette V.; Martin, Guy R.; Mason, Paisley; Matsuno-Nash, Marie; May, Terence; McAlpin, Jay A.; McCabe, John T.; McClees, Charles J., Jr.; McCutcheon, Gloria; McGuire, Lesli L.; McInerney, Anne E.; McInturff, Janell A.; McKeever, Timothy A.; McKenzie, Connie; McLeod, Phillip W.; Menduno, F.M.; Messina, Gary S.; *Michalski, Nathan; Miller, Alexis R.; Miller, Terrence B.; Mock, Lisa C.; Moore, Elizabeth M.; Moran, Margaret A.; Moran, Michael P.; Morgheim, Jeffrey S.; Motley, Allison H.; Motznik, Lavonne L.; Murdey, Phyllis M.; Murphy, Ann Marie; Murphy, Lynne F. (now Hill); *Muscgrove, John; Musko, Tonja J.; Myers, Joanne.

N

Nelson, James B.; Nethercutt, George R., Jr.; Newman, Kathryn C.; Nichols, Steven; Nicolet, Katherine L.; Niemi, Celia B.; Nikzad, Cheri A.; Norton, Katherine H.; Nosek, Peter C.

O

O'Hara, Kristina D.; O'Leary, Michael S.; Odom, Jane H.; Odom, Milton W., III; Oliver, Lori Ann; Olson, Lori A.; O'Keefe, Sean; O'Keefe, Shannon B.; Opinsky, Celine;

Opinsky, Edith M.; Osborne, Jason M.; Otterney, Daniel P.; Oursler, Susan J.; Owletuck, George N.

P

*Palmer, Suzanne; Parker, Carole A.; Parsons, James; Patton, Penny E.; Paxton, Matthew; Pence, Randall G.; Perdue, Karen R.; Perles, Steven R.; Peterson, Darwin; Peyton, Leonard James; Phillips, William D.; Pierce, Rosemary D.; Pignalberi, Marco A.; Pillifant, Thomas H.; Pinnolis, Barry R.; Plunk, Karen S.; Powers, Penny S.; Pugh, Kristen; Pusich, Shannon M.

Q

Quam, Dana C.; Quinlan, Clarissa M.; Quisenberry, Jack B.; Quist, Linda A.

R

*Raabe, Aprille; Radakovich, Keith K.; Raffeto, John C.; Randall, William T.; Range, Kimberly D.; Rawson, Debra; Raymond, Patricia A.; Reeve, Mary; Reeves, Katharine E.; Rice, Eugenie A.; Richard, Ryan R.; Richards, Bonnie E.; Richardson, Linda L.; Richmond, Kristen K.; Rickett, Robert R.; Rideout, Anita; Rigos, Chris J.; Robbins, Jane A.; *Robbins, Mark; Roberts, Laury; Rogers Candice; Rogozinski, Janet L.; Roots, John; Rose, Mitchell F.; Rosenquist, Jane S.; Rosenquist, Matthew; Rosenwald, Cynthia M.; Rubinstein, Pamela A.; Ruff, Richard; Rugg, William J.; Rushton, A. Lyell, III; Russell, David C.

S

Sandahl, Virginia; *Saunders, Aaron; Schabacker, Chris; Schaefermeyer, Darryl J.; Schafer, Jennifer A.; Schemmel, Cheryl A.; Schley, Wayne A.; Schneider, Mark; Schroer, Jo Anne W.; Schultheis, Bruce E.; Schwartz, Judith A.; Scott, Shirley A.; Seekins, Kerri L.; Seelbaugh, Patricia A.; Shaftel, Douglas; Sharp, Amy R.; Shaver, Victoria L.; Shaw, Douglas B.; Shepherd, Leslie C.; Sherbert, Eva M.; Shore, Mary E.; Shoup, Sharon; Silver, Steven W.; Simpson, Maryann; Slick, Sherrie A.; Slovikosky, Beverly A.; Smith, Robert B.; *Sorensen, Ray; Southall, A. Doris; Spaan, Michael R.; Sparck, Amy; Sparck, Michelle; Spencer, Mark E.; Spils, Carol A.; *Spinelli, Lindsey; Springer, Mark A.; St. Sauver, Beverly K.; Staser, Jeffrey B.; Stealey, Katherine; Stealey, Mary L.; Stenehjem, Connie M.; Stengl, Susan P.; Stepovich, Antonia M.; Stepovich, Laura M.; Stepovich, Melissa M.; Stevens, Elizabeth (Engelken); Stevenson, Judith (Garnett); Stiefel, Justin; Stokes, Robert C., III; Stone, Michelle A.; Stone, Sandra; Sullivan, H. Paul, Jr.; Sumpter, Gerri; Sunne, Anne C.; Sutherland, Lisa; Sutherland, Scott A.; Swan, Lulu; Sykes, Gwendolyn;

T

Taft, Margo L.; Tanner, Patrick; Terlesky, Juanita S.; Tess, Terry L.; Todd, James M.; Todd, Karen G.; Tony, Paul D.; Trimble, Mary H.; Thompson, Pamela S.; Trump, Marsha V.; Teeley, Sandra E.; Turner, Lewis N.; Tyser, Sue E.

U

Utter, Brian.

V

Vallet, Paul P.; Vaughn, Philip; Vanderjack, Andrew; Verble, Saga O.; Von Gemmingen, Brett; Vrem, Lisa S.

W

*Wackowski, Steve; Wagoner, Norman B.; Wallace, John Foster; *Waller, Karina; Weaver, Karen; Weaver, Robert C., Jr.; Weddle, Aaron; Wahto, Heidi A.; Weddle, Justin; Weidlein, Patricia M.; Weiss, Kelly S.; Webster, Patricia S.; West, Jade C.; Wheeler, Ruth B.; White, Carol M.; Wilken, Alan W.; Williams, Cynthia G.; *Williams, Kate N.; Winn, Robert L.; Wold, Joanne; Wolek, Gail A.; Williams, Anne M.; Wonder, E. Paul; Wesley, David H.; Wood, Sarah A.; Woodrow, Shirley A.; Woodworth, Glen E.

Y

[Rollcall Vote No. 129 Leg.]

Yarmon, Joel; Yaune, James A.

YEAS—94

CONCLUSION OF MORNING
BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

INTELLIGENCE AUTHORIZATION
ACT FOR FISCAL YEAR 2007—MO-
TION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 372, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to S. 372, a bill to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 20, S. 372, Intelligence Authorization.

Harry Reid, Sherrod Brown, Claire McCaskill, Jack Reed, Jon Tester, Patty Murray, Jeff Bingaman, Amy Klobuchar, Blanche L. Lincoln, Evan Bayh, Benjamin L. Cardin, Max Baucus, Pat Leahy, Chuck Schumer, Byron L. Dorgan, Ken Salazar, Dick Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to consideration of S. 372, a bill to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 94, nays 3, as follows:

Akaka	Durbin	Murkowski
Alexander	Ensign	Murray
Allard	Enzi	Nelson (FL)
Baucus	Feingold	Nelson (NE)
Bayh	Feinstein	Obama
Bennett	Graham	Pryor
Bingaman	Gregg	Reed
Bond	Hagel	Reid
Boxer	Harkin	Roberts
Brown	Hatch	Rockefeller
Brownback	Hutchison	Salazar
Bunning	Inhofe	Sanders
Burr	Inouye	Schumer
Byrd	Isakson	Sessions
Cantwell	Kennedy	Shelby
Cardin	Kerry	Smith
Carper	Klobuchar	Snowe
Casey	Kohl	Specter
Chambliss	Landrieu	Stabenow
Clinton	Lautenberg	Stevens
Cochran	Leahy	Sununu
Coleman	Levin	Tester
Collins	Lieberman	Thomas
Conrad	Lincoln	Thune
Corker	Lott	Vitter
Cornyn	Lugar	Voinovich
Craig	Martinez	Warner
Crapo	McCain	Webb
DeMint	McCaskill	Whitehouse
Dole	McConnell	Wyden
Domenici	Menendez	
Dorgan	Mikulski	

NAYS—3

Coburn Grassley Kyl

NOT VOTING—3

Biden Dodd Johnson

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Who seeks recognition? The Senator from Montana is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KERRY. I ask unanimous consent that I be permitted to proceed in morning business and that I be followed by the Senator from North Dakota.

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

Mr. KERRY. I also ask unanimous consent that the time be charged to the postcloture time.

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

IRAQ

Mr. KERRY. Mr. President, I rise to speak about the situation in Iraq, notwithstanding that the headlines and the television shows over the last days have been consumed by discussions about what happened with the Duke lacrosse team and comments made by Don Imus and other things.

Yesterday, I attended another funeral for a young soldier, a sergeant in the U.S. Army, 10th Mountain Division, Chris Wilson, at Arlington. That is where the real focus of our country

ought to be right now, on the war in Iraq, about which yesterday the Senator from Arizona gave a speech that I thought was divisive, a speech that was more political than one that offered a solution, because the solution is not more of the same. The solution is not to characterize the war as it has been characterized over the course of the last 4½ years, as a do-or-die fight against al-Qaida over there or it is going to be over here. This is the most amazing scare tactic we have seen employed over the last years. It avoids reality, and it draws the United States deeper and deeper into a position of loss of credibility and loss of leverage in our ability to do what we need to do.

I don't know one person in the Senate who cheers for surrender or cheers for loss or for chaos in Iraq. To suggest that is an insult to the Members of the Senate. It is an insult to those of us who care as much about victory and as much about success and as much about the lives and support of our troops as anybody in public life today. The devastating attack in Baghdad yesterday, the lack of any real political progress as a result of the President's escalation, and the incredible toll this is taking on our Armed Forces deserves a real debate, not a polarized, divisive appeal to the lowest common denominator of fear in American politics.

It also deserves a debate about what this administration could learn if it listened to our generals. We are now more than 4 years into the war in Iraq and, tragically, it is only now that the administration suddenly realizes: Wow, maybe we ought to find one individual who can coordinate the war efforts between Afghanistan and Iraq and have the authority to coordinate the military efforts and civilian efforts. But they are doing it at a time where apparently no one wants the job, and no one wants the job in the most extraordinary way. It says a lot, when the President finally decides to appoint a war czar in order to get everybody on the same page, that the situation in Iraq is actually so bad and the administration's stubborn willingness to change course so persistent that they can't, at least as of now, find anybody to take the job.

I read yesterday's articles on the front pages of our paper in Washington. I was really stunned. This administration has approached three retired four-star generals about taking on this task. Maybe Senator McCain ought to stop and think about why those generals resisted an appeal to their patriotism, to their sense of duty, to their service to country after years of a career in the U.S. military. What did Marine GEN Jack Sheehan say? He is not an opponent of this administration, nor is Army GEN Jack Keane, nor retired Air Force GEN Joseph Ralston. All three declined. None of them are opponents of this administration. In fact, they all have established ties with this administration. Why would our top military commanders decline such a high-level position?

General Sheehan, a 35-year marine who once served as the top NATO commander, summed it up pretty well in what I thought was an extraordinary statement.

He said:

The very fundamental issue is they [the administration] don't know where the hell they're going.

That is a 35-year retired Marine general:

... they don't know where the hell they're going.

Then he said:

So rather than go over there, develop an ulcer and eventually leave, I said no thanks.

It is pretty incredible that three retired four-star generals, whose careers, whose service to the Nation, whose understanding of the military is a lifetime of experience, all said no to the Commander in Chief.

The President insists he listens to the generals, not the politicians. He ought to heed his own advice and end the disgraceful record of ignoring the very military administration he professes to believe in. Again and again this administration has turned its back on the best advice of the military. Each time they have done so at our peril. Start with General Shinseki, who we all now agree was right when he said we needed a lot more troops and was met with dismissal. As the former top operating officer at the Pentagon, a different Marine lieutenant general put it:

The commitment of our forces to this fight was done with a casualness and swagger that are the special province of those who have never had to execute these missions—or bury the results.

Instead of listening to General Shinseki, the administration decided to push him aside, give him the cold shoulder, and eventually retirement.

Last year, retired high-ranking military leaders, many of whom played key combat or planning roles in Afghanistan and Iraq, came forward and publicly called for the resignation of Defense Secretary Donald Rumsfeld. Across the administration, the warnings of those who wore the uniform of their country all their lives and who, retired or not, did not resign their citizenship in order to serve their country all were dismissed as acts of disloyalty or as threats to civilian control of the Armed Forces. Think about that. A retired military officer who isn't wearing the uniform, earned their retirement, speaks out about a war they were personally involved in helping to plan, saying: We have to change course. They are somehow called unpatriotic and disloyal, and somehow that threatens the civilian control of the Armed Forces. How does an ex-military officer who has the right to speak out threaten civilian control of the Armed Forces? It is the scare tactic, the usual approach of this administration—try to throw out a big red herring, put the straw man out there and debate the straw man instead of debating the real strategy of the war.

In the end, it took an election. The American people spoke out. That is

what replaced Secretary Rumsfeld, not the advice of the men and women who had seen him nearly break the military they had served for decades. That was the administration's choice. But it didn't stop there. Ask General Casey or General Abizaid, who warned that more U.S. troops would not solve Iraq's security problem and could actually slow the process of getting Iraqi security forces to assume more responsibility. The Joint Chiefs of Staff, who unanimously opposed this escalation—what happened to listening to the Joint Chiefs of Staff and their recommendation? General Abizaid was replaced. General Casey was reassigned. The Joint Chiefs were overruled. Yesterday, we learned that the Pentagon is going to stretch our overextended military even further by extending combat tours and reducing the time between rotations to provide the additional troops necessary for the President's misguided escalation. What do our military leaders have to say about that? Robert Scales, a retired Army two-star general, said that to sustain this deployment while giving soldiers the training and the rest they need would require twice as many Army and Marine Corps brigades as we have today. Then he warned, this two-star Army general, that the Army is about to be "broken."

We are hearing our own generals talk to us again about what is happening to our military that is overstretched and about to be broken. Those are not our words; those are the words of military personnel. Barry McCaffrey, retired Army four-star general, who recently returned from another factfinding trip to Iraq, tells us that combat equipment for both the Active and Reserve components "is shot." His conclusion was simple:

There is no argument of whether the U.S. Army is rapidly unravelling.

At a time when mistake after mistake is being compounded by the very civilian leadership that ignored expert military advice in the invasion and occupation of Iraq, those who understand that the price for each mistake is being paid by our troops must be heard. The message from the generals who were offered the war czar position has been crystal clear. If they really thought the administration had a strategy that could succeed in Iraq, why would they turn down the job? There is a very good reason for their skepticism. This administration simply refuses to accept the reality of how you change course or even that you must fundamentally change course in Iraq.

We keep hearing that the escalation is showing progress. While the level of Iraqi civilian casualties may have gone down in Baghdad, it has gone up in other parts of the country. Why? For the obvious reason that they have the flexibility of choosing where they will engage. Almost a certainty, some came to the floor and predicted: Put more troops into Baghdad, they will retreat into the shadows, into other communities. They will probe, they will find the weaknesses, and that is where they

will reengage. That is precisely what has happened. The overall casualty rate in Iraq has remained essentially the same.

Just today we learned of a devastating suicide bombing in the Iraqi Parliament, right in the heart of the heavily fortified Green Zone. Ten people died, including two Iraqi lawmakers, along with any sense of personal security in what is supposed to be the safest part of Baghdad. It is a strange definition of the progress we have been hearing about. How are more American troops going to stop a single fanatic with explosives strapped to his or her chest?

One thing we do know is American troops are paying the ultimate price for this escalation. In the first 7 weeks, the number of U.S. troops who died in Baghdad doubled. On Monday alone, we learned of two more soldiers from Massachusetts who died in Iraq, CAPT Anthony Palermo, age 26, of Boston, MA, and SGT Adam P. Kennedy, 25, of Norfolk, MA. The administration says that these men and women are giving their lives because the purpose of this escalation is to allow the Iraqis space to make the political deals that we all agree are the only hope for ending the civil war. But if the violence is going down in Baghdad, where is the political progress? We keep hearing that the Iraqis are getting closer to a deal on sharing oil revenues. I think we have had the Secretary of State in front of the Foreign Relations Committee at least twice that I can think of in which she has said: We are almost there, we are nearing a deal. The last time was a month and a half ago, maybe 2 months ago. Where is the deal? Every time, hopes for a final deal turn out to be an illusion. Where is the rapidity of the Iraqi response to the political compromises that need to be made to resolve this?

The de-Baathification law that is a key part of the national reconciliation process was recently denounced by Ayatollah Sistani and is nowhere near completion. The Iraqis are still at square one when it comes to amending the Constitution and disarming the militias. Still the President refuses to impose any meaningful consequences on the Iraqis for failure to meet these benchmarks.

Now, again, I listened to the speech of the Senator from Arizona yesterday in which he talked about those who advocate surrender and those who cheer for the potential of loss. Again and again, our military leaders have said there is no military solution in Iraq. General Abizaid said it. General Casey said it. Most recently, General Petraeus—new on the job—reiterated there is no military solution. The President has said it. The Secretary of State has said it. Donald Rumsfeld said it.

But where is the diplomatic effort necessary within the whole Middle

East, let alone in Iraq alone, to leverage the kind of transformation that is necessary to end the civil war? And how dare the Senator from Arizona only talk about the fundamentals of al-Qaida and how if we don't fight them over there we will fight them over here, when the fight is really one between civil parties in Iraq?

Yes, al-Qaida is in Iraq. We understand that. Yes, al-Qaida has the ability to be able to bomb something and create trouble as a consequence of that. But the real violence, the fundamental divisions, the piece of this which is extending the stalemate and the American presence at the same time is the unwillingness of the Shia and Sunni and the politicians who are fighting for position and for the future spoils of Iraq itself—their unwillingness to resolve those differences.

The longer the U.S. military stays there saying: We are here, we are going to do this, we are going to go out and do the pacification, we will do the military backup—as long as that security blanket is there, those politicians know they can take as long as they want to come to any compromise.

I have heard some of our own diplomats in the region express their concern about the open-endedness and express the lack of leverage over the Iraqis themselves that helps us bring a resolution here.

The only way in which you can change the dynamic on the ground is when the administration accepts the simple reality that this Congress has now voted on, that the Iraqi politicians have repeatedly shown they only respond to a deadline, a deadline to transfer the authority. Remember that, back when Ambassador Bremer was there and we said: "We are going to change the provisional government. We are going to transfer authority to Iraq," and they said: "Oh, no, we're not ready. Don't do this." But we said: "It is going to happen. It is going to happen on this date. Get ready." And it did, and we did transfer the authority. The same thing for the two elections and the referendum. I remember them saying: "We have to push this off. We are not ready for the election. Can't participate." We said: "No. We're going to have this firm date. We're going to have an election." And guess what. We had the two elections. We had the referendum. We got the Constitution, flawed as it is. But we pushed people to understand this was not open-ended and interminable.

The fact is, I do not believe young Americans ought to be dying or maimed to provide a window of opportunity for Iraqi politicians to continue to procrastinate, to give them the cover they need and want to be able to manipulate and maneuver and position themselves for power. That is not what our troops went over there to do. If you go back and reread the resolution we voted on here, it was to deal with Saddam Hussein, it was to deal with the weapons of mass destruction; it was

not to put our troops in the middle of a civil war and engage in the kind of struggle we are involved in today.

Mr. President, another thought about this issue. Again, there are those running for President on the Republican side who I guess have found that the orthodoxy of their primaries requires them to go out and suggest that Democrats want something they do not want. So maybe we have not learned anything about the truth in American politics. But the fact is, no Democrat whom I know of has suggested abandoning Iraq. No Democrat has suggested inviting chaos—more than the chaos that exists today.

In fact, we have what we believe is a plan for success, and it does not leave Iraq without the presence of American troops—I might add, to the chagrin of some people in this country who think it ought to. It leaves the President the discretion to finish the training of Iraqis. That is the principal thing we ought to be there to do. And it leaves the President the ability to be able to decide how many troops are necessary to complete the task of training the Iraqis. It also leaves the President the discretion to decide what the President needs in order to prosecute al-Qaida. It does not walk away from the battle against al-Qaida. It leaves those special forces and special operations and intelligence-gathering and other operations necessary to continue to prosecute al-Qaida. Finally, it leaves the President the discretion to be able to leave such forces as are necessary to protect American facilities and personnel.

Now, how much more discretion, at this point in time, after 4-plus years of war, when they have made every decision wrong, should we allow the President? People say: Don't micromanage the war. Somebody has to manage this war because the folks who are in there, obviously, are not doing it effectively. When you have your own generals coming back and telling you the troops still do not have the armor, they still do not have the level of up-armored Humvees, they are still going out on patrols in ways that are, in many cases, provocatively dangerous and invite the kinds of injuries they are getting, without the gain on the back end as a consequence of the risk they have taken, I think that is unacceptable.

Last month, Iraq's neighbors and key players from the international community finally got together at a conference in Baghdad. Guess what. Nothing tangible came out of the conference. There is no sense of urgency about the upcoming meeting in Egypt, which is why a deadline is so essential. The countries in the region need to know this dynamic is going to change.

To the degree they are concerned about Iran, to the degree they are concerned about their Sunni brothers—and they are; Saudi Arabians, Jordanians, Egyptians are predominantly Sunni, and they are deeply concerned about the Sunni minority in Iraq. But they

need to translate that concern into a regional security plan where there is a greater level of assistance in order to force the kinds of compromises necessary between the parties. Absent that, this is just going to go on.

We owe it to our troops and to our country to have an honest debate and to try to work together to find the way forward in Iraq. I think the speech Senator McCain gave yesterday, in which he said Democrats were cheering for defeat and surrender in Iraq, does a disservice to the Senator from Arizona as well as to the U.S. Senate. I think he knows better. And he knows full well that no one here wants to see Iraq fall apart. But we have a different plan for how you prevent it. We have a different plan for how you achieve success.

It seems to me that a plan that says the President has the discretion to leave troops that are necessary to complete the training is not, on its face, an abandonment of Iraq. It is an alternative way of achieving the leverage necessary to be able to get the responses we have not gotten over the last 4 years.

So, Mr. President, we disagree on the strategy, but we do not disagree on the stakes. The Vice President hides behind similar rhetoric. He dares to claim that those who offer a new way forward are "undermining" our troops. Well, I have had enough of that rhetoric. I have had enough. And I think most of my colleagues have.

Undermining our troops? Let's have that debate, Mr. Vice President. This is a Vice President who helped send them into combat without adequate protection, without adequate numbers of troops, without an adequate plan, without the guarding of the ammo dumps, without the kind of engagement diplomatically that helps them, without the humvees that were up-armored, without the armor—that's why parents in America are going out and buying the state-of-the-art armor for those troops. And this President and Vice President want to talk about undermining the troops?

Let's have a debate with an administration that sent them into battle in Iraq with serious injuries and other medical problems, including some whose doctors said they were too injured to even wear their body armor. You want to have a debate about undermining the troops? Then how about failing to provide them with the proper medical care when they come home with broken bodies and minds, with a VA budget that is inadequate, with a hospital situation that does not follow up and honor the sacrifice they have made? How about the extended tours in Iraq, where people have given up their jobs and their livelihoods because they are in the National Guard and they have been called up repeatedly, and they are the sole proprietor of a business? How about that?

It seems to me Congress has done what the President and this administration have stubbornly refused to do.

We have recognized the best way you support the troops is to change a failed policy. The best way you support the troops is to implement a strategy that works for those troops. The best way you support the troops is to guarantee we put in place a strategy that honors their sacrifice and really leverages the real interests and real stakes of the United States in the region.

I think we ought to honor the lives lost, not with words and not with divisive speeches, but we ought to honor them with lives saved. That starts by putting aside the hollow rhetoric and the straw men that have undermined a real debate for far too long and by supporting an exit strategy that preserves our core interests in Iraq, a strategy that negotiates a new security arrangement for the region; helps to leverage the kind of participation of other countries that have an interest in standing up to Iran; and regains our credibility in the region, which has been tattered with Abu Ghraib and Guantanamo, not to mention the policies in Iraq themselves.

Our own CIA has told us the current strategy is creating more terrorists, that it is emboldening the radical Islam extremists. What we are offering is a strategy that we believe better speaks to America's values, to America's interests, and, most of all, to our obligation to the troops.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

AMERICAN WORKERS

Mr. DORGAN. Mr. President, there is a poignant story about the days following the death of Franklin Delano Roosevelt. As his body lie in state here in the U.S. Capitol, long lines of people formed in order to file past the body of the dead President. A journalist interviewed a worker who was standing there, with his hat in his hand held in front of him, with tears in his eyes. The journalist asked this working man, who had been standing in line for some long while: Did you know Franklin Delano Roosevelt? The working man looked back at him and said: No, I didn't. But he knew me.

The question is, Who knows American workers today? I ask that question because I read in the paper that Circuit City, a pretty well-known corporation in this country, has decided it wants to lay off 3,400 workers. Here is what Circuit City said about those workers:

It had nothing to do with their skills or whether they were a good worker or not.

That is according to a Circuit City spokesperson.

Now, this sort of thing follows on the heels of the offshore outsourcing of many other American jobs, American companies shutting down. There is no more Fruit of the Loom underwear made in America, no more Levi's made in America, no more Huffy bicycles made here, no more Fig Newton cookies made here. There are no more Radio Flyer little red wagons made in Amer-

ica. It is all gone. It is all outsourced. Those workers all got fired. Pennsylvania House Furniture. I could go through the long list.

We understand that even as companies outsource jobs to China in search of 30-cents-an-hour labor, other companies that keep their jobs here have decided to put downward pressure on wages to be competitive, so we see the announcement of Circuit City. Three thousand four hundred workers need to be laid off because they are paid an average of \$10 to \$11 an hour; they are firing workers making 50 cents above the average. They plan to replace them with new workers who will work for substantially less, and they say they are going to save \$110 million through these firings and replacements.

But Circuit City executives actually seem to be doing a little better than the workers. The employees are losing their jobs, but the CEO gets \$10 million a year. The chairman gets \$10 million, the CEO gets \$10 million, the executive VP gets \$6 million. This is from a company that lost money. I don't know. Maybe in some towns that seems to work. In my hometown, it wouldn't work very long.

It seems to me we are becoming a society of disposable workers, run by those who don't think workers make much of a difference in this country. Circuit City said they will start hiring replacements immediately. Anybody can apply for the jobs except for the Circuit City workers who were fired. They have to wait 10 weeks, and then they can reapply for the job at a lower salary.

So let's put some names to these 3,400 workers. I pulled some out of the newspaper.

Bobby Young worked 20 years for Circuit City. He got a letter from his boss saying he was fired. It was addressed "To Whom It May Concern." It is unbelievable. He said he is 47 years old. "What they did as a company to me, it's not the American way," he says. To Whom It May Concern: You are fired. It tells you a little something about the concern about the workers, doesn't it?

Alan Hartley, Charlotte, NC. He thought he and other top employees were being called into a special meeting because he thought they were going to be recognized for outstanding performance, but it wasn't quite that way. They decided they were going to be recognized to be laid off because they should be replaced with lower paid workers. Now he says they are going to hire people who aren't properly trained for the jobs to help take care of the customers.

I haven't told my kids yet. They don't know I just got fired for doing a good job.

Steven Rash made \$11.59 an hour; worked for the company 7 years. He was working another full-time job as well—two jobs to pay off his student debt.

It is not just Circuit City. There are other companies. I will not go through

the whole list of companies. David Leonhart of the New York Times said that companies are wringing out what they see as inefficiencies. The inefficiency of paying \$11.50 an hour; God forbid we should overpay people by \$11.50 an hour, plus give them a little health insurance and retirement as part of their compensation. Well, when pensions and health insurance and \$11.50-an-hour salary is viewed as an inefficiency, there is something wrong in this country. He also says this is a corporate safety net that is being taken away. There is no corporate safety net. It is a basic American standard of living that workers have bargained for.

Let me ask the question whether this applies to everybody. No, it doesn't. It just applies to workers, the people who take a shower after work. It just applies to those people. Top executives—in 2006 there were 35 chief executives who were fired for poor performance and, combined, they got \$799 million payment as they went out the door. Pfizer's chairman, he got \$200 million when he bailed out of that company, despite the fact the company had lost more than \$130 billion in value. Home Depot chairman, he got fired on the very first day of 2007. He got \$210 million as he went out the door. United Health Group, he somehow ended up with \$1.1 billion in stock options as he went out the door. I don't quite understand all these things.

Jack Welch, a celebrated CEO, wrote the book "Winning," and after he retired from General Electric, he got a package he was sufficiently embarrassed about, once it was disclosed, that he decided to give some of it back.

His package included an \$80,000-a-month Central Park apartment during his retirement, lifetime use of the company jet, membership at an array of country clubs, maid service at multiple homes, limousines and prime tickets and several homes.

I don't understand how we have come to the point where the average CEO in this country, the average CEO of Standard & Poor's 500 companies, made \$14.7 million. CEOs on average are paid 411 times more than the average workers in this company. Think of that. In 1965, CEOs on average were paid 25 times more than the average worker. Now it is 411 times more. Yesterday I opened the paper and read that Sprint CEO got a compensation package of \$21.3 million, the former Nextel chairman got \$36.2 million. Sallie Mae, by the way, in the business of providing student loans, their chief executive officer got a package of \$16.6 million and a bonus of \$2.5 million as a part of that. Ford Motor lost \$12.6 billion last year. It went out and recruited a new chairman—oh, by the way, for the chairman, when the company lost \$12.6 billion, that chairman got \$10.5 million last year. They just went to hire a new guy and he got a \$28 million package which includes an \$18 million bonus.

The average CEO who was fired last year got \$9 million in severance.

Abraham Lincoln once said there is no America without labor and to fleece the one is to rob the other.

There is a man named Bob Negley. Bob Negley is quite a remarkable businessman, a very unusual businessman. He ran a company called Rollerblade. Most of us know about Rollerblade. I like to rollerblade, personally—inline skates. I think it is a great sport. I haven't even broken a bone. Maybe I shouldn't say that, but I like to rollerblade. Bob Negley ran Rollerblade and then he sold it. After he sold it, he did something that is very unusual in this country. He moved to Florida, midyear, sold his position in Rollerblade, that controlling position, and moved to Florida. Then Christmas-time came around and all the workers who worked for Bob Negley who made Rollerblades began to get Christmas cards from Bob Negley and his wife. In the Christmas card as they opened it up was a check from this man who had previously owned the company 6 months before. With the check was a note and it said this: I sold this company and I made a lot of money, but I understand what made this company successful. It was all of you. You worked out there in the plants and in the factories, you worked in engineering, you worked in marketing, you are the ones who made this company successful and, as a result, I made a lot of money. I want to share some of it with you. He included in the Christmas card a check computed on the number of years of service which some employees found to be over \$20,000, and, by the way, he said, I have prepaid your Federal income taxes on this money. Accept this as a token of my appreciation because you were the company, you made this company successful.

Contrast that, if you will, with these days all the discussions in the newspaper about Circuit City who has to get rid of 3,400 workers. Why? Because we want to hire less-experienced workers, and we want to bring them on for less money; \$11 an hour is too much.

Or, perhaps, Wal-Mart, which sends an internal memorandum around. A top executive writes a memo in Wal-Mart and says the cost of an associate—that is an employee, by the way, but you know this notion of “associate.” In my hometown there was a one-eyed, 3-legged dog with fleas they named “Lucky,” so names don't mean very much.

So he says, the cost of an associate with 7 years of tenure is 55 percent more than the cost of an associate with 1 year of tenure, and yet there is no difference in his or her productivity. Message? Don't let people stay around very long. Let's have a lot of turnover here. Let's have people around who don't know anything so we can pay them nothing. This is going on in this country, and the question is, Who is going to stand up for American workers? Who decides for a change that the expansion of the middle class in this country, where workers were paid well,

was something that represented the success of the American economic engine? Who is going to decide that? These companies that decide that workers are like wrenches: use them up and throw them away, it doesn't matter, or will they decide, once again, as Franklin Delano Roosevelt did, or as did that worker standing with his hat in his hands said: I know American workers. That President knew American workers. Will we decide finally that American workers have value in this economic system?

Sure, we can outsource everything. We can ship all these jobs to China and pay people 30 cents an hour to make bicycles to be sold in America. We can decide that we are going to get rid of all these workers and replace them with \$8- or \$6-an-hour people. Is that what is going to build a better country? Is that what is going to expand the middle class? There is no social program in this Chamber that we debate and talk about that is as important to the American people as a good job that pays well with good benefits. It is time, long past the time we start to remember that.

Yes, I used some company names here and I have described some severance packages. Perhaps I shouldn't single those companies out, but the fact is they put themselves on the front section of the business section of these newspapers with their own news: We want to get rid of 3,400 employees; that's what Circuit City says. I am saying that is a value system which ignores the fact that workers are your company. I told a company that was in to see me not so long ago: Your brand is a brand all of us recognize. Your brand is not just something painted someplace; it is the people who work for your company. If you don't understand that, at some point that brand will be worth virtually nothing. This country needs to begin to understand, once again, and honor, once again, work and working men and women who struggle every day. They get up, they work, they work hard, they give you an honest day's work, and they come home and try and raise a family and do all the things that make life in this country worthwhile. All too often these days we see this notion that somehow, by some companies, workers don't have value, don't have worth. That is a very serious mistake. Both in public policy and I hope in the private sector, we need to turn this around and understand this country's success depends on expanding the middle class, on providing opportunities for the people in this country—opportunities, yes, for a good job that pays well, to take care of families and provide the things you want for a good life in this country's future.

Mr. President, I yield the floor, and I make a point of order that a quorum is not present.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. 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. GRASSLEY. Mr. President, when I am done—and I think that will be in about 15 or 20 minutes—I ask unanimous consent the Senator from Texas, Mr. CORNYN, follow me.

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

BUDGET

Mr. GRASSLEY. Mr. President, 2 weeks ago we passed the budget resolution in the Senate. One week after that, the House passed their budget resolution. So we are in a position of being conferred between the House and the Senate on a budget resolution, and I thought at this point I ought to give some updates, particularly as it relates to the work of the Committee on Finance, and particularly as it relates to the issue of taxes and an impending tax increase that is out there—tomorrow, almost—a few years away if we don't do anything to stop the biggest tax increase in the country, or that will be, in fact, the biggest tax increase in the country.

So as the budget resolution slowly works its way through Congress, one especially important issue wrapped up in this whole great big budget resolution and document is the longevity of the bipartisan tax relief that was enacted in 2001 and 2003, and this very day those tax decreases for working men and women are still in place and will be in place through the year 2010. It has always been my goal, when you have Chairman Greenspan saying that this tax relief for working men and women is the reason the economy has rebounded, that we should continue this tax relief into the future, because if it is the goose that laid the golden egg of 7.8 billion new jobs being created since the recession, then we ought to keep that golden egg working for the American taxpayer.

Some people may not give the contents of a budget resolution much consideration since it does not get signed into law by the President but is merely a set of guidelines for tax and spending decisions that apply to Congress as we make permanent law and as we make decisions on tax policy for the future. Those tax and spending decisions must go to the President for his acting on them and then become law.

For this reason, along with anyone who supports tax relief, we are very concerned about the budget resolutions passed by the Democratic majorities in the House and Senate that are now in conference. Yes, this is a Republican Senator. I am in the minority now since the last election. So I want to raise these concerns as a responsibility of the majority and to alert the American people about what the majority might be up to, or if they are not up to it, what the consequences are if nothing happens.

This concern is derived from the fact that the two budget resolutions—the one in the House and the one in the Senate—do not provide for the extension of tax relief beyond 2010. What does it mean when I use the words the budget resolutions do not provide for “the extension” of tax relief beyond 2010? That means, if Congress takes no action, we will have the biggest tax increase in the history of the country, and we will have that tax increase without even a vote of the Congress.

For the first time in more than 6 years, Congress is sending a message, then, that there is no guarantee of continued tax relief. In fact, the Democratic budget resolutions say the very opposite. The budget resolution passed by the Senate only provides 44 percent of the revenue necessary to extend these popular, bipartisan—and let me emphasize bipartisan—tax relief bills of 2001. Mr. President, 44 percent is not enough, but that 44 percent is more than the big fat zero percent in the House-passed budget resolution. The House-passed budget resolution provides no revenue room for the extension of tax relief, meaning that the majority of the House of Representatives right now is taking a position on the budget to let the biggest tax increase in the history of our country go into effect without a vote of Congress.

What does that mean, besides the biggest tax increase in history? It means things such as no tuition deduction for people sending their kids to college, no teacher deduction for the supplies the teacher might buy out of their own pocket. Those are just a couple of popular items that would expire at that particular time that would be a small part of the biggest tax increase in the history of the country, happening without the vote of the people.

I would like to think that I am an optimist, but in conferencing two resolutions, which cover 44 percent on the part of the Senate and zero percent on the part of the House, I am doubtful of reaching a number greater than the already inadequate number of 44 percent provided in the Senate. This stands in stark contrast to the budget that the President submitted this February and to the budgets the President has submitted over each of the last 6 years. All of those budgets provided the revenue room to make bipartisan tax relief permanent. In other words, the President is asking Congress to take action so that the biggest tax increase in the history of our country would not happen; and if it did happen, it would happen without a vote of the people. He thinks that Congress making a decision for tax relief for working men and women provided the incentive, according to Chairman Greenspan, for the economic recovery—and we have now created 7.8 million new jobs—and ought to be made permanent tax policy. In other words, don't kill the goose that has laid the golden egg.

The Democratic budget resolutions can be best represented by a chart that

I have here which shows that in terms of the guaranteed tax relief proposal, they amount to a big goose egg for the American taxpayer. We have it right here on the chart. That is a big fat zero. If they are lucky, I suppose college-bound taxpayers could sell this goose egg back to the Democratic leaders in the House and Senate because they will need the money if they are not able to deduct the cost of tuition.

What is even more inexplicable than the Democrats' failure to extend the popular and bipartisan tax relief enacted in 2001 and 2003 are some of the reasons given. The chairman of the Budget Committee this year basically said that since the Republicans wrote that law—forgetting that it was bipartisan in 2001; how clever to ignore that fact—it is our problem. The leftwing of the blogosphere has echoed that message of the Democratic leadership.

In regard to the left side of the blogosphere, I will briefly describe two posts my staff found on the Internet. The first comes from a scholar of government who posts the Daily Kos under the name of “piec.” I may be mispronouncing that, and if so, it is unintentional.

According to piec's analysis, the Tax Increase Prevention and Reconciliation Act of 2005, which was signed last May by President Bush, was a “poison pill” designed to sabotage the economy to increase the prospects of Republican candidates in 2012. The argument seems to be that having popular and bipartisan tax relief from 2001 and 2003 all sunset at the end of 2010 would cause such an economic mess that the Democrats, assumed by the blogger, piec, to be in power at that time, will take the blame and suffer at the polls.

Wouldn't it have been nice if I could think as chairman, when we wrote that bill, that I was smart enough to see ahead from 2001 to 2012? Thank you, piec, for giving me that credit. But I didn't know that. We passed it because of the rules in place at that particular time. It had to sunset.

Another observer of Government posted comments under the name of “Blue Bunting” to the “Care2 News Network.” In a posting titled “The Monster Republican Tax Hike,” Blue Bunting says that the “Republican Congresses chose not to make their tax cuts . . . permanent.” Her argument seems to be that Republicans put sunset clauses in a bill solely to improve the long-term budget projections and that responsibility for the expiration of tax relief rests completely with the Republicans, even though the Republicans are in the minority. The implication is that by lowering taxes, Republicans are responsible for a tax increase that would occur when the Democratic majorities control both Houses of Congress, even though taxes coming in from all the taxes that the Federal Government collects run to a 50-year average of what they have been, 18.6 percent of GDP. If it has been that way for 50 years, what is the problem?

Now, these blogs I have just referred to, these commentaries, are available to anyone if you want to read them online. But to make it easier, I ask unanimous consent that they be printed in the CONGRESSIONAL RECORD.

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

[From the Daily Kos, Feb. 27, 2007]

TIPRA, THE POISON PILL (A COMMENTARY)
(By Piec)

I was reading the diary, “Capital Gains and Dividend Tax Cuts Are Robbery” by Dean Nut 2/18/2007. Interesting thought . . . to have all your income coming from investment just to have a lower tax.

I'd say, though, that is a very risky way to live because then you're totally at the mercy of selfish, economy saboteurs who we have stupidly elected to our very own government. What a shameful group of individuals they are, too! Caring nothing for their country. Caring only for their selfish, hogging selves! Everyone of them should be tried as traitors!

Look back to recent history, to May 17, 2006. What happened on that day? Bush signed the extension of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (JGTRRA). The new bill, called the Tax Increase Prevention and Reconciliation Act of 2005 (TIPRA), didn't have anything to do with stimulating the economy in a post-911 period. Bush and his fellow Republicans knew that the war wasn't going well and that the U.S. people were down on them for it. The mood of the country was becoming increasing more anti-Republican with every U.S. soldier that came home in a coffin. The Republican party was bleakly looking toward the November 2006 elections and surely would lose their tails off. The party needed to do some long-range planning. Thus, the TIPRA passed legislature: The House of Representatives approved (H.R. 4297) by a vote of 244 Republicans to 185 Democrats opposed, and the Senate approved it 54 Republicans to 44 Democrats opposed.

Yes, this was long-range planning. TIPRA was a poison pill for the U.S. economy because it extended the pain that people would start feeling in their pocket books beginning on January 1, 2008. Originally, 2008, a presidential election year, was set up to be the ONLY year that the capital gains tax rates for 10 percent and 15 percent bracketed filers would drop from 5 percent to 0 percent. Short term, this bottoming out of tax rates in those tax brackets would stimulate the market and, thus, the economy. But because of the extension created with TIPRA, the rock bottom percentage would not be a “good thing”, but a huge market-swing, a market-swing toward recession—simply because the Republicans wished the “good thing” to become a poison pill and, thereby, drag controlling-democrats down into a spiraling hole for the duration of three, entire years.

On January 1, 2011, as the law now stands, everything will sunset. This, 2011, is the third year of the next presidential election cycle. Right when the country will be deepening into recession, the tax brackets will sunset. This means that everything tax-wise will be as it was pre-911. Ten percent, 15 percent, 25 percent, 28 percent, 33 percent, and 35 percent tax brackets will become, once again, 15 percent, 28 percent, 31 percent, 36 percent, and 39.6 brackets. Actual cash dollars will be squeezed out of every man, woman, and child in the form of raised taxes, and just when they thought that they couldn't bleed anymore. The capital gains tax rates will also sunset. The post-911 tax

brackets of capital gains and qualifying dividend rates of 0 percent for 10 percent and 15 percent bracketed filers and 15 percent for everyone else will become the old 10 percent for gains in the 15 percent bracket and all others will be 20 percent. Plus, that screwing five-year holding period rule will be back to trap people again for good. Yes, TIPRA's only purpose was to sabotage the U.S. economy and drive the power of Congress back to Republicans in 2012.

It absolutely makes me sick to see fellow Americans operate like this . . . tear the whole country and weaken it, just to satisfy some evil, selfish desire for power. We never sent them to government to serve ONLY themselves!

Mr. GRASSLEY. To begin with, it is completely ridiculous to suggest that President Bush and Republicans in general did not intend or desire the permanence of tax relief. President Bush and my party generally have favored permanence of tax relief—not just because it brings in less money, but because permanence of tax policy—when investors and laborers can depend on the tax policy, you are going to get better planning long term. It is better for the economy.

Mr. President, you need to look no further than the budgets to which I have referred. The administration and the Republican Congress have budgeted for an extension of the bipartisan tax relief provisions. That action has affected the bottom lines of these budgets. And as we heard over and over again, the Democratic leadership, the liberal think tanks, and sympathetic east coast media have criticized the bottom lines of those budgets. So the Democratic leadership, the liberal think tanks, and the sympathetic east coast media cannot have it both ways. We are not going to let them have it both ways. They cannot shut off the bipartisan tax relief, take credit for the supposed deficit reduction, and also claim that there is tax relief in this budget that passed the Senate 2 weeks ago and the House a week ago.

Getting back to the blog I referred to, the Daily Kos, one posted as "Ortcutt" agrees with this point. Orcutt, however, incorrectly identifies the purveyor of the phony logic. The blogger puts it on Congressional Republicans and President Bush. As the hard, cold numbers in the Democratic budget resolutions and floor debate in the CONGRESSIONAL RECORD show, Democrats claim that expired tax relief is not a tax hike. Let me emphasize that.

Are we going to let people get away with that, when they know what the law is on December 31, 2010, and the biggest tax increase in the history of the country is going to happen, without a vote of the people? And when that happens, they are saying it is not a tax hike?

Surely, they don't think the American people are that stupid. The Democratic leadership are the folks trying to claim that their budgets, which don't provide the revenue room for expired tax relief, don't contain tax hikes. Hogwash.

I ask unanimous consent to have printed in the RECORD the Orcutt comment.

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

HAVING IT BOTH WAYS

The Republicans want it both ways on budgets and expiring tax cuts. If you look at the CBO's budget outlook, there will be a surplus in 2012. However, the only reason for that is that the temporary tax cuts of the so-called Economic Growth and Tax Relief Reconciliation Act of 2001 will expire on January 1, 2011. When a temporary tax cut expires is that a tax increase or not? When the President Bush brags that the budget will be balanced in 2012 without tax increases, he is saying that letting a tax cut expire is not a tax increase. But when Republicans debate extending the tax cuts, how many Republicans do you think will cast letting a tax cut expire as a tax increase. All of them. It's fundamentally dishonest and disgusting. I just hope that we can get this fact through to the American people.

Mr. GRASSLEY. Mr. President, responding to another criticism, it is completely off the mark to say the tax relief bills were written by Republicans. It is almost as if the Democratic leadership is saying that tax relief was passed by a National Republican Congress and not by the Congress.

The 2001 bill was written by a bipartisan majority and was opposed by a partisan minority led by the Democratic leadership. The conference report to accompany the law that was entitled the Economic Growth and Tax Relief and Reconciliation Act passed the Senate on May 26, 2001.

I ask unanimous consent that the information pertaining to that rollcall be printed in the CONGRESSIONAL RECORD so we can show it was a bipartisan rollcall.

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

U.S. SENATE ROLLCALL VOTES 107TH CONGRESS—1ST SESSION AS COMPILED THROUGH SENATE LIS BY THE SENATE BILL CLERK UNDER THE DIRECTION OF THE SECRETARY OF THE SENATE

VOTE SUMMARY

Question: On the Conference Report (H.R. 1836, Conference Report).

Vote Number: 170; Vote Date: May 26, 2001, 11:25 a.m.

Required For Majority: 1/2; Vote Result: Conference report agreed to.

Measure Number: H.R. 1836.

Measure Title: A bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

Vote Counts: YEAs 58; NAYs 33; Present 2; Not Voting 7.

ALPHABETICAL BY SENATOR NAME

Akaka (D-HI), Present, Giving Live Pair

Allard (R-CO), Yea

Allen (R-VA), Yea

Baucus (D-MT), Yea

Bayh (D-IN), Nay

Bennett (R-UT), Yea

Biden (D-DE), Nay

Bingaman (D-NM), Present, Giving Live Pair

Bond (R-MO), Yea

Boxer (D-CA), Not Voting

Breaux (D-LA), Yea

Brownback (R-KS), Yea

Bunning (R-KY), Yea

Burns (R-MT), Yea

Byrd (D-WV), Nay

Campbell (R-CO), Yea

Cantwell (D-WA), Nay

Carnahan (D-MO), Yea

Carper (D-DE), Nay

Chafee (R-RI), Nay

Cleland (D-GA), Yea

Clinton (D-NY), Nay

Cochran (R-MS), Yea

Collins (R-ME), Yea

Conrad (D-ND), Nay

Corzine (D-NJ), Nay

Craig (R-ID), Yea

Durbin (D-IL), Nay

Edwards (D-NC), Nay

Ensign (R-NV), Yea

Enzi (R-WY), Not Voting

Feingold (D-WI), Nay

Feinstein (D-CA), Yea

Fitzgerald (R-IL), Yea

Frist (R-TN), Yea

Graham (D-FL), Nay

Gramm (R-TX), Yea

Grassley (R-IA), Yea

Gregg (R-NH), Yea

Hagel (R-NE), Yea

Harkin (D-IA), Not Voting

Hatch (R-UT), Yea

Helms (R-NC), Yea

Hollings (D-SC), Nay

Hutchinson (R-AR), Yea

Hutchison (R-TX), Yea

Inhofe (R-OK), Yea

Inouye (D-HI), Nay

Jeffords (R-VT), Yea

Johnson (D-SD), Yea

Kennedy (D-MA), Nay

Kerry (D-MA), Not Voting

Kohl (D-WI), Yea

Kyl (R-AZ), Yea

Landrieu (D-LA), Yea

McCain (R-AZ), Nay

McConnell (R-KY), Yea

Mikulski (D-MD), Nay

Miller (D-GA), Yea

Murkowski (R-AK), Yea

Murray (D-WA), Not Voting

Nelson (D-FL), Nay

Nelson (D-NE), Yea

Nickles (R-OK), Yea

Reed (D-RI), Nay

Reid (D-NV), Nay

Roberts (R-KS), Yea

Rockefeller (D-WV), Nay

Santorum (R-PA), Yea

Sarbanes (D-MD), Nay

Schumer (D-NY), Nay

Sessions (R-AL), Yea

Shelby (R-AL), Yea

Smith (R-NH), Yea

Smith (R-OR), Yea

Snowe (R-ME), Yea

Specter (R-PA), Yea

Stabenow (D-MI), Nay

Stevens (R-AK), Yea

Thomas (R-WY), Yea

Thompson (R-TN), Yea

Thurmond (R-SC), Yea

Torricelli (D-NJ), Yea

Voinovich (R-OH), Yea

Warner (R-VA), Yea

Crapo (R-ID), Yea

Daschle (D-SD), Nay

Dayton (D-MN), Nay

DeWine (R-OH) Yea

Dodd (D-CT), Nay

Domenici (R-NM), Not Voting

Dorgan (D-ND), Nay

Leahy (D-VT), Not Voting

Levin (D-MI), Nay

Lieberman (D-CT), Nay

Lincoln (D-AR), Yea

Lott (R-MS), Yea

Lugar (R-IN), Yea

Wellstone (D-MN), Nay

Wyden (D-OR), Nay

GROUPED BY VOTE POSITION

YEAs—58

Allard (R-CO)	Frist (R-TN)	Murkowski (R-AK)
Allen (R-VA)	Gramm (R-TX)	Nelson (D-NE)
Baucus (D-MT)	Grassley (R-IA)	Nickles (R-OK)
Bennett (R-UT)	Gregg (R-NH)	Roberts (R-KS)
Bond (R-MO)	Hagel (R-NE)	Santorum (R-PA)
Breaux (D-LA)	Hatch (R-UT)	Sessions (R-AL)
Brownback (R-KS)	Helms (R-NC)	Shelby (R-AL)
Bunning (R-KY)	Hutchinson (R-AR)	Smith (R-NH)
Burns (R-MT)	Hutchison (R-TX)	Smith (R-OR)
Campbell (R-CO)	Inhofe (R-OK)	Snowe (R-ME)
Carnahan (D-MO)	Jeffords (R-VT)	Specter (R-PA)
Cleland (D-GA)	Johnson (D-SD)	Stevens (R-AK)
Cochran (R-MS)	Kohl (D-WI)	Thomas (R-WY)
Collins (R-ME)	Kyl (R-AZ)	Thompson (R-TN)
Craig (R-ID)	Landrieu (D-LA)	Thurmond (R-SC)
Crapo (R-ID)	Lincoln (D-AR)	Torricelli (D-NJ)
DeWine (R-OH)	Lott (R-MS)	Voinovich (R-OH)
Ensign (R-NV)	Lugar (R-IN)	Warner (R-VA)
Feinstein (D-CA)	McConnell (R-KY)	
Fitzgerald (R-IL)	Miller (D-GA)	

NAYs—33

Bayh (D-IN)	Dodd (D-CT)	McCain (R-AZ)
Biden (D-DE)	Dorgan (D-ND)	Mikulski (D-MD)
Byrd (D-WV)	Durbin (D-IL)	Nelson (D-FL)
Cantwell (D-WA)	Edwards (D-NC)	Reed (D-RI)
Carper (D-DE)	Feingold (D-WI)	Reid (D-NV)
Chafee (R-RI)	Graham (D-FL)	Rockefeller (D-WV)
Clinton (D-NY)	Hollings (D-SC)	Sarbanes (D-MD)
Conrad (D-ND)	Inouye (D-HI)	Schumer (D-NY)
Corzine (D-NJ)	Kennedy (D-MA)	Stabenow (D-MI)
Daschle (D-SD)	Levin (D-MI)	Wellstone (D-MN)
Dayton (D-MN)	Lieberman (D-CT)	Wyden (D-OR)
	Present—2	
Akaka (D-HI)	Bingaman (D-NM)	
	Not Voting—7	
Boxer (D-CA)	Harkin (D-IA)	Murray (D-WA)
Domenici (R-NM)	Kerry (D-MA)	
Enzi (R-WY)	Leahy (D-VT)	

GROUPED BY HOME STATE

Alabama: Sessions (R-AL), Yea; Shelby (R-AL), Yea.
 Alaska: Murkowski (R-AK), Yea; Stevens (R-AK), Yea.
 Arizona: Kyl (R-AZ), Yea; McCain (R-AZ), Nay.
 Arkansas: Hutchinson (R-AR), Yea; Lincoln (D-AR), Yea.
 California: Boxer (D-CA), Not Voting; Feinstein (D-CA), Yea.
 Colorado: Allard (R-CO), Yea; Campbell (R-CO), Yea.
 Connecticut: Dodd (D-CT), Nay; Lieberman (D-CT), Nay.
 Delaware: Biden (D-DE), Nay; Carper (D-DE), Nay.
 Florida: Graham (D-FL), Nay; Nelson (D-FL), Nay.
 Georgia: Cleland (D-GA), Yea; Miller (D-GA), Yea.
 Hawaii: Akaka (D-HI), Present, Giving Live Pair; Inouye (D-HI), Nay.
 Idaho: Craig (R-ID), Yea; Crapo (R-ID), Yea.
 Illinois: Durbin (D-IL), Nay; Fitzgerald (R-IL), Yea.

Indiana: Bayh (D-IN), Nay; Lugar (R-IN), Yea.

Iowa: Grassley (R-IA), Yea; Harkin (D-IA), Not Voting.

Kansas: Brownback (R-KS), Yea; Roberts (R-KS), Yea.

Kentucky: Bunning (R-KY), Yea; McConnell (R-KY), Yea.

Louisiana: Breaux (D-LA), Yea; Landrieu (D-LA), Yea.

Maine: Collins (R-ME), Yea; Snowe (R-ME), Yea.

Maryland: Mikulski (D-MD), Nay; Sarbanes (D-MD), Nay.

Massachusetts: Kennedy (D-MA), Nay; Kerry (D-MA), Not Voting.

Michigan: Levin (D-MI), Nay; Stabenow (D-MI), Nay.

Minnesota: Dayton (D-MN), Nay; Wellstone (D-MN), Nay.

Mississippi: Cochran (R-MS), Yea; Lott (R-MS), Yea.

Missouri: Bond (R-MO), Yea; Carnahan (D-MO), Yea.

Montana: Baucus (D-MT), Yea; Burns (R-MT), Yea.

Nebraska: Hagel (R-NE), Yea; Nelson (D-NE), Yea.

Nevada: Ensign (R-NV), Yea; Reid (D-NV), Nay.

New Hampshire: Gregg (R-NH), Yea; Smith (R-NH), Yea.

New Jersey: Corzine (D-NJ), Nay; Torricelli (D-NJ), Yea.

New Mexico: Bingaman (D-NM), Present, Giving Live Pair; Domenici (R-NM), Not Voting.

New York: Clinton (D-NY), Nay; Schumer (D-NY), Nay.

North Carolina: Edwards (D-NC), Nay; Helms (R-NC), Yea.

North Dakota: Conrad (D-ND), Nay; Dorgan (D-ND), Nay.

Ohio: DeWine (R-OH), Yea; Voinovich (R-OH), Yea.

Oklahoma: Inhofe (R-OK), Yea; Nickles (R-OK), Yea.

Oregon: Smith (R-OR), Yea; Wyden (D-OR), Nay.

Pennsylvania: Santorum (R-PA), Yea; Specter (R-PA), Yea.

Rhode Island: Chafee (R-RI), Nay; Reed (D-RI), Nay.

South Carolina: Hollings (D-SC), Nay; Thurmond (R-SC), Yea.

South Dakota: Daschle (D-SD), Nay; Johnson (D-SD), Yea.

Tennessee: Frist (R-TN), Yea; Thompson (R-TN), Yea.

Texas: Gramm (R-TX), Yea; Hutchison (R-TX), Yea.

Utah: Bennett (R-UT), Yea; Hatch (R-UT), Yea.

Vermont: Jeffords (R-VT), Yea; Leahy (D-VT), Not Voting.

Virginia: Allen (R-VA), Yea; Warner (R-VA), Yea.

Washington: Cantwell (D-WA), Nay; Murray (D-WA), Not Voting.

West Virginia: Byrd (D-WV), Nay; Rockefeller (D-WV), Nay.

Wisconsin: Feingold (D-WI), Nay; Kohl (D-WI), Yea.

Wyoming: Enzi (R-WY), Not Voting; Thomas (R-WY), Yea.

Mr. GRASSLEY. Mr. President, the 2001 tax relief bill passed the Senate with 58 yeas. At that time, the Senate was evenly divided—50 Republicans and 50 Democrats—with the Republicans technically having control because of the Vice President's vote. However, not every single Republican voted for that tax relief measure. Those 58 yeas included 12 Democrats, nearly one-quarter of the 50 Democrats sitting in the

Senate at that particular time. If all of those Democrats had voted against the conference report, it would have failed.

Clearly, it is ridiculous to say this was purely a Republican bill. Given the experience the Democratic leadership has had with cloture votes in the past few months, I would expect them to appreciate the necessity of working on a bipartisan basis in this body. This is the only political institution of our system where minority views are protected and must be respected because of no limit on debate, called a filibuster, and it takes 60 percent, a supermajority, to overcome a filibuster to get to finality. That is where Democrats were protected when they were in the minority for the last 6 years. This is where Republicans are going to be protected for the next 2 years—and hopefully no longer than 2 years—as a minority.

It takes 60 votes to get permanent tax relief. The bottom line is, we didn't have the 60 votes in 2001 and 2003 for making these bipartisan tax relief plans permanent. And with a couple exceptions I will discuss shortly, over the last 6 years, we haven't had the 60 votes for permanent tax relief.

So tax relief in 2001 was not made permanent because the Democratic leadership and the liberal core of the Democratic caucus have refused to support permanence, and that is apparent now more than ever with the budget that is in conference between the House and Senate.

Of course, last November, the Democrats won control of both Houses of Congress. I wonder if the House Democratic leadership will be sending over any bills to make tax relief permanent. I doubt it. Even if the House Democratic leadership did send over such a bill, I would not expect the Senate Democratic leadership to take it up. When in Republican hands, the House regularly sent over bills to provide permanence for various components of the bipartisan tax relief bill which they couldn't get through the Senate.

Senate Democrats are clearly capable of working with Republicans to make tax relief provisions permanent if they like what they want to make permanent. And we have done it in the past. The Holocaust Restitution Tax Fairness Act of 2001 repealed the sunset of a provision originally contained in the 2001 tax relief bill that allowed Holocaust survivors and their heirs and estates to receive restitution payments tax free. Making this provision permanent was absolutely the right thing to do, and the fact that it passed the Senate by unanimous consent proves that, and it passed it during a period when the Democrats controlled the Chamber, indicating the level of cooperation that occurred between Senate Republicans and Democrats when Democrats want to make a provision of the tax law permanent law.

As I go through these examples, everyone needs to remember that holding the majority in the Senate is not a

ticket for either party to force its agenda down the other party's throat. Senate rules encourage cooperation by giving the minority many opportunities to check the majority, and this becomes even more evident when those majorities are very slim as they are right now—51 Democrats, 49 Republicans. And they have been very slim for the last several Congresses.

I say this to point out that the Holocaust Restitution Act became permanent because Republicans and Democrats worked together to make it permanent, and it would not have been sent to the President if one side or the other wanted to block it.

I will give one more example that occurred last summer as part of the pension reform bill. We call that the Pension Protection Act of 2001. It passed the Senate 93 yeas and was made permanent—now here we have bipartisan cooperation to make permanent other parts of the tax bill—the retirement security provisions of that 2001 tax bill. Even if every Republican supported the bill, a united Democratic caucus could have held back the five additional votes needed for final passage if they chose.

Clearly, Democrats have a record of working with Republicans to make tax relief provisions permanent when they choose to do it. So why not work in the same way to make the rest of that tax law of 2001 and 2003 permanent so we don't have the biggest tax increase in the history of the country without a vote of the American people, so we will have permanence of tax law, so working men and women can plan on the future, so investors who create jobs can plan on the future as well? That is better for the economy.

Let me return to the present day. The House and Senate, then, as I have said so many times, passed separate budget resolutions, now in conference, but currently would end up subjecting Americans to the largest tax increase in history, and the Democrats have responded by basically declaring it is not their responsibility. How can a majority so avoid the responsibility of being a majority?

The Democratic leadership and the liberal core have the power to make these provisions permanent. I assure my colleagues we will be there working with them as we did on the retirement portions of the pension bill, as we did on the Holocaust relief bill, to make sure it becomes permanent law.

I think they should, but I realize they may not agree with me. However, if they do let tax relief expire, they have to take responsibility for letting that happen. They have to take responsibility for the biggest tax increase in the history of the country happening without a vote of the people when they would have had the cooperation of Republicans to make sure it was permanent and to make sure this biggest tax increase doesn't happen.

Several times since November, I have heard that elections have con-

sequences, and one of those consequences is for the winner having increased responsibility. Since Democrats have made tax relief provisions permanent in the past—and I have given only two examples—they can likewise do it again, and they will have Republican cooperation to make it happen.

One of the bloggers I cited earlier points out the economic calamity that would befall our country if all tax relief was allowed to expire at the end of 2010. On this specific point, he is correct, and I gave a speech to this effect right here on this floor on March 1 where I cited a study done by the Wall Street firm of Goldman Sachs.

If something is not done to extend or make permanent tax relief before the end of 2010, American families, working families, will be hit with a wall of tax increases that is currently built into the Democratic budget resolution.

I have a chart. This chart shows, according to the U.S. Treasury, not according to this Senator from Iowa, a family of four with \$40,000 of income will be subjected to an average tax increase of \$2,052 all at once. The Democrats, now in the driver's seat, need to decide whether they are going to let that wall go up, whether that wall is going to stand between this taxpayer and more money for them to spend instead of more money for me to spend for them, or are they going to take advantage of the opportunity we give them to cooperate to prevent that big tax increase of 2,000 and more dollars to go into effect for a family with an income of \$40,000, as though there is something about being rich making \$40,000 a year.

I want to conclude with a reference to a story about a man who cared a great deal about the typical taxpayer, President Ronald Reagan. During the Cold War, while in West Berlin, President Reagan challenged Soviet President Gorbachev to tear down the Berlin Wall. I challenge the Democratic leadership to tear down the wall of tax increases built into their budgets. I hope my liberal friends in the core of the Democratic caucus will urge the Democratic leaders to tear down the wall of tax increases they have built. This is not a wall Republicans built. This is a wall Democrats built through their budget because they have the power, they have a minority that is willing to cooperate with them, as we have on two other instances I have given in these remarks. Join with us in the Republican conference and tear down the wall of tax increases that has been built.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

The Senator from Texas is recognized.

Mr. CORNYN. I thank the Chair.

(The remarks of Mr. CORNYN pertaining to the introduction of S. 1096 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER (Mr. SALAZAR). The clerk will call the roll. The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from West Virginia is recognized.

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

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

SENATOR TED STEVENS, LONGEST SERVING
REPUBLICAN SENATOR

Mr. BYRD. Madam President, Senator TED STEVENS is not on the floor at the moment. I am going to wait, if I may. I have the floor, do I not, Madam President?

The PRESIDING OFFICER. The Senator does.

Mr. BYRD. I am going to wait. I understand that Senator STEVENS is on his way. He will be here in a couple of minutes. I will await the arrival, if the Chair will allow me, of Senator TED STEVENS. I understand he is on his way, and I want him to be present to hear what I am going to say.

Madam President, tomorrow, April 13, the very distinguished senior Senator from Alaska, my dear friend, Senator TED STEVENS, will become, if it is the good Lord's will, the longest serving Republican Senator in the history of these United States. It will mark his, Senator TED STEVENS's, 13,990th day as a Senator. Senator STEVENS, on tomorrow, if the Lord let's him live, will surpass the late Senator Strom Thurmond of South Carolina, who served 13,989 days as a Republican Senator. Tomorrow, Senator STEVENS will serve, the good Lord willing, 13,990 days.

This is a great honor and an important milestone in the Senate career of our esteemed colleague, my friend, TED STEVENS. I congratulate Senator TED STEVENS for this monumental, historic achievement. As the longest serving Democratic Senator in the history of the Senate, I, ROBERT C. BYRD, welcome my friend, Senator TED STEVENS of Alaska, into this most exclusive club. In fact, it is probably the most exclusive club I know. There are only two of us, one Democrat and one Republican, in it.

I have served in this Chamber with Senator TED STEVENS for nearly four decades. He came here in 1968. Senator STEVENS and I have served together on the Senate Appropriations Committee since 1972. I was on the committee a long time before that, but we, Senator STEVENS and I, have served together on the Senate Appropriations Committee

since 1972. During these years of service together, we have developed a profound respect and admiration for each other. We now share many memories, both on and off the Senate floor.

One of my favorite memories is a very special personal one. I recall how Senator STEVENS would bring his baby daughter Lily with him to the Senate and carry her around the Capitol in a basket. Over the years, I have become very close to Lily as well as her father. Lily is all grown up now. As a matter of fact, she will finish law school this year. But Senator STEVENS remains the proud, loving father he always has been.

A couple of years ago, when the Senate was working into the late hours of the night and tensions were running high, as they occasionally do around here, Senator TED STEVENS took me by the arm and pulled me aside because he had something he wanted to show me. It was an article that Lily had written about the U.S. Capitol that had just been published by the U.S. Historical Society, and he, Senator STEVENS, wanted to share it with me. I remarked at the time how touched I was by this. It was a father's pride in his child's accomplishment. I recall it now as a loving reminder that the Senate is a family—the Senate is a family.

Senator TED STEVENS is a Republican. I am a Democrat. Of course, we have had a few differences in our lives. We have been here for a long time on this floor—right here on this floor. But, actually, some of them became quite heated. Senator STEVENS, as you know, says what he thinks. He is a man. He is a gentleman. He is a Senator. He says what he thinks. Oh, here he is, right here on the floor. I had to look around now to remind me he was there.

Now, some of these things have become quite heated. We both tend—Senator STEVENS and I—to be strong-willed persons, U.S. Senators, with different political philosophies. And each of us is determined to represent the best interests of his and my home State and the people—the people—who send us here. So, naturally, at times, we are going to disagree.

But I feel I can say before God and man and Senators—I feel I can say without fear of contradiction—that not once—not once—have we allowed our political differences to become personal ones.

I have come to admire Senator TED STEVENS as a man of immense integrity, high personal principles, and unqualified honesty.

I admire Senator TED STEVENS as a great American. He is a patriot. He is a patriot whose devotion for our country—this country, yours and mine—led him to join the Army Air Corps during World War II, where he, Senator STEVENS, flew support missions for the Flying Tigers of the 14th Air Force. For his service, Senator STEVENS—he was not a Senator then—but Senator STEVENS, for his service at that time, was awarded numerous medals, including the Distinguished Flying Cross. Let

me say that again. For his service, he was awarded numerous medals, including—including—the Distinguished Flying Cross.

In the 1950s, after graduating from Harvard Law School, Senator STEVENS began his long and remarkable career in public service by serving in various positions in the Eisenhower administration.

Senator STEVENS is also a great legislator. In our nearly four decades in the Senate, Senator STEVENS and I have also worked together on numerous bills. We have even cosponsored some together. This includes S. 880, the Senate Family Leave Act, which is currently under consideration in the Senate.

I especially admire Senator STEVENS for his work on the Senate Appropriations Committee. During his years as chairman of the Senate Appropriations Committee, he was bipartisan, cooperative, and respectful of everyone, just the way the chairman of the Appropriations Committee, or any Senate committee, ought to be.

While noting that Senator STEVENS has served as chairman of the Senate Appropriations Committee, allow me to point out that I have always been impressed by the similarity of our careers.

As I have already mentioned, I am the longest serving Democratic Senator ever. Tomorrow, Senator TED STEVENS will become the longest serving Republican Senator.

Both of us have served as President pro tempore of the Senate and President pro tempore emeritus.

Both of us—Senator STEVENS and I—have served as our party's whip in the Senate. The “whip” is an old term. When the fox hunters went out, and they brought the hounds in, they used whips, and they knew how to use them. So both of us—Senator STEVENS and I—have served as our individual party's—his is the Republican Party; mine is the Democratic Party—each of us has served as his party's whip in the Senate. The term “whip” goes back a long way. It goes back to England and the House of Commons.

Both of us—Senator STEVENS and I—have chaired the Senate Appropriations Committee, and each has served as ranking member on the committee.

Both of us have been honored with recognition as the “King of Pork”—the “King of Pork”—while I am sure the organization that gave us that title intended it to be something less than a compliment.

Madam President, I again congratulate this great Senator, this fine legislator, this outstanding American for his historic achievement. Senator STEVENS is truly the kind of man whom our country and this Chamber need.

I close with a poem. I know it by memory. I am going to read it into the RECORD:

Not gold, but only men can make a Nation
great and strong; men who for truth
and honor's sake, stand fast and labor
long.

Real men who work while others sleep, who
dare while others fly. They build a Na-

tion's pillars deep and lift them to the sky.

Madam President, for the record, I will yield the floor soon, but for right now, I see on the other side of the aisle three very distinguished Senators. I see Senator TED STEVENS, I see Senator COCHRAN, THAD COCHRAN of Mississippi. Now, we are not supposed to say these things such as this—and I see the great Senator from Georgia, Senator ISAKSON. By the way, let me tell my colleagues, Senator ISAKSON comes over to my desk here every day I am here and he takes the time to shake my hand. He does. He takes the time to speak with me and to talk with me. One day I may make a little speech on the Senate floor, God willing, and I am going to talk about Senator ISAKSON. But today, I salute my friend Senator TED STEVENS.

Mr. STEVENS. Madam President, does the Senator yield the floor at this time?

Mr. BYRD. I do.

Mr. STEVENS. Madam President, I regret I wasn't here at the commencement of the comments of the distinguished Senator from West Virginia, but I am overwhelmed and honored that he would make these comments, and particularly that he would reference his relationship to our youngest daughter Lily who has great love and affection for Senator BYRD. We have come through a lot of travails, each of us, during our times in the Senate, and I have always found Senator BYRD to be a warm and great friend in times of trouble and very gracious when in times such as this. We could stand here and I would tell the Senate some of the times I have spent with Senator BYRD, including the time once in Britain when we gathered together a group of British and United States members of the British-American Parliamentary Conference and we listened to Senator BYRD tell us about his life and some of the things he had done as a child, and we listened to him recite many of the great poems he knows. He has one of the most prodigious memories I have ever known, and he is the most gracious Member of the Senate. He always has been very kind and helpful.

I came here as an appointed Senator and took the position of—we called it the Bartlett seat, Senator Bob Bartlett's seat. Senator BYRD was very gracious to Senator Bartlett as Alaska's first senior Senator, and he extended greetings to me as Senator Bartlett's replacement, and throughout these nearly 40 years he has been a great friend. We have had differences of opinion, but we have never had a disagreeable word between us. God willing, that will never happen.

So I thank my friend. He honors me, he honors my family, and he honors the Senate by the remarks he made about the Senate itself. We are a family. This aisle ought not to be a canyon; it ought to be very easy to step across that aisle and shake hands with

a friend as I have just done. I thank the Senator for what he has said and for giving me the opportunity to be here when he said it.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, will the very able and distinguished Senator from Alaska yield so I might say a few words?

Mr. STEVENS. I am happy to do so.

Mr. BYRD. I thank the Senator, my friend, for what he has said. I salute him, my friend. I wish Erma, my darling wife, were here, sitting up in the gallery. We have rules that we don't speak to the gallery, but I wish she were here. She knew Senator STEVENS. She knew Mrs. Stevens. She knew us, my wife, and Mrs. Stevens, who is not here today, but my wife knew us, Senator STEVENS and me, her childhood sweetheart, ROBERT C. BYRD, she knew we were friends, Senator STEVENS and I, the closest of friends. Now, when I say the closest of friends, Senators know what that means. That doesn't mean Senator STEVENS and I go out together at night and drink booze together or anything such as that. We are the closest of friends. I don't have anything against Senators or anybody else who wants to go out and drink booze. I don't. I won't say what I have done in my lifetime, but I know a little bit about what booze is. I know what we are talking about.

Senators STEVENS and I are the dearest of friends. I happen to be, through the good Lord's will, in my ninetieth year. I will be 90 in November, if it is the good Lord's will and I live to see the 20th day of November. I don't mind talking out loud, because as Popeye the Sailor Man used to say: I yam what I yam, and that is all I yam.

Now, Senator STEVENS—I am not supposed to address him, a colleague, like this, but I am going to do that with the Senate's permission. This is not in accordance with the rules. Senator STEVENS, I want to say to you—I want to say to you in the presence of Senator COCHRAN, who is a Senator on the Appropriations Committee, along with Senator STEVENS and me—I know the right grammar, you see—along with the Senator from Mississippi, and me. Some might think I should say the Senator from Mississippi and I.

I am supposed to say it, because I am talking in a different vein, but Senator COCHRAN serves on the Senate Appropriations Committee with me. And he and I—in other words, he, Senator THAD COCHRAN and I—serve on the Senate Appropriations Committee together, and Senator STEVENS has at times been the chairman of that Appropriations Committee. I was the ranking member. What I am going to say, Senator STEVENS and I—I am not supposed to talk in the first person. We usually in the Senate talk to the distinguished Senator from Alaska. I want to say to Senator STEVENS, though, in the Senate, he is my friend. He knows that. Senator STEVENS, I admire you. I re-

spect you. You are a great Senator from a great State. Under the Constitution, he and I, as Senators, belong to the greatest deliberative body in the world. I respect the history of England and the House of Commons. That is a great body. The House of Lords, that is a great body. But the U.S. Senate is the upper House, the so-called upper House, and it is the upper House. There are two Houses, and the Senate is the upper House, because it used to be up there in the old days, and so the Members referred to the Senate as the upper House.

Senator STEVENS—I am going to speak to him as I shouldn't—I know what the rules are, but I am going to say to Senator STEVENS directly this may be the last time—who knows; it may not be—that I will ever speak to him on the floor like this. Senator STEVENS, I love you, I respect you, and I admire you. I hope God will always bless you and hold you in the hollow of his hand. In the name of our Lord Jesus Christ, I pray and ask for the forgiveness of my own shortcomings. Senator STEVENS, you are my friend, and we will let it go at that.

Madam President, I am going to yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Madam President, all I can say to my friend is that I am already blessed by God to be your friend, and I thank you very much.

Mr. BYRD. Madam President, I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I am pleased to be here to hear the remarks of the distinguished Senator from West Virginia, my good friend, and to join with others who have honored and paid tribute to Senator STEVENS on the occasion of his reaching a milestone where he has served in the Senate longer than any other Republican Member in history.

I had the privilege, when I was a new Member of the House of Representatives after my election in 1972, to observe Senator STEVENS as he worked with Howard Baker as the Republican leaders of the Senate and to come to respect him and know him and then to join the Senate body after the election of 1978. He has been a mentor and a dear friend throughout my career in the Senate, and I can say one could have no greater fortune than to serve in the presence of Senator BYRD and Senator STEVENS and others who were the true leaders of the Senate when I was a new Member.

I have come to appreciate and respect them more as time has gone on. I recall Senator STEVENS becoming chairman, after Senator BYRD had served as chairman, of the Appropriations Committee. It was my good fortune to become a member of that committee after only 2 years in the Senate. I have appreciated the opportunity to work closely with him ever since.

Senator STEVENS, of course, was our President pro tempore. I don't recall a more diligent and hard-working President pro tempore than was Senator STEVENS. He had some big shoes to fill: Strom Thurmond, Jim Eastland from my State of Mississippi, and Senator BYRD; and all were dutiful. I recall Senator STEVENS personally being there every morning to open the Senate, usually a duty delegated to others; and he probably presided personally over the Senate as much as any person who has occupied that position of responsibility.

To be here today and to hear DAN INOUE talk about his early recollections of their service together in the Senate, and other Senators who have spoken on this special occasion in the life of our Senate, has made me happy to be here and to be able to observe and appreciate this day in the history of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I wish to tell a quick story. I was in my office working and watching the beginning of Senator BYRD's speech about Senator STEVENS. I was reminded that I had a picture of two fellows who came up from Georgia to cook for the Senate at a barbecue. It is a picture of Senator STEVENS, myself, and those two gentlemen. The reason I ran over here is to say this: When I asked who the two gentlemen wanted to have their picture taken with, they said Senator TED STEVENS. I think that is a testimony to his reach, which is far beyond Alaska and to my home in Georgia.

Secondly, when I saw Senator BYRD speak, I knew he was speaking about Senator STEVENS, and I realized the embodiment of history in the Senate that these two gentlemen represent. To come and sit down as Senator THAD COCHRAN came into the Chamber, I realized this 2-year rookie of the Senate was sitting among greatness.

My favorite book of all time is "The Greatest Generation" because it tells true stories of those great men and women who, in the most critical test in the history of our country, defeated the axis powers in Germany and in the Pacific and saw to it that this democracy continued. Senator STEVENS fought bravely for this country in the Pacific. As I was born in 1944, his generation was seeing to it that I would have the opportunity to live the life I have and one day actually come to the Senate.

Senator STEVENS, I wanted to say, as a youngster in the Senate, thank you for what you have done. You sacrificed, and you have allowed me to be able to take advantage and eventually come to the Senate. I pass those same compliments on to Mr. COCHRAN and Mr. BYRD. These are three great Americans with whom I am honored to share a moment today. Congratulations.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank Senator COCHRAN, I thank Senator STEVENS, and I thank the great Senator from Georgia, Senator ISAKSON, for their kind words.

I thank the Chair and I thank God we were here today. I thank our Heavenly Father, especially, for this man, this Senator, TED STEVENS, and for his service to our country and to the Senate. I salute him as one of the great Senators of my time—and I have been here a long time.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TAX DAY

Mr. THUNE. Mr. President, I rise today because it is that time of year again. Tax day is almost upon us. As millions of Americans rush to get their taxes done this weekend, and many having just completed the process, we all know what a pain it is to have your hard-earned dollars taken away by the Government.

Mr. President, if you thought this year was painful, I have terrible news for you. It is going to get a lot worse. Under the new management in Congress, the Democrats have proposed a budget that would result in the largest tax increase in America's history. That means more money will be taken away from families and small businesses. Since we all just completed one, or are about to do so, I want to have us look at how the Democrats are going to increase America's taxes on a typical 1040 tax form.

Let's start up here with filing status. Say you are a married couple filing jointly. The marriage penalty is back. That means married couples are going to pay somewhere in the range of another \$1,360 more in higher taxes because of the return of the marriage penalty.

Some taxpayers are going to find their exemption of \$3,300 get cut to zero.

Go down to dividends and senior citizens. Anybody who has a dividend in this country is going to see their taxes increased on dividends to 39.6 percent, which is an increase from the current tax rate on dividends of 15 percent.

Capital gains. Let's say you are a senior citizen and you have capital gains income. Your tax rate is going to go from 15 percent to 20 percent.

How about those families that are putting kids through college and are now taking advantage of the student loan interest deduction? Well, that, too, is going to be capped for families making more than \$60,000 a year.

Let's move over to the taxpayers who itemize deductions, such as mortgage

interest, charitable contributions, State and local tax deduction. What is going to happen there is you are going to see this go up; it will be capped, the amount they can deduct.

Take the alternative minimum tax, right down here. The alternative minimum tax is going to affect an additional 20 million Americans who are going to have to pay that.

How about the credit for child and dependent care expenses, which is something the working families in this country take advantage of. There again, that credit is going to be slashed by 31 percent.

The child tax credit that a lot of working families in this country take advantage of is currently at \$1,000. That also is going to be slashed in half from \$1,000 down to \$500.

Let's take a look at the earned-income tax credit. Again, this is a credit which is taken advantage of by a lot of lower income working Americans and a lot of people who are serving their country—soldiers, men and women in uniform—slashed.

Let's take a look at the tax rate schedule, too, because I think this is very important. If you are a taxpayer today paying at the 10-percent tax rate, the 10-percent tax rate is boom, gone, boom, gone, boom, gone, boom, gone. If you are paying at the 25-percent tax rates, your taxes are going to go up to 28 percent. You lose the 25-percent rate. If you are paying at the 28-percent rate, your taxes are going to go up to 31 percent. If you are someone who is paying currently at the 33-percent rate, your taxes are going to go up—boom—to 36 percent. If you are someone who is currently paying taxes at the 35-percent rate, your taxes are going to go up to 39.6 percent.

So what does all this mean? Everybody wants to know, when they do their taxes, what the bottom line is; how does it affect me when it comes to the actual amount of taxes I am going to pay?

We took a typical family in South Dakota to see how it would impact them. A typical family in South Dakota, when it comes down to computing the amount they are going to owe in taxes under this Democratic budget, will pay an additional \$2,596 in taxes on top of what they are already paying this year if this Democratic budget is enacted.

The point I am simply making is this: When you get behind and read through all the fine print in the Democratic budget, you come down to one simple conclusion: higher taxes—higher taxes for married couples because of the return of the marriage penalty. You are going to get penalized for being married. That is the "benefit" for being married, if the Democratic budget is enacted; higher taxes for seniors, who are going to pay a 39-percent tax rate on dividend income; a 20-percent tax increase, from 15 percent, on capital gains distributions; higher taxes on working families in this coun-

try who are trying to put their kids through college and who are going to lose some of the deductions they currently get for student loan interest.

If I take it over to the next chart, the credit for child dependent care expenses, child tax credit, impacting working families, higher taxes for working families, higher taxes for low-income Americans because of the earned-income tax credit, and again, most importantly probably in all of this, the 10-percent rate lower income Americans currently pay is gone, it is eliminated—gone, boom. Every tax rate on the rate schedule today is going to go up, from 25 percent to 28 percent, from 28 percent to 31 percent, from 33 percent to 36 percent, and from 35 percent to 39.6 percent. Every person in this country who pays taxes today is going to see a higher tax bill because of this Democratic budget. And as I said—every State can check this out for themselves—in my State of South Dakota, a typical bill is going to go up by \$2,596 over this year.

That is the bottom line. That is the bottom line on the Democratic budget—higher taxes, the highest, biggest increase in taxes in America's history.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONGRATULATING SENATOR STEVENS

Mr. KENNEDY. Mr. President, tomorrow our colleague and friend TED STEVENS will mark his 13,990th day as a Senator. It is an auspicious occasion because he will pass Strom Thurmond as the Senator who served longest as a member of the Republican Party.

I remember well when TED STEVENS came to the Senate in 1968. It seems like only yesterday. It is a great honor to say we have served together here for more than 38 years.

TED was appointed to fill the seat of a true giant of public service, Bob Bartlett, the architect of Alaska statehood, who had passed away just before Christmas in 1968. I can't help but think all these years later that Bob Bartlett would be the first to pay tribute to what his friend TED STEVENS has accomplished as his successor in the Senate.

I admire many things about my colleague from Alaska, the first and foremost being that he knows why he is here. He came to the Senate 9 years after Alaska was admitted to the Union, a State nearly a quarter the size of the continental United States and encompassing some of the most unforgiving geography and weather in the world. It is a State of tremendous natural beauty and indomitable spirit, but also enormous challenges brought about by its immense size, its distance

from the lower 48, and its close proximity to the North Pole.

TED STEVENS came to the Senate to fight for the State of Alaska and the wonderful people who call it home. More than 38 years later, his purpose continues just as clearly and his determination just as strong. His skill and passion in championing the people of his State are a remarkable tribute to the bond he has formed with the people of Alaska and his colleagues in Congress.

In fact, TED STEVENS has given his entire career in service to others and to his country. He is a true public servant, a servant in the finest sense of the word. As a member of the Army Air Corps, he flew with the Flying Tigers of the 14th Air Force and earned two Distinguished Flying Crosses. The slogan of the Army Air Corps in those days was: The difficult we do immediately, the impossible takes a little longer.

That has certainly been true of his service in the Senate, too. He has been a respected leader on military issues and a strong defender of some of the bravest workers in the world, our Nation's fishermen. We share that love for fishermen and for the sea, as our two States are defined by their relationship with the sea, its bounty, its beauty, and its mystery.

He has answered the call of public service in countless ways time and time again. I saw his passion and determination to improve the lives of Native Alaskans when I traveled with him in his first year as a Senator to visit remote villages in Alaska back in April of 1969, and it is the same passion and determination I see today.

TED, Walter Mondale, and I traveled over 3,600 miles throughout the State visiting Anchorage, Pilot Station, Arctic Village, and other villages. We traveled at times by ski plane and even by dogsled.

We were traveling with the Senate Subcommittee on Indian Education, and I will never forget what we saw. There were no Native Alaskan teachers and few spoke native languages, making it nearly impossible for the schoolchildren to learn, many of whom had never even heard English. We saw villages where people had to walk 2 miles through frozen tundra to find drinking water and other villages where only 8 out of 100 Native Alaskans were graduating from high school.

I remember our subcommittee hearing in Fairbanks and the Pilot Station teacher who told us that the warmest she could ever get her classroom was zero degrees Fahrenheit. Imagine children trying to learn when it is that cold in the classroom.

More than anything else, I remember TED STEVENS determination to improve the lives of the people and give them the opportunity to build a better future. We were able to pass legislation to improve water treatment facilities in Native Alaskan villages and improve education for the children as a result of

that trip—and none of it would have happened without TED STEVENS.

I also feel a special closeness with TED because in addition to the many years we have served side by side, we both share the same soft-spoken and gentle approach for advancing our priorities and the many causes we care about so deeply. I only wish he were a Democrat.

I also pay tribute to TED's wonderful wife Catherine. She is an extraordinary woman, a person of enormous kindness and compassion who has been so understanding over the years of the demanding and often bizarre schedules we keep in this Chamber.

I have come to know her through her impressive service to the Kennedy Center, where she has made such a great impact on the Board of Trustees. This milestone is very much hers as well. We know the innumerable sacrifices a Senator's spouse has to make—especially those who make their home on the farthest side of the continent.

So I congratulate both TED STEVENS and Catherine Stevens on this extraordinary milestone. Well done, my friends, and best wishes for many more record-breaking days among us.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, again, I am indebted to my friend from Massachusetts. We have spent many times together and, as he says, shared a great many goals. I am very pleased that he would make these remarks. I think that it sort of reminds me of a little bit of a little too much ado about nothing, but I do appreciate him being here. Thank you very much.

As Senator KENNEDY leaves, I should repeat something I have told often, and that is, back in 1969, as a brandnew appointed Senator, I joined Senator KENNEDY and others in going to the villages of Alaska. We found mold on the hospital walls in Bethel. When we came back, we started the process of replacing it, and it is a beautiful hospital today.

But we also went to the small villages. We went down to Pilots Station, and we were walking through this little village. All of a sudden, a little boy, baby boy, came running out, had a top on, but he obviously had lost his diaper.

My friend scooped him up, unzipped his parka, and put him inside. We walked around to find out where his home was. We came to this nice, small, well-kept native cabin. It was obvious that the mother was looking for her son.

We went in and Senator KENNEDY gave her the boy, and there on the wall of that little cabin was his brother, President Kennedy's photograph. It is a small world. I will never forget it. Thank you.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

ANOTHER WARNING ON DARFUR

Mr. DURBIN. Mr. President, I rise today to again address the terrible crisis in Darfur and the surrounding region. For the last few months, I have come to the floor on a weekly basis to remind my colleagues and those who follow the transactions in the Senate that while we have debated many important issues, we have not done enough when it comes to the genocide in Darfur.

About 4 years ago, President Bush acknowledged that a genocide was taking place. It is a rare occurrence for a President of the United States to make that admission. I saluted him for that and praised him because it took courage. He said what others were afraid to say, that the killing in Darfur of hundreds of thousands of people was, in fact, a genocide—a calculated effort to wipe a people off the map. Several hundred thousand have died, and more than a million have been displaced from their homes. The genocide in Darfur continues to this day. Although we have pronounced this situation to be one of the most uncivilized in the history of our planet, the fact is that little or nothing has been done to save these poor innocent people.

This week's newspapers across the country were full of stories about Sudan. The papers illustrate both the expansion of death, destruction, and chaos in and around Darfur and the inability or unwillingness of the United States and other countries to stop this violence.

Wednesday's Washington Post described how Sudanese jingawit militiamen crossed over the border into neighboring Chad and killed hundreds of people. This article, which I came across as I was reading the paper, is graphic. A report in the Washington Post through the Associated Press on April 10 says that:

Sudanese Janjaweed militiamen killed as many as 400 people in the volatile eastern border region near Sudan, leaving an "apocalyptic" scene of mass graves and destruction, the U.N. refugee agency said Tuesday.

The U.N. High Commissioner for Refugees said in this article:

Estimates of the number of dead have increased substantially and now range between 200 and 400. Because most of the dead were buried where their bodies were found—often in common graves owing to their numbers—we may never know the exact number.

The article goes on to say:

The attackers encircled the villages, opened fire, pursued fleeing villagers, robbed women and shot the men, the U.N. High Commissioner for Refugees said. Many who

survived the initial attack died later from exhaustion and dehydration, often while fleeing.

Some have argued that the genocide is over, as sad and tragic as it was, that it is finished, but this news article tells us a different story. The report of the United Nations High Commissioner for Refugees that 200 to 400 people were slaughtered is a grim reminder that this country, having declared a genocide in Darfur, cannot stand idly by as these reports are made.

When I consider the situation in Darfur, I understand that it is a challenge for the United States to think about what we might do to make this situation better. We know that violence is not only spreading across the border into eastern Chad but continues virtually unabated in this country of Sudan.

Deputy Secretary of State John Negroponte is traveling to Sudan this week to deliver a message to Khartoum. I am hopeful. John Negroponte is a seasoned diplomat. He is being sent on an important mission. I hope his message is nothing short of a final warning that the Government of Sudan must accept the United Nations and African Union peacekeeping mission and that these peacekeeping forces must have the numbers, the equipment, and the mandate to truly protect the innocent people of that country.

I have read newspaper accounts that President Bush is angry and frustrated over Sudan's refusal to accept the peacekeepers and our collective failure to do anything about it. I have spoken personally to the President twice about this issue, and both times I have urged him, having shown the courage to declare a genocide in Darfur, to show the same courage in ordering an action by the United States that will start to protect these people. My frustration and anger grows by the day, but my sadness grows more when I read these press accounts.

I have been told by members of the administration that one thing that would help would be stronger civil penalties to levy against persons who currently violate our sanctions laws against Sudan. I am happy to introduce legislation which would do that. I also believe we need to strengthen sanction laws themselves to provide additional resources to ensure their enforcement. Even more importantly, we must convince the world to act as well.

The largest single economic player in the Sudan today is China. The single greatest export for Sudan is oil. Petrochina, the Chinese company, is a major player in that nation. That offers the Chinese powerful leverage to convince the Khartoum Government to accept U.N. peacekeepers.

In this morning's Washington Post, in what is billed as an unusually strong message, the Chinese urged Sudan on Wednesday to show more flexibility on a peace plan for the devastated Darfur region, but they went on to say the Chinese said that other countries

would not help the situation by dictating the terms of action.

This article goes on to talk about China buying oil from Sudan and holding veto power in the U.N. Security Council. There have been many critics of China because, frankly, they have threatened a veto if we try to take action through the Security Council to deal with the genocide in Darfur. Perhaps that is what motivated the Assistant Foreign Minister Ahzi Jun to hold a press conference on his return from a trip to Sudan. He said at the end of that press conference:

We suggest the Sudan side show flexibility and accept this plan—

That is the peace plan—

offered by the U.N. to deploy a hybrid African Union-U.N. force into Darfur.

These are moderate words from the Chinese. I really had hoped for more. But at least they are speaking out, I think none too soon, as we read this terrible press account of what is occurring in this region.

Recently, the Wall Street Journal, on March 28, 2007, published an article written by Ronan Farrow and Mia Farrow entitled "The Genocide Olympics." That article reminded the readers of the Wall Street Journal of China's slogan for the 2008 Olympics. The slogan is "One World, One Dream." But what they note here is that what is going on in Darfur is a nightmare, and the Chinese have to do something about it. They make a point—and one we all appreciate—that we want to believe that China is moving into the family of civilized nations, that the Olympics will be proof of this change in China over the years, but many of us will judge China not by its slogans or its press releases but by its actions.

This month, the United Kingdom is chairing the U.N. Security Council. Next month, the United States will hold that position. I think it is imperative that the United States force a vote on multilateral actions against the Sudanese. That is the only way to move us toward a peacekeeping force.

Some argue that China may veto that resolution, but that shouldn't stop us. If they want to go on record as standing in the way of stopping this genocide, so be it. It will be a bitter commentary on their aspirations for one world and one dream.

There is also an effort underway in the United States for divestment. The Los Angeles Times reports the Council of Priests of the Archdiocese of Los Angeles has added their voice in calling for divestment of companies operating in Sudan. At the urging of one of their members—a priest who is a former stockbroker—the council wrote to the firm which handles the retirement accounts for the 350 priests in the Archdiocese urging it to sell its shares in Petrochina and Sinopec Corporation. That investment firm is Fidelity, which is the single largest U.S. holder of American shares in Petrochina. They have reportedly been hearing from thousands of their shareholders on this subject.

I am not a shareholder in Fidelity, but I have our family investments through mutual funds in this company, and I will be notifying them that if they do not divest their holdings of this Chinese oil company in Sudan on a timely basis, that I will be changing my company. I think that is a small thing. I don't have that big of an account, but if others will join me in that effort, perhaps they will think twice about these investments.

Petrochina and Sinopec are involved in some of Sudan's largest oil projects. My guess is the retirement accounts of 350 Catholic priests in Los Angeles won't make a big impact on Fidelity, but I certainly hope a number of others will join me in letting them know it is time to divest of this investment.

Along with Senator CORNYN of Texas and a growing number of bipartisan cosponsors, I have introduced legislation to support efforts by State and local governments to divest of holdings in the Sudan. There are some who say that divestment is not the way to go. They claim it is just going to take too long. But is that an excuse for doing nothing to pressure the Sudanese in the midst of a genocide?

The violence in Darfur has been going on for 4 years. The President declared 2 years ago that this was genocide. To say divestment is too slow ignores the fact that every pressure point we apply makes it a little bit harder for the Sudanese Government to continue on their present course. I see no reason we shouldn't take every step we can to end this disaster. Eight States and over fifty colleges and universities are leading the way.

I am proud that my home State of Illinois was the first to pass divestment legislation. Already, investment firms that offer Sudan-free investment vehicles are tracking billions of investments. Several major European and Canadian companies have ended their operations in the Sudan. The divestment campaign is already having an impact.

Some people also criticize divestment efforts because anti-apartheid laws from two decades ago are still on the books in some states and localities. The bipartisan bill I have introduced with Senator CORNYN addresses this issue with a sunset clause: If the Federal Government lifts its sanctions against Sudan, the authorization provided in our bill would expire.

Finally, some argue that State governments should not be making Federal policy. Divestment is about States making choices about how they invest their pensions and other funds. The Durbin-Brownback bill recognizes that choice and extends Federal support for it in the face of ongoing genocide in Sudan.

I ask unanimous consent that an article I am about to refer to be printed in the RECORD after my reference.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1.)

Mr. DURBIN. Mr. President, this article is from the Atlantic Magazine,

April 2007 issue. I came across it and was attracted to the title of this article by Steven Faris titled "The Real Roots of Darfur."

When we have this debate about global warming and talk about climate change, we talk about the impact it might have on a great State such as Florida over many years and other places around the world. Mr. Faris writes an article that talks about the climate change in this area, the Darfur region, which has taken place over the last several years. What they once billed as an occasional drought or bad agricultural practices now has become a recurring trend.

Here is what Mr. Faris wrote in the *Atlantic Magazine*:

By the time of the Darfur conflict 4 years ago, scientists had identified another cause. Climate scientists fed historical sea-surface temperatures into a variety of computer models about atmospheric change. Given the particular pattern of ocean temperature changes worldwide, the model strongly predicted a disruption in African monsoons.

Of course, the rainy seasons.

Columbia University's Alessandra Giannini led one of the analyses and said:

This was not caused by people cutting trees or overgrazing. The roots of the drying of Darfur, she and her colleagues have found, lay in changes to the global climate.

There is a competition here for land between farmers and those who have livestock, and that is part of the tension in this area.

The article goes on to conclude:

With countries across the region and around the world suffering similar pressures, some see Darfur as a canary in the coal mine, a foretaste of climate-driven political chaos.

Environmental degradation creates very dry tinder, so if someone wants to light a match to it, they can light it up.

I wish to put this into the CONGRESSIONAL RECORD for those who follow this debate because I have spoken about a lot of reasons for the violence here, and it is the first time I have seen a suggestion of environmental causation.

EXHIBIT 1

THE REAL ROOTS OF DARFUR

(By Stephan Faris)

To truly understand the crisis in Darfur—and it has been profoundly misunderstood—you need to look back to the mid-1980s, before the violence between African and Arab began to simmer. Alex de Waal, now a program director at the Social Science Research Council, was there at that time, as a doctoral candidate doing anthropological fieldwork. Earlier this year, he told me a story that, he says, keeps coming back to him. De Waal was traveling through the dry scrub of Darfur, studying indigenous reactions to the drought that gripped the region. In a herders' camp near the desert's border, he met with a bedridden and nearly blind Arab sheikh named Hilal Abdalla, who said he was noticing things he had never seen before: Sand blew into fertile land, and the rare rain washed away alluvial soil. Farmers who had once hosted his tribe and his camels were now blocking their migration; the land

could no longer support both herder and farmer. Many tribesmen had lost their stock and scratched at millet farming on marginal plots.

The God-given order was broken, the sheikh said, and he feared the future. "The way the world was set up since time immemorial was being disturbed," recalled de Waal. And it was bewildering, depressing. And the consequences were terrible."

In 2003, another scourge, now infamous, swept across Darfur. Janjaweed fighters in military uniforms, mounted on camels and horses, laid waste to the region. In a campaign of ethnic cleansing targeting Darfur's blacks, the armed militiamen raped women, burned houses, and tortured and killed men of fighting age. Through whole swaths of the region, they left only smoke curling into the sky.

At their head was a 6-foot-4 Arab with an athletic build and a commanding presence. In a conflict the United States would later call genocide, he topped the State Department's list of suspected war criminals. De Waal recognized him: His name was Musa Hilal, and he was the sheikh's son.

The fighting in Darfur is usually described as racially motivated, pitting mounted Arabs against black rebels and civilians. But the fault lines have their origins in another distinction, between settled farmers and nomadic herders fighting over failing lands. The aggression of the warlord Musa Hilal can be traced to the fears of his father, and to how climate change shattered a way of life.

Until the rains began to fail, the sheikh's people lived amicably with the settled farmers. The nomads were welcome passers-through, grazing their camels on the rocky hillsides that separated the fertile plots. The farmers would share their wells, and the herders would feed their stock on the leavings from the harvest. But with the drought, the farmers began to fence off their land—even fallow land—for fear it would be ruined by passing herds. A few tribes drifted elsewhere or took up farming, but the Arab herders stuck to their fraying livelihoods—nomadic herding was central to their cultural identity. (The distinction between "Arab" and "African" in Darfur is defined more by lifestyle than any physical difference: Arabs are generally herders, Africans typically farmers. The two groups are not racially distinct.)

The name Darfur means "Land of the Fur" (the largest single tribe of farmers in Darfur), but the vast region holds the tribal lands—the dars—of many tribes. In the late 1980s, landless and increasingly desperate Arabs began banding together to wrest their own dar from the black farmers. In 1987, they published a manifesto of racial superiority, and clashes broke out between Arabs and Fur. About 3,000 people, mostly Fur, were killed, and hundreds of villages and nomadic camps were burned before a peace agreement was signed in 1989. More fighting in the 1990s entrenched the divisions between Arabs and non-Arabs, pitting the Arab pastoralists against the Fur, Zaghawa, and Massaleit farmers. In these disputes, Sudan's central government, seated in Khartoum, often supported the Arabs politically and sometimes provided arms.

In 2003, a rebellion began in Darfur—a reaction against Khartoum's neglect and political marginalization of the region. And while the rebels initially sought a pan-ethnic front, the schism between those who opposed the government and those who supported it broke largely on ethnic lines. Even so, the conflict was rooted more in land envy than in ethnic hatred. "Interestingly, most of the Arab tribes who have their own land rights did not join the government's fight," says David Mozersky, the International Crisis

Group's project director for the Horn of Africa.

Why did Darfur's lands fail? For much of the 1980s and '90s, environmental degradation in Darfur and other parts of the Sahel (the semi-arid region just south of the Sahara) was blamed on the inhabitants. Dramatic declines in rainfall were attributed to mistreatment of the region's vegetation. Imprudent land use, it was argued, exposed more rock and sand, which absorb less sunlight than plants, instead reflecting it back toward space. This cooled the air near the surface, drawing clouds downward and reducing the chance of rain. "Africans were said to be doing it to themselves," says Isaac Held, a senior scientist at the National Oceanic and Atmospheric Administration.

But by the time of the Darfur conflict four years ago, scientists had identified another cause. Climate scientists fed historical sea-surface temperatures into a variety of computer models of atmospheric change. Given the particular pattern of ocean-temperature changes worldwide, the models strongly predicted a disruption in African monsoons. "This was not caused by people cutting trees, or overgrazing," says Columbia University's Alessandra Giannini, who led one of the analyses. The roots of the drying of Darfur, she and her colleagues had found, lay in changes to the global climate.

The extent to which those changes can be blamed on human activities remains an open question. Most scientists agree that greenhouse gases have warmed the tropical and southern oceans. But just how much artificial warming—as opposed to natural drifts in oceanic temperatures—contributed to the drought that struck Darfur is as debatable as the relationship between global warming and the destruction of New Orleans. "Nobody can say that Hurricane Katrina was definitely caused by climate change," says Peter Schwartz, the co-author of a 2003 Pentagon report on climate change and national security. "But we can say that climate change means more Katrinas. For any single storm, as with any single drought, it's difficult to say. But we can say we'll get more big storms and more severe droughts."

With countries across the region and around the world suffering similar pressures, some see Darfur as a canary in the coal mine, a foretaste of climate-driven political chaos. Environmental degradation "creates very dry tinder," says de Waal. "So if anyone wants to put a match to it, they can light it up." Combustion might be particularly likely in areas where the political or social geography is already fragile. "Climate change is likely to cause tension all over the world," says Idean Salehyan, a political scientist at the University of North Texas. Whether or not it sparks conflict, he says, depends on the strength, goodwill, and competence of local and national governments. (For more on the economic, political, and military tensions that global warming might create, see "Global Warming: What's in It for You?" by Gregg Easterbrook, on page 52.)

In Darfur itself, recognizing climate change as a player in the conflict means seeking a solution beyond a political treaty between the rebels and the government. "One can see a way of de-escalating the war," says de Waal. "But unless you get at the underlying roots, it'll just spring back." One goal of the internationally sponsored peace process is the eventual return of locals to their land. But what if there's no longer enough decent land to go around?

To create a new status quo, one with the moral authority of the God-given order mourned by Musa Hilal's father, local leaders would have to put aside old agreements and carve out new ones. Lifestyles and agricultural practices would likely need to

change to accommodate many tribes on more fragile land. Widespread investment and education would be necessary.

But with Khartoum uncooperative, creating the conditions conducive to these sorts of solutions would probably require not only forceful foreign intervention but also a long-term stay. Environmental degradation means the local authorities have little or no surplus to use for tribal buy-offs, land deals, or coalition building. And fighting makes it nearly impossible to rethink land ownership or management. "The first thing you've got to do is stop the carnage and allow moderates to come to the fore," says Thomas Homer-Dixon, a political scientist at the University of Toronto. Yet even once that happens, he admits, "these processes can take decades."

Among the implications arising from the ecological origin of the Darfur crisis, the most significant may be moral. If the region's collapse was in some part caused by the emissions from our factories, power plants, and automobiles, we bear some responsibility for the dying. "This changes us from the position of Good Samaritans—disinterested, uninvolved people who may feel a moral obligation—to a position where we, unconsciously and without malice, created the conditions that led to this crisis," says Michael Byers, a political scientist at the University of British Columbia. "We cannot stand by and look at it as a situation of discretionary involvement. We are already involved."

Mr. DURBIN. Mr. President, I would like to also ask unanimous consent that the article I referred to in the Wall Street Journal be printed in the RECORD at the end of my remarks.

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

(See exhibit 2.)

Mr. DURBIN. Divestment is not the only answer, nor are stepped-up U.S. sanctions or even multilateral U.S. sanctions, but together these steps might work. Hundreds of thousands of people in Darfur have been killed, and millions have been driven from their homes. It is too late to repeat the empty promise of "never again," but we can at least live up to the pledge of no more.

I am reminded of my former colleague, boss, and mentor, Paul Simon of Illinois, who in 1994 joined Senator Jim Jeffords in asking that troops be sent to Rwanda to try to stop the massacre. We were told that 5,000 soldiers could have stopped that massacre of 800,000 innocent people. No action was taken. These innocent people died. Senator Simon and Senator Jeffords did their best to try to call the attention of Congress and the Government and the world to what was happening in that nation, to no avail.

But they can at least take satisfaction—the late Paul Simon and Jim Jeffords—that they did their best as Members of the Senate. So many of my colleagues on both sides of the aisle joined me in this bipartisan effort to call attention to the genocide in Darfur and to urge our Government to take decisive, meaningful action as quickly as possible to spare these suffering people.

I yield the floor.

EXHIBIT 2

[From the Wall Street Journal]

THE GENOCIDE OLYMPICS

(By Ronan Farrow and Mia Farrow)

"One World, One Dream" is China's slogan for its 2008 Olympics. But there is one nightmare that China shouldn't be allowed to sweep under the rug. That nightmare is Darfur, where more than 400,000 people have been killed and more than two-and-a-half million driven from flaming villages by the Chinese-backed government of Sudan.

That so many corporate sponsors want the world to look away from that atrocity during the games is bad enough. But equally disappointing is the decision of artists like director Steven Spielberg—who quietly visited China this month as he prepares to help stage the Olympic ceremonies—to sanitize Beijing's image. Is Mr. Spielberg, who in 1994 founded the Shoah Foundation to record the testimony of survivors of the holocaust, aware that China is bankrolling Darfur's genocide?

China is pouring billions of dollars into Sudan. Beijing purchases an overwhelming majority of Sudan's annual oil exports and state-owned China National Petroleum Corp.—an official partner of the upcoming Olympic Games—owns the largest shares in each of Sudan's two major oil consortia. The Sudanese government uses as much as 80% of proceeds from those sales to fund its brutal Janjaweed proxy militia and purchase their instruments of destruction: bombers, assault helicopters, armored vehicles and small arms, most of them of Chinese manufacture. Airstrips constructed and operated by the Chinese have been used to launch bombing campaigns on villages. And China has used its veto power on the U.N. Security Council to repeatedly obstruct efforts by the U.S. and the U.K. to introduce peacekeepers to curtail the slaughter.

As one of the few players whose support is indispensable to Sudan, China has the power to, at the very least, insist that Khartoum accept a robust international peacekeeping force to protect defenseless civilians in Darfur. Beijing is uniquely positioned to put a stop to the slaughter, yet they have so far been unabashed in their refusal to do so.

But there is now one thing that China may hold more dear than their unfettered access to Sudanese oil: their successful staging of the 2008 Summer Olympics. That desire may provide a lone point of leverage with a country that has otherwise been impervious to all criticism.

Whether that opportunity goes unexploited lies in the hands of the high-profile supporters of these Olympic Games. Corporate sponsors like Johnson & Johnson, Coca-Cola, General Electric and McDonalds, and key collaborators like Mr. Spielberg, should be put on notice. For there is another slogan afoot, one that is fast becoming viral amongst advocacy groups; rather than "One World, One Dream," people are beginning to speak of the coming "Genocide Olympics."

Does Mr. Spielberg really want to go down in history as the Leni Riefenstahl of the Beijing Games? Do the various television sponsors around the world want to share in that shame? Because they will. Unless, of course, all of them add their singularly well-positioned voices to the growing calls for Chinese action to end the slaughter in Darfur.

Imagine if such calls were to succeed in pushing the Chinese government to use its leverage over Sudan to protect civilians in Darfur. The 2008 Beijing Olympics really could become an occasion for pride and celebration, a truly international honoring of the authentic spirit of "one world" and "one dream."

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the motion to proceed to S. 372 be agreed to.

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

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 372) to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

CLOTURE MOTION

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

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 20, S. 372, the Intelligence Authorization bill of 2007.

Harry Reid, Chuck Schumer, Russell D. Feingold, Jay Rockefeller, Evan Bayh, Patty Murray, Dick Durbin, Jeff Bingaman, Robert Menendez, B.A. Mikulski, Dianne Feinstein, Bill Nelson, E. Benjamin Nelson, S. Whitehouse, Byron L. Dorgan, Blanche L. Lincoln, Ron Wyden.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory live quorum be waived and the cloture vote occur on Monday, April 16, at 5:30 p.m.

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

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume consideration of the bill on Monday at 3 p.m. and that Senator ROCKEFELLER be recognized at that time to offer a managers' amendment on behalf of himself and Senator BOND.

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

Mr. REID. Mr. President, earlier today the Senate invoked cloture on the motion to proceed to the fiscal year 2007 Intelligence authorization bill.

However, as a result of objections from the other side, the Senate now finds itself in the unfortunate position of having to run out the clock for the next several days rather than promptly considering and completing action on this important legislation.

Let me remind my colleagues of the long road we have been down with this bill already.

The previous Republican-controlled Congress failed to pass an intelligence authorization bill in fiscal year 2006 and fiscal year 2007—2 years in a row.

That is an unprecedented and unacceptable record for this body: prior to that, Congress had passed this bill every single year for 27 years, often with the bipartisan support of every Senator.

As my colleagues know, the Intelligence authorization bill funds the operations of the 16 agencies of the U.S. intelligence community—including the CIA, the FBI, the NSA, the Defense Department—and all the critical work they do to keep Americans safe and fight the war on terror.

It includes essential initiatives that would improve our efforts to fight terrorism and control weapons of mass destruction, enhance our intelligence collection capabilities, and strengthen intelligence oversight.

Blocking the passage of this bill, as a handful of Senators on the other side of the aisle have done over the last couple of years, has left Congress silent on these important matters and made America less secure.

Most of us in the Senate recognize how important it is to pass this bill. We know it is not a partisan issue, that there are no political points to be scored on either side. But I am increasingly disappointed at the continued obstructionism by several Republicans on a matter of national security.

Earlier this year, Chairman ROCKEFELLER and Vice Chairman BOND attempted to bring this bill up for consideration. We were told the objections of a single Senator on the other side of the aisle blocked their efforts.

I have heard that some Senators on the other side of the aisle are interested in offering amendments, yet at this time none of these amendments have surfaced or seen the light of day.

I would certainly like to be reasonable and accommodate every Senator's interest in debating amendments offered in good faith, but I am increasingly concerned that we are seeing obstructionism and delay tactics, rather than productive debate.

Some may wonder what is behind the delay. At a time of war, why would a handful of Senators be willing to hold up a bill that is crucial to our national security?

Why would a group of Senators hold up a bill that has always passed quickly, with little debate or amendment?

Why would they hold up a bill that enjoys overwhelming bipartisan support?

It appears the answer lies not in the legislation before us now but the legislation the Senate will turn to next:

A Medicare bill that will lower drug costs for seniors and people with disabilities by giving the Federal Government the power to negotiate drug prices with some of this Nation's most powerful and profitable companies.

This is not good faith debate—it is a cynical effort by the drug companies—their lobbyists in Gucci shoes and chauffeured limousines—and their supporters—to hold this national security bill hostage and delay the Senate from acting on legislation to help society's most vulnerable.

So I ask my colleagues to consider this fair notice: unless I see some signs of good faith from the other side of the aisle toward a reasonable timeframe for considering a reasonable number of amendments, I will file cloture on this bill tomorrow.

The Senate has a lot of work ahead of it and it should begin with the swift consideration and passage of this bill.

MORNING BUSINESS

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

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

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. BYRD. Mr. President, early next week, Members of the House and Senate will meet to work on the final version of the emergency supplemental appropriations bill. The Senate's version of this legislation provides \$123 billion primarily for the wars in Iraq and Afghanistan, for improving the health care for returning soldiers and veterans, for continued Hurricane Katrina recovery for the gulf coast, to fill major gaps in homeland security, and to provide emergency drought relief for farmers. The President has asserted that Congress is holding funding for the troops hostage for what he calls "porkbarrel" spending. What nonsense. Facts matter. Once again, the President does not seem to know the facts. This is legislation that meets some of the most critical needs of our troops and our Nation.

In the days since the Senate approved this legislation, the White House has taken on the regular practice of demonizing the Congress and attacking the bipartisan bill. On Tuesday, for instance, President Bush repeated his hollow claims that the Army will run out of money if Congress doesn't finish this legislation by the weekend. What nonsense.

The nonpartisan Congressional Research Service has reported that the Army can use the dollars that Congress has already appropriated—some \$52 billion—to help the Pentagon reach the end of May. Fifty-two billion dollars. Unless the administration has a new military adventure up its sleeve that the country doesn't know about, that \$52 billion will easily pay for continued operations in Iraq.

The White House is spinning an imaginary tale of doom and gloom to

try to scare the Congress and the country. But the facts just don't support the administration claims.

To underscore this factfinding effort, the Army provided financial updates to the House of Representatives this week and told House officials that its current Army funding could last until the summer. Yet, to listen to the White House, one would think that our soldiers will be out of bullets by Sunday.

Another example of facts mattering. In remarks this week, before announcing that the troops would see their tours of duty extended for at least 3 months and that his escalation would take many months longer than he first planned, President Bush spoke of a reprogramming request for \$1.6 billion from personnel accounts. That is Washington-speak for shifting funds around to pay the bills. Basically, the Pentagon is considering a shift of dollars from September's payroll budget to fund the President's surge plan. Yet, to hear the dire claims coming from the White House, this shift would wreak havoc on the Pentagon. The truth is that no havoc will ensue. This shift is one that the Pentagon has adopted on many occasions in years past, during times of war and peace. This is a simply accounting move, not a major blow to the Pentagon's war machine.

It is time for the White House to drop this trumped-up crisis talk and get down to the truth.

Let's take a look at what the House and Senate have actually approved. The House and the Senate, on a bipartisan basis, have each approved nearly \$100 billion for our soldiers, sailors, airmen, and marines. The House and the Senate, on a bipartisan basis, approved funding to improve the health care of our troops and our veterans. The House and Senate, on a bipartisan basis, approved funding to speed long-delayed Hurricane Katrina reconstruction. The House and Senate, on a bipartisan basis, approved funding to close the major gaps in our homeland security that could be exploited at any moment.

These priorities, the White House claims, are extraneous and wasteful. On top of the \$38 billion already approved by Congress for the reconstruction of Iraq, now the White House has requested \$3.7 billion more to rebuild Iraq. I cannot understand how the White House can champion another \$3.7 billion to rebuild Baghdad but object to \$3.3 billion to rebuild the hurricane-ravaged gulf coast of America. I cannot understand how the White House can press Congress to build new hospitals in Iraq but object to \$1.7 billion to provide first-class health care for our veterans and another \$1.3 billion for our troops returning home from war.

When this legislation is finished, we will have a responsible plan that provides key resources for our troops, takes care of our veterans returning home from war, and rebuilds the communities laid to waste by Hurricane Katrina. And Congress will listen to the American people and craft a responsible framework for the Iraqis to

take control of their own nation. This is not legislation that should be vetoed by this President; this is legislation that he should sign into law.

We will announce a conference schedule soon and move forward quickly. Our goal is to have the final legislation to President Bush by the end of the month.

ASSEMBLED CHEMICAL WEAPONS ALTERNATIVES PROGRAM

Mr. MCCONNELL. Mr. President, I rise today to discuss the future of the Assembled Chemical Weapons Alternative, ACWA, program, which is of vital importance to the people of Madison County, KY.

The people of Madison County are living right next door to over 500 tons of the deadliest material ever conceived by man. It is stored at the Blue Grass Army Depot, BGAD. Understandably, those in the nearby community would like to see these weapons disposed of as safely and quickly as possible. It is the mission of the ACWA program, as well as the Department of Defense, to do just that.

Recently, the program manager for ACWA, Mike Parker, decided to retire. Mike has left big shoes to fill. The question then is, who will take Mike's place? Whoever is picked to permanently fill his position will need to possess a number of qualifications. These traits include an appreciation for the unique culture at ACWA. Central to that culture is the willingness to work collaboratively and openly with the local community and with Congress. It would be unfortunate if the new program manager, whoever it may be, were to attempt to impose solutions unilaterally onto the community and to act without transparency and consultation with Congress. I also trust that the new program manager will understand the need to complete work at BGAD as soon as is safely possible; not as soon as the department finds it to be convenient.

Finally, the new program manager needs to be fully committed to chemical neutralization at BGAD as this approach has already been selected by the department, embraced by the community and endorsed by the state of Kentucky. Any variance from this path would only lead to additional delay in eliminating the risks associated with these stored weapons.

The job of disposing of chemical weapons at BGAD is not just to be laid at the feet of the program manager for ACWA. It is a mission entrusted to the Department of Defense. Accordingly, the department itself needs to provide oversight over ACWA to ensure that the new program manager is acting in a manner consistent with the way ACWA has conducted its business in the past. Those at the department also need to support the ACWA program manager's mission by providing sufficient funding in the annual budget request, in the \$450-500 million range, so

that the chemical weapons are disposed of in a timely fashion. In the past, the department has chosen to tie itself in bureaucratic knots over the program. Those days need to end. These chemical weapons need to be destroyed. The people of Madison County deserve no less.

RECIDIVISM REDUCTION AND SECOND CHANCE ACT

Mr. KENNEDY. Mr. President, for far too long the criminal justice system has failed to adequately address recidivism, and that failure has imposed a large financial and social cost on the Nation. Even the best-intentioned prisoners face debilitating challenges when they rejoin their communities, yet the current system leaves them ill-prepared to face those challenges.

Our existing policies of mass incarceration and release are not working. Large prison populations and high recidivism rates place heavy burdens on prisons, communities, and taxpayers. Of the 2.2 million persons housed in prisons today—an average annual increase of 3 percent in the past decade—97 percent will be released into the community. Overcrowding continues to plague the system. State prisons are operating at full capacity and sometimes as much as 14 percent above capacity, and Federal prisons are 34 percent above capacity. In 2005, prison populations in 14 States rose at least 5 percent. Recidivism and inadequate reentry programs add to the problem. Over 600,000 prisoners are released each year, but two-thirds of them are arrested again within 3 years.

The social cost of recidivism is devastating to communities, and it also imposes a financial burden. States spend an average of approximately \$22,000 annually to house a prisoner. Taxpayers spend more than \$60 billion annually on corrections, more than six times the \$9 billion spent 25 years ago. Yet the current system still fails to adequately support the essential programs for health, housing, substance abuse, education, and employment that ex-offenders need to reintegrate into their communities. Even community and local law enforcement programs that are effective in helping ex-offenders often lack adequate resources and guidance.

Future generations will bear the burden created by today's high recidivism rates. In 2006, the Department of Health and Human Services reported that 2 million children nationwide have an incarcerated parent. Studies suggest that these children are seven times more likely to end up in prison themselves. One study found that as many as 1 in 10 will have been incarcerated before reaching adulthood. Of the approximately 100,000 juveniles who are currently incarcerated, many will become recidivists because of a lack of effective reentry programs.

This increasingly serious failure demands a comprehensive solution that

takes into account both the challenges that ex-offenders face and the role of law enforcement and community and family-based programs in successful reentry. That is why I am pleased to join my colleagues in support of the Second Chance Act. This legislation provides an opportunity for law enforcement, communities, and families to give former offenders a helping hand that the vast majority of them will use to become productive members of society.

The Second Chance Act provides financial support, research, and guidance for proven and cost-effective solutions to the health, housing, substance abuse, education, and employment challenges that former offenders face in reintegrating into their communities. It funds mentoring grants, demonstration grants, drug treatment, and family-based treatment. It authorizes the National Institute of Justice to conduct research on offender reentry and on the need for a national resource center for State, local, and community service providers to collect and disseminate best practices. The bill also creates an interagency taskforce to review and report to Congress on the Federal barriers that so many ex-offenders face.

A second chance starts with a place to live. This bill will promote programs that help recently released inmates overcome the first major hurdle they face—finding safe, adequate, and affordable housing. 15 to 27 percent of prisoners expect to go to homeless shelters upon release. Figures published by the Volunteers of America in 2004 indicated that two-thirds of former prisoners who lacked adequate housing had committed crimes within 1 year of their release, compared to only one-quarter of those who had housing. Another recent study released by the National Criminal Justice Reference Service showed that 30-50 percent of parolees in urban areas such as Los Angeles and San Francisco are homeless, which compounds the profound hardship that re-integration already places on urban communities. The Second Chance Act supports our communities and local law enforcement by supporting housing programs for ex-offenders, so that they can take the first steps towards getting back on their feet and rejoining the community.

The Second Chance Act also supports mental health care and substance abuse treatment programs that are vital to many ex-offenders as they struggle to reintegrate. Nearly a quarter of State prisoners and jail inmates with a mental health problem had served three or more prior incarcerations, yet two-thirds of State prisoners do not receive mental health treatment. In substance abuse treatment, more than two-thirds of State prisoners have been regular drug users at some point during their lives, and one-third had committed the crime for which they were imprisoned while under the influence of drugs.

According to a recent Bureau of Justice Statistics report, of the approximately 50 percent of prisoners who met the criteria for drug dependence or abuse, less than half participated in drug treatment programs since their admission to prison. To address these issues, the Second Chance Act reauthorizes mental health care and substance abuse treatment demonstration projects and provides resources and best practices research to comprehensive community-based and family-based substance abuse programs. The programs supported by this legislation give ex-offenders the care and treatment they need to remain drug free and out of prison.

We also cannot expect ex-offenders to become productive members of the community if they don't have the education and vocational training they need to find jobs. The Bureau of Justice Statistics reports that only 46 percent of incarcerated individuals have a high school diploma or its equivalent. The limited availability of education and vocational training programs exacerbates the problem. Only 5 percent of jail jurisdictions offer vocational training, and 33 percent of jurisdictions offer no educational or vocational training at all.

Research shows what a profound effect such programs have on decreasing recidivism rates. Recidivism for inmates who participate in prison education, vocation, and work programs have been found to be 20 to 60 percent lower than for nonparticipants. The Federal Bureau of Prisons found a 33-percent drop in recidivism among Federal prisoners who participated in vocational training.

The Safer Foundation in Chicago found a recidivism rate of 8 percent for participants in its vocational program, compared with 46 percent for a comparison group. The Second Chance Act supports community education and vocational training programs that have proven their effectiveness, and offers the tools and resources to study best practices on job training and placement. It also supports collaboration among community corrections, technical schools, community colleges, and the workforce development and employment service sectors to help ex-offenders overcome the many barriers they face in finding employment.

In addition to addressing adult ex-offender reentry programs, the Second Chance Act also supports juvenile ex-offender reentry programs that put juvenile ex-offenders on the path to being productive adults and good citizens. The nearly 100,000 children who make up the juvenile prison population are among the most vulnerable and defenseless group in our criminal justice system. Too often, we fail to protect them. Many juvenile ex-offenders have learning disabilities and need substance abuse and mental health treatment. Many are incarcerated in overcrowded facilities. All need an education and the support of community-

based programs to reintegrate them after incarceration. To help give juvenile ex-offenders the second chance they need to become positive forces in their communities, this bill reauthorizes the Juvenile Offender Reentry Demonstration Projects, creates a resource center to collect data and provide guidance concerning best practices for juvenile reentry, offers grants to improve educational methods in juvenile facilities, and supports community and family-based juvenile aftercare programs.

In Massachusetts, programs like those that the Second Chance Act would authorize have already been nationally recognized for their success. In Hampden County, Sheriff Michael Ashe and the Hampden County Sheriff's Department have shown that law enforcement and community-based reentry programs that focus on education, employment and treatment are the most effective way to reduce recidivism and improve community safety. States such as Massachusetts have been creating innovative and effective reentry programs, and it is time for the Federal Government to do its part. Supporting such programs is the surest way to ensure that when ex-offenders leave prison, they go with the skills, guidance, and support they need to succeed.

I am especially pleased that the Second Chance Act will support the Elderly Nonviolent Offender Pilot Program, which focuses on reintegrating nonviolent elderly offenders over the age of 60. The current strategy of incarcerating elderly inmates who are no longer a threat to their community is a waste of government resources and a humanitarian failure, and the problem is only getting bigger as the elderly prison population grows. A 2004 report by the National Institute of Corrections found that the number of State and Federal prisoners ages 50 or older rose 172 percent between 1992 and 2001, and some estimates suggest that the elderly inmate population has grown by as much as 750 percent over the last two decades. Even conservative estimates suggest that the population of elderly inmates will represent 33 percent of the total prison population by 2010. The average cost of housing the increasing number of elderly inmates is reported to be about \$67,000, three times the average cost of housing younger inmates. As the age of the inmate population grows over the next decade, the total spent on corrections will increase dramatically, even though nonviolent elderly offenders pose little risk to the community. And according to a Department of Justice report, they have a recidivism rate of only 1.4 percent, much lower than the rate for younger inmates.

Housing elderly inmates also raises humanitarian concerns. Often they require treatment for chronic and fatal diseases, protection from younger prisoners, and alterations to accommodate walkers, canes, and geriatric chairs.

According to the National Institute of Corrections:

[T]he lack of personal protection for elderly inmates, which may be frail and therefore vulnerable to the threats of assault by younger predatory inmates, contributes to the emotional stress and physical deterioration they routinely experience, especially among those who may be already vulnerable owing to chronic illness.

Housing nonviolent elderly offenders is not just a financial issue. It is also a humanitarian problem for which we must find new solutions.

Forty-one states already offer some kind of early limited release program for elderly inmates. The American Bar Association has recently endorsed a proposed amendment to the sentencing guidelines to allow more lenient sentencing for nonviolent elderly offenders. By supporting the Elderly Nonviolent Offender Pilot Program, Congress takes an important step towards addressing the humanitarian and financial challenges of housing an aging prison population. The Federal Bureau of Prisons estimates that 378 nonviolent elderly offenders, and an average of 53 nonviolent elderly offenders a year over the next decade, will be eligible for the program. It offers an opportunity to demonstrate the effectiveness of alternatives to housing elderly inmates, and I hope its success will lead to a more comprehensive solution to one of the important challenges facing the prison system.

When ex-offenders return to prison, all Americans pay a price, both social and financial. The Second Chance Act supports a comprehensive solution to the recidivism problem in America—a problem that we cannot afford to ignore. It is a solution that allows local law enforcement, communities, and families to offer ex-offenders the programs and support they need to get back on their feet and become positive, productive members of their communities.

DECEPTIVE FOOD PACKAGING

Mr. LEVIN. Mr. President, today I call attention to a development within the U.S. Food and Drug Administration, FDA, that has resulted in the sale of carbon-monoxide-treated meat to American consumers. Allowing this can deceive American consumers and raises serious public health concerns since the consumers can no longer rely on the way the meat looks to indicate its freshness.

The use of carbon monoxide turns beef a shade of red that mimics very fresh red meat. Mixing carbon monoxide into the pre-packaged, air-tight packaging of beef allows it to retain its red color long after the expiration date on the package.

The meatpacking industry argues that beef is actually safe up to 20 days when refrigerated and much longer if it is frozen. They also argue that because untreated meat can begin to turn brown before its expiration date, it is

not a true indication of the meat's freshness and consumers should not be relying on the color of the meat, but the expiration date on the package.

That is a theoretical argument that fails in the real world. Consumers do rely on meat color and the industry knows that the only purpose of using carbon monoxide is to maintain the red color. Experiments with treated and untreated packages of beef compared how they age under refrigeration. After the expiration date, untreated meat begins to turn brown, while meat was still rosy pink if treated with carbon monoxide. Even though the treated beef looked fresh, it was in fact contaminated with *E. coli* bacterium and salmonella.

The FDA has had longstanding rules against color alteration of meats but, inexplicably, the FDA has allowed carbon-monoxide-treated packaging to move forward. I asked the Food and Drug Administration for an explanation of this change. In their response, the FDA claims that adding carbon monoxide to the packaging meets their standard of "generally recognized as safe," and no further FDA approval is required.

Relying on the procedures for substances that are "generally recognized as safe" is inappropriate for color additives and surely that should include any substance added to food whose purpose is to change its color. Under the Federal Food, Drug and Cosmetic Act, the FDA is required to issue, through notice and comment rulemaking, the permissible conditions of use in regulations "listing" the color additive. The color additive "listing" procedure is a transparent process in which the public is engaged. Consumers have the opportunity to comment on the safety and deception risks that are presented. For the FDA to allow the use of carbon monoxide for color alteration under the "generally recognized as safe" notification procedure ignores the well established listing requirements for public engagement in the policy development process.

Since there are currently no requirements for the meatpacking industry to label which meats have been packed in carbon monoxide and which have not, it is especially important for consumers to look for the expiration date printed on all meat package labels and not just at the color of the beef. Even if the meat is purchased before the expiration date, consumers still need to be aware that beef packaged in carbon monoxide can spoil at home yet still look fresh. If consumers judge the freshness of beef by its red color without checking the expiration date on the package, they risk their health.

Prepackaged beef should not be treated with carbon monoxide, but at a minimum, meat that has been treated with carbon monoxide should be clearly labeled so that consumers know what they are buying.

Six consumer groups recently sent a letter to Senators asking that Congress

take action on this important health issue. I ask unanimous consent that this letter be printed in the RECORD.

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

CONSUMER FEDERATION OF AMERICA—CONSUMERS UNION FOOD & WATER WATCH—GOVERNMENT ACCOUNTABILITY PROJECT NATIONAL CONSUMERS LEAGUE—SAFE TABLES OUR PRIORITY

JANUARY 18, 2007.

DEAR SENATOR: We write to urge Congress to institute a ban on the use of carbon monoxide in a modified atmosphere packaging (MAP) process for case-ready fresh meat. In January 2006, consumer groups sent a letter to the Food and Drug Administration (FDA) and the Department of Agriculture (USDA) requesting the FDA and the USDA to re-visit their acceptance of carbon monoxide usage in case-ready meats as a GRAS (generally recognized as safe) substance. This request was made for several reasons: (1) the science behind the decision is questionable; (2) the decision was made without the benefit of public dialogue and input; (3) this process has already been banned in Europe; and (4) there is concern by the American public that the meat that they purchase could look fresher and safer than it actually is. However, despite repeated calls from members of Congress and consumer groups, the agencies have not acted.

The addition of carbon monoxide utilized in the MAP processing of fresh meat produces a new, bright red color in the meat, which then masks the natural browning of the meat that would occur over time. This could induce consumers to buy and use meat products that are not as fresh as they appear. Furthermore, case ready packages of meat processed with carbon monoxide are not at this time required to have labeling informing consumers that such a process was used.

Even USDA has acknowledged the risk of misrepresentation to consumers by noting that the use of carbon monoxide "with case ready fresh cuts of meat and ground beef could potentially mislead consumers into believing that they are purchasing a product that is fresher or of greater value than it actually is and may increase the potential for masking spoilage." This is precisely the situation Congress, by law, intended to proscribe in establishing the adulteration and misbranding provisions of the Federal Food, Drug and Cosmetic Act (FDCA) and the Federal Meat Inspection Act (FMIA) in the early 1900s.

As a result of recent foodborne illness outbreaks which sickened hundreds and caused several deaths, consumers are becoming increasingly concerned about the federal government's ability to protect them from contaminated food. Consumers want more disclosure about food-processing practices, not obfuscation, as is occurring with meat utilizing a MAP process.

The use of carbon monoxide in the MAP processing of fresh meat means that consumers have no way of judging the freshness of the meat, which Consumer Reports found could be spoiled even before the labeled "use-by or freeze-by" date. Proponents of carbon monoxide disingenuously point to smell as a telltale sign of spoilage but consumers can't use smell with sealed packages before the point of purchase. They have to wait until they have purchased the meat and taken it home to open the package and be able to smell it. Those with impaired senses of smell may have difficulty in detecting "off" odors. In addition, those at greatest risk of contracting the most serious forms of foodborne

illness, such as the elderly, may have difficulty reading the stamped dates on the packages.

The Consumer Federation of America sponsored a national survey that demonstrated overwhelming opposition from consumers to the use of carbon monoxide in meat. When asked whether the practice of treating red meat with carbon monoxide is deceptive or not, 78 percent of consumers surveyed said the practice is deceptive. In that same survey 68 percent of consumers said they would strongly support a mandatory labeling law for carbon monoxide-treated meat.

In addition, industry insistence that consumers rely on "use-by" or "freeze-by" dates to determine the freshness of the meat is not valid. Conventionally packaged (on-site) meat and ground beef generally has a shelf life of approximately four to five days, at which time the meat turns brown and is either discounted or discarded. Meat that arrives in store in a "case-ready" condition in typical packaging (packaging that has not used CO or the MAP process) has a shelf life of 10 to 12 days, before the meat changes color. Contrast these shelf lives with the 28-day shelf life granted by USDA for ground beef that is packaged under a MAP process utilizing carbon monoxide. Even after that period of time, the artificially bright red color persists, lessening the likelihood that consumers will check the "use-by or freeze-by" date.

The findings of two studies, one by Consumer Reports and one sponsored by Kalsec and conducted by S&J laboratories, raised serious concerns that some carbon monoxide-treated meat on store shelves and available to consumers may be spoiled prior to the use-by date stamped on the package. Additionally, a study conducted at Texas Tech and submitted to the FDA by supporters of CO-meat seemed to corroborate these findings—that CO-treated meat may be spoiled prior to the use-by date on the label.

The question now becomes, "Are the agencies acting in the best interests of consumers?" If you believe as we do that they are not, then it is incumbent upon Congress to act.

As a result of the agencies' acceptance of this process and unwillingness to revisit their decision based on new information provided to them over the course of this past year, the onus is now on consumers to determine for themselves if the meat they are buying is fresh, not presented to them in a deceptive manner, or potentially unsafe. Unfortunately, consumers have been put in this position without the information or tools to make these determinations—such as clear labeling that indicates the use and purpose of carbon monoxide, and communications programs to inform consumers not to use color to judge the freshness and quality of meat, as they usually do. As a result, consumers have no indication that the color of this meat is the result of the addition of carbon monoxide to the packaging and are denied the opportunity to make informed purchasing decisions. This practice therefore can deceive the consumer into believing that meat is fresh when it may be spoiled or that it is of higher quality than it appears.

We respectfully urge the 110th Congress to take this matter up by instituting an immediate ban on the use of carbon monoxide in a MAP process for case-ready fresh meat. This meat is sitting, unlabeled, on grocery store shelves now and no action by FDA or USDA to reconsider its GRAS decision seems to be forthcoming, despite the numerous concerns raised above.

Sincerely,

CHRIS WALDROP,
Consumer Federation
of America.

JEAN HALLORAN,
Consumers Union.
WENONAH HAUTER,
Food & Water Watch.
JACQUELINE OSTFELD,
Government Accountability Project.
LINDA GOLODNER,
National Consumers League.
NANCY DONLEY,
S.T.O.P.—Safe Tables
Our Priority.

UPCOMING ELECTIONS IN NIGERIA

Mr. OBAMA. Mr. President, I rise today to discuss the situation concerning the upcoming elections in Nigeria.

The people of Nigeria have a historic achievement within their grasp: their country's first peaceful, democratic transfer of power from one elected civilian government to another. To secure this victory for themselves and for Africa, and to retain the kind of international confidence in Nigeria's future that is essential for the country's growth, Nigerians need and deserve the strongest possible international support for free, fair, and peaceful elections on April 14 and 21.

Successful elections are not guaranteed. Political violence and serious irregularities have tarnished past polling in parts of the country, denying some Nigerians their democratic rights. No one truly interested in Nigeria's long-term stability and prosperity can accept repeats of these incidents as regular features of the country's political landscape.

There is already cause for concern this time around. Regrettably, preparations for this month's elections have been sluggish, and the independence of the electoral commission has been compromised. Important national discussions about corruption and accountability have been temporarily hijacked by elaborate preelection maneuvering.

But the Nigerian people can still succeed in exercising their democratic rights and taking control of their national destiny. The rule of law, not the wishes of the powerful, can resolve outstanding questions about the electoral process. American interests in working with a strong and democratic Nigerian partner will remain powerful regardless of who is victorious when the returns come in, which is precisely why we should use our voice now, not to favor any party or candidate, but to support Nigeria's democracy.

FIFTY CALIBER SNIPER RIFLES

Mr. LEVIN. Mr. President, militaries around the world use .50 caliber sniper rifles which are noted for their powerful and destructive capabilities. In the hands of a terrorist, these weapons could inflict devastating results. The fact that terrorists can legally obtain weapons in the United States with such destructive capabilities puts us all at great risk.

In 1985, a previously classified National War College strategic study report, written by a former Deputy Assistant Director of the U.S. Secret Service, warned of the growing threat from large caliber sniper rifles, specifically .50 caliber rifles. These "long range weapons pose a significant threat for U.S. National Command Authority figures if used by terrorists or other assailants," the Secret Service warned. "These weapons are more accurate than shoulder fired antitank rockets and, if used against aircraft, [are] immune to electronic counter measures."

Ten years later the RAND Corporation, a nonprofit global policy think tank, issued a report identifying .50 caliber sniper rifles as a serious threat to the security of U.S. Air Force bases. After noting the success of Barrett sniper rifles against light armored vehicles in the 1991 Gulf War, the report noted, "Such weapons also give light forces a portable and quite deadly option against parked aircraft. These rifles are effective against man-sized targets up to 1,600 meters away and could hit aircraft sized targets at even greater ranges." It further states that, "it seems only a matter of time before these or similar weapons find their way into the arsenals of potential adversaries, if they have not already done so."

The August 2003 U.S. Army Intelligence training handbook, "A Military Guide to Terrorism in the Twenty-First Century," specifically identified large caliber sniper rifles as an attractive weapon for terrorists to use for an assassination. It noted that .50 caliber sniper rifles are of particular interest because they can engage attacks on "targets that are difficult to get close enough for other weapons," yet "can also effectively engage light armored vehicles."

A 2004 report on security at Los Angeles International Airport, LAX, specifically warned of snipers using .50 caliber rifles to fire at parked or taxiing aircraft among a list of potential terrorist attack tactics. The RAND Corporation compiled this list by considering information gathered by intelligence organizations based on the historical tendencies and capabilities of terrorist organizations. The analysis however was not able to identify "any truly satisfactory" security improvement options to protect against such sniper attacks.

In November 2004, the Homeland Security Center at the University of Southern California, funded by the U.S. Department of Homeland Security, identified .50 caliber sniper rifles as an imminent threat to civil aviation. A risk analysis prepared by the center stated that the range and power of .50 caliber sniper rifles enable them to "target fuel tanks, passengers, pilots, and down aircraft in the worst case." It also noted that al Qaeda has acquired and used these rifles against coalition forces in Iraq.

These destructive weapons are currently subject to only minimal Federal

regulation. Buyers need to only be 18 years old, rather than the 21 years of age which is required for handgun purchases. There is no minimum age requirement for the possession of a .50 caliber weapon and no regulation on second hand sales. Congress must do more to help keep military style firearms out of the hands of terrorists.

HONORING OF DREW BLEDSOE

Mr. KERRY. Mr. President, today I wish to honor former New England Patriots Quarterback Drew Bledsoe on his retirement, after 14 years in the National Football League, NFL.

Drew Bledsoe helped usher in the modern era of Patriots football. Throughout his career, Drew Bledsoe may have also played for the Buffalo Bills, an AFC East rival of the Patriots, and for the Dallas Cowboys, but he got his start in chilly Foxboro, MA.

Fourteen years ago, a young Bledsoe was the first overall selection in the NFL Draft for New England draft of Washington State. He brought the Patriots to their first Super Bowl in 11 years, and despite ultimately losing to Brett Favre and the Green Bay Packers, a newfound feeling of excitement and pride overtook New England's football fans. And that feeling hasn't subsided.

After Tom Brady went down in the AFC playoff in 2002, Bledsoe led the Patriots to victory over the Pittsburgh Steelers, ensuring the Pats a spot in Super Bowl XXXVI. And as you know, that was just the beginning of the New England football dynasty.

Bledsoe is a four-time Pro-Bowl quarterback, who throughout his career threw for more than 44,000 yards and completed more than 250 touchdown passes. He finished his career 7th all-time in yards passing, 13th in touchdowns, and 5th in completions.

His career off the field was just as impressive. Bledsoe has long worked to help improve the lives of children by teaching parenting skills through both the Drew Bledsoe Foundation and Parenting with Dignity. The programs' curriculum, which teaches the importance of family values, is used nationwide, reaching an estimated 1.75 million American families. He has also served as international chairman of the Children's Miracle Network, helping to raise millions of dollars to benefit children nationwide.

Bledsoe is the recipient of the Thurman Munson Humanitarian Award, the NFL Alumni Spirit Award for exemplifying the spirit of the NFL caring for kids and the Walter Payton Man of the Year Award, chosen by his teammates for demonstrating balance between civic and professional responsibilities. He also received the Ed Block Courage award, chosen by his teammates as the NFL player demonstrating the most courage and character.

Drew Bledsoe has conducted himself with both dignity and maturity

throughout his 14 years in the NFL, and today I, along with Patriots fans across New England, congratulate him on a fantastic career and wish him success in the next chapter of his life.

ADDITIONAL STATEMENTS

TRIBUTE TO ELEANOR SANTEE

• Mr. CASEY. Mr. President, today, I would like to honor a woman of incomparable dedication and grace. After 26 years of loyal service to the Scranton School District, Mrs. Eleanor Santee retired from her position as a secretary at Robert Morris Elementary School on March 2, 2007.

Throughout Eleanor's years of service, the combination of her experience and work ethic allowed her to provide capable administrative support for the three principals of Robert Morris Elementary under whom she served. More importantly, Eleanor took the time and initiative to provide support, encouragement, and friendship to the thousands of students who passed through the school during tenure. Some people with Eleanor's years of experience might have become complacent, but Eleanor understood that in order to be successful a school must go beyond mere academic success; it must also provide a nurturing environment where pupils can develop the knowledge, skills, and attitudes necessary for success throughout life. Eleanor made an indelible mark on Robert Morris Elementary and all who passed through there. She can take pride in a job well done.

In retirement, I have no doubt that Eleanor will continue to be an active citizen of my hometown, Scranton, PA, where she resides with her husband Richard.

I congratulate Eleanor on her many years of service to Robert Morris Elementary School and wish her the best in health and happiness at the completion of an admirable career.●

APPRECIATION FOR TOM GARY, JR.

• Mr. COCHRAN. Mr. President, I am pleased to commend Tom Gary of Greenwood, MS, for his distinguished service during the past year as president of the Delta Council.

Delta Council is an economic development organization representing the business, professional, and agricultural leadership of the 18 delta and part-delta counties of Northwest Mississippi. Delta Council was organized in 1935 to help meet the challenges which confronted this region of our State.

A major concern of the Mississippi Delta was the impact of Mississippi River and tributary flooding. Flood protection and drainage have severely challenged the delta region throughout its history. This is an area of concern where Tom Gary has distinguished himself as a leader. Tom took the lead-

ership of the Delta Council Flood Control Committee following a serious delta flood in 1991 and led the effort to accelerate construction and completion of all Yazoo Basin projects. The 1991 flood inundated more than 1.1 million acres in 15 delta towns; and it seriously damaged schools, roads, public facilities and cropland. After Gary's term as Flood Control Committee chairman, cities such as Greenville, the largest town in north Mississippi, received benefits that will provide 100-year flood protection.

Tom serves as vice president of Delta Wildlife, chairman of the Leflore County Farm Service Agency Committee, commissioner and treasurer of the Leflore County Soil and Water Conservation Commission, director of the Business and Industry Political Education Committee and as the Cotton Board director of Farmers Supply Cooperative. He was also appointed by the Secretary of Agriculture as a member of the Cotton Board.

Through his work with Delta Council, Tom has become a strong advocate and effective leader in advancing Delta Council's mission in adult literacy, the fight against critical teacher shortages in the primary and secondary school system, improved access to health care, and in transportation developments which are so vital to the delta region.

I congratulate Tom Gary and his wife Moxie for the contribution they have made to the delta through their service in Delta Council during the past year.●

TRIBUTE TO FRANCIS HARVEY

• Mr. LIEBERMAN. Mr. President, today I wish to speak about a recent change in the top leadership in our Army. Dr. Francis Harvey departed as Secretary of the Army at a ceremony at Fort Myer, VA. Farewell ceremonies are often held at Fort Myer for soldiers of all ranks as they pass the torch to those men and women who will take over the responsibility of defending our Nation. The ceremony at Fort Myer honors their contributions and symbolizes the continuity between the past and the future. Secretary of the Army Harvey's service as Secretary of the Army was during a particularly crucial time for the Army. The Nation is at war against a dangerous and determined enemy. That war is of long duration, and the Army has borne the brunt of the fighting. The nature of this war, and the demands it has made on the Army, has resulted in great challenges for the senior leadership of the Army. Secretary Harvey accepted those challenges and worked with skill, determination, and honor to overcome them and keep our Army strong and ready today and to prepare it for tomorrow. Many of us in Congress know of and appreciated Secretary Harvey's commitment to the Army. But the person who is best able to tell of his accomplishments and his contribution to the Army is his close partner, the Chief of

Staff of the Army. I am pleased to commend to my colleagues GEN Peter Schoomaker's speech thanking Secretary Harvey for his service to the Army. I bid Secretary Harvey farewell, thank him for his service to our country, and wish him all the best in the next chapter of his life.

The material follows.

SPEECH BY GENERAL SCHOOMAKER

Secretary and Mrs. Harvey, Deputy Secretary England, Chairman of the Joint Chiefs, General Pace . . . Sergeant Major of the Army Preston, other distinguished guests and friends. Today Dr. Fran Harvey, our 19th Secretary of the Army, departs our ranks but not our hearts. I am grateful to have had the privilege and honor to serve by his side. When Secretary Harvey was sworn in back in November 2004 I provided him a photo of a Soldier on bended knee in Iraq carrying an almost unbearable load.

I explained to Secretary Harvey that this picture should serve to remind him—that like all leaders across our Army—everything he does will impact our Soldiers on the ground. Our challenge, therefore, was to lighten the load our Soldiers bear (in other words, to “take things out of their rucksacks,” as we like to say).

While he has kept it on his desk for two years let me tell you in no uncertain terms Secretary Harvey needed no such reminder. He was quick to state, and truly believed, that “Soldiers are and will always be our centerpiece. Their efforts are the reason the Army is one of the most respected organizations in America.”

This conviction was evident in everything I saw him do as our Secretary. Everything was based on his passionate concern for the Army, its Soldiers, their families, and our Army Civilians.

This concern is reflected in the other picture on his desk, one of two ladies, the mothers of two fallen Soldiers. That picture serves as a reminder of the sacrifices our Soldiers and their families are making. His dedication was reflected in his personal and professional commitment to “provide a quality of life for our Soldiers that matched the quality of service they provide to the Nation.”

And he has worked tirelessly to do just that. Because of his vision, his dedication, and his unfailing commitment he departs our ranks today knowing with absolute certainty that our Soldiers and their families as well as the Army Civilians who support them have benefited greatly from his service. I have no doubt that our Army is far better today than we were just two years ago.

Our progress in many cases is the direct result of his determination to stand-up to those who challenged the basis of our requirements to properly support our Soldiers.

He also inspired us to think differently and far more strategically about how we “do business.” Without doubt these qualities are a testament to the unique brand of values-based, principle-centered leadership he demonstrated with absolute conviction in his service as Secretary of the Army.

In short his impact on our Army has been profound. He has moved us significantly forward in our collective and continuing efforts to meet the needs of the Nation that we serve.

My remarks will be brief because you came to hear Secretary Harvey, not me. We've convened today to honor him and his family and bear witness to the sacrifice of our Soldiers and the contributions our Army is making worldwide in defense of the Nation.

We often overlook the fact that to perform his duties as our Secretary . . . he has endured his own experience in “family separation” by being apart from Mary his gracious

wife of over forty years for more than twenty-eight months. While we could spend the remainder of today highlighting Secretary Harvey's achievements neither he nor you would be very appreciative of "the mother of all laundry lists." So I will briefly highlight three broad but interrelated touchstones: People, Resources, and Teamwork.

Dr. Harvey's commitment to people has enabled us to sustain the overall health and viability of our All-Volunteer force—which is now being tested for the first time in a protracted conflict. His actions have enabled us to achieve unprecedented levels of both recruitment and retention. "People are the Army" and we recruit more of them each year than all of the other Services combined. In Fiscal Year 2006 the Active component had its best year in nine years recruiting over 80,000 men and women. The National Guard had its best year in thirteen years recruiting over 69,000 people; finally, the Reserves achieved over a 25 percent increase from the previous year bringing in 25,000 new people.

His accomplishments on behalf of the great people in our organization have been a logical continuation of his voluntary service to the Army as a key member of the Army Science Board while a private citizen over many years.

They include: Improvements which enabled us to meet our goals for recruiting and retaining our All Volunteer force; decisions and support to provide for better access and better management of our vital National Guard and Army Reserve units not as individuals but instead as whole cohesive units fully prepared and ready to perform their duties amidst new challenges; and decisions and support to grow our force—in an extraordinary way—to better meet our needs and to alleviate, over time, current levels of stress on our Soldiers and their families.

We now have dramatic enhancements to "push the envelope" increasing our ability to protect the force. These include considerable improvements affecting all elements of the Department to improve leadership, training, education, and career opportunities for our civilians and our civilian executives and equally impressive improvements in finding ways—to change our culture—to drive out waste and improve both efficiency and effectiveness. In this regard he thought and acted unequivocally like a Soldier.

He was driven by a single unifying purpose: to free human and financial resources for more compelling wartime and operational needs. Properly focusing activity and obtaining resources to enable that activity are core tasks for senior leaders. No one that I have served with in public or private life does it better than Dr. Fran Harvey. Our budgeted dollars for Fiscal 2008, due to his personal efforts, are the highest in our history—which exemplify his leadership in this regard. Working in full collaboration with me and all of "the right people" he quickly established a strategic framework that reflected our most urgent challenges and ongoing initiatives. He then set out in a determined yet pragmatic fashion to obtain the resources required to support our Army to ensure it was fully prepared to serve at the forefront of the war on terror and to execute the full range of its other worldwide missions.

Creating relevant, ready forces is the surest measure of effective Army leadership. Since 2004 sixty-four (64) Brigade Combat Teams have been converted or are in the process of being converted; 148 multifunctional and functional support Brigades have been converted, or are in the process of being converted, to the modular design force.

I won't dwell on numbers. While important they do little to tell this story. I will highlight instead the personal courage and integ-

rity he demonstrated in challenging the bureaucracy, changing perceptions, and setting us on a path to get our resources and our requirements in balance. His leadership proved to be decisive in this regard. Not only did he establish a methodology (demonstrating why he has been so successful in "Corporate America") to explain why our costs have increased in recent years, he also promoted understanding and acceptance at the highest levels of our Government for our most compelling needs. We will rely upon Fran Harvey's example "to do what is right" for many years to come.

He also inspired all of us in the Army to achieve more—in what we do personally . . . and in what we expect to be delivered by others. In this regard . . . two of his deep seated beliefs will remain embedded in the culture which shapes and characterizes our Army: "In the bottom line it's all about 'cost, schedule, and performance' plain and simple and what gets measured gets done."

His efforts have dramatically improved the quality and openness of our working relationships within the Department of Defense and with the many stakeholders upon whom we depend for resources and support. In a word, he is a genuine "team player" who has engendered unprecedented levels of teamwork which will benefit our Soldiers. Our personal working relationship is the result of our mutual decision to operate from the same playbook. And that playbook was based on a couple of key fundamentals. We agreed that the door between our offices would always remain open and that our relationship would be based upon one core belief—that Soldiers would remain the center of all that we do.

Over the past two years we've crossed that threshold that used to be blocked many times a day. Opening the door between our offices not only opened lines of communication, it also enabled progress in three other very important ways: First, as an outgrowth of the extremely close partnership between Secretary Harvey and me we set the tone for a strong civil-military team at the top of the Department. Second, we were unified in our commitment to a single Vision—the Army Vision—that centers, as it must, on the great Soldiers who fill our ranks and the dedicated Army Civilians who support them to generate and sustain our All-Volunteer force. Third, teamwork and a shared vision for the future enabled our entire team to better articulate and defend the Army's most compelling needs.

I'm convinced that these positive developments played a vital role in dramatically changing our current and projected resource posture and ultimately to better provide for our Soldiers and to better accomplish what the Nation demands from its Army. So as we farewell our 19th Secretary I say so long to a visionary, a "true leader" and a teammate with whom I have been enormously proud to serve. He has led the Army to unprecedented levels of civil-military cooperation, fostered open communication, and mutual respect (even in times of disagreement) all in the interest of Soldiers, families, and the Army mission—to conduct prompt, sustained combat and stability operations on land. I have mentioned just a few of the seminal achievements that will endure and continue to bear fruit long after Dr. Harvey departs our ranks today. Selfless leadership is that rare and wonderful commodity of which every nation possesses too little. Its presence is unmistakable, its impact enduring.

We are fortunate to have the continuity of vision and direction that Acting Secretary Geren now represents. Sir, we welcome your leadership and your experience as a Member of Congress and within the office of the Secretary of Defense. We know that you'll lead

and care for our Soldiers and families and that you're going to keep us on course.

Secretary Harvey, Sir, thank you for your service for your friendship and for living the Army Values and for honoring our Warrior Ethos. Because of your leadership we're "Army Strong" and as our song says we'll "keep rolling along." Together we wish you, Mary, Francis, John and the rest of your family Godspeed.

Army Strong!•

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

The following enrolled bill, previously signed by the Speaker of the House, was signed today, April 12, 2007, by the President pro tempore (Mr. BYRD).

S. 1002. An act to amend the Older Americans Act of 1965 to reinstate certain provisions relating to the nutrition services incentive programs.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on April 12, 2007, she had presented to the President of the United States the following enrolled bill:

S. 1002. An act to amend the Older Americans Act of 1965 to reinstate certain provisions relating to the nutrition services incentive programs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1434. A communication from the Administrator, Livestock and Seed Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Soybean Promotion and Research: Qualified State Soybean Boards; Correcting Amendment" received April 4, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1435. A communication from the Secretary of Defense, transmitting, pursuant to law, the report of the release of General Peter J. Shoomaker, United States Army, from active duty and his return to the Retired List as of April 10, 2007; to the Committee on Armed Services.

EC-1436. A communication from the General Counsel, Department of Defense, transmitting, the report of several legislative proposals relative to the National Defense Authorization Bill for fiscal year 2008; to the Committee on Armed Services.

EC-1437. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to activities and assistance provided under Cooperative Threat Reduction Programs; to the Committee on Armed Services.

EC-1438. A communication from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting, pursuant to law, a report relative to the Department's compliance with certain requirements of the USA PATRIOT Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-1439. A communication from the Assistant Secretary for Export Administration,

Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Chemical Weapons Convention Regulations: UDOC 'Change in Inspection Status Form'; Amendments to Records Review and Recordkeeping Requirements; Additions to the List of States Parties to the Chemical Weapons Convention" (RIN0694-AD53) received on April 4, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-1440. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Service, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Competitive Acquisition for Certain Durable Medical Equipment, Prosthetics, Orthotics, and Supplies and other Issues" (RIN0938-AN14) received on April 6, 2007; to the Committee on Finance.

EC-1441. A communication from the Offices of the Inspector General of the Departments of Commerce, Defense, Energy, State, Homeland Security, and the Central Intelligence Agency, transmitting, pursuant to law, a report relative to controls over exports to China; to the Committee on Foreign Relations.

EC-1442. A communication from the Department of State, transmitting, pursuant to law, copies of the certification and the related justifications pertaining to the course of action described in Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (Title XII, P.L. 103-160), as amended, and Section 502 of the FREEDOM Support Act (Title V, P.L. 102-511); to the Committee on Foreign Relations.

EC-1443. A communication from the Department of State, transmitting, pursuant to law, an annual report relative to the defense articles and defense services that were licensed for export under Section 38 of the Arms Export Control Act during fiscal year 2006; to the Committee on Foreign Relations.

EC-1444. A communication from the Department of State, transmitting, pursuant to law, a report relative to the Deputy Secretary's determination that waiving the restrictions contained in the Cooperative Threat Reduction Act of 1993 and the FREEDOM Support Act during fiscal year 2006 with respect to the Russian Federation is important to the national security interests of the United States; to the Committee on Foreign Relations.

EC-1445. A communication from the Deputy Secretary of State, transmitting, pursuant to law, a report relative to the implementation status of the debt reduction authority to support projects in the Russian Federation promoting nonproliferation of weapons of mass destruction and the means of delivering such weapons; to the Committee on Foreign Relations.

EC-1446. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services in the amount of \$100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-1447. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to Vietnam; to the Committee on Foreign Relations.

EC-1448. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense

services in the amount of \$50,000,000 or more to Russia, Ukraine and Norway; to the Committee on Foreign Relations.

EC-1449. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services in the amount of \$50,000,000 or more to Kazakhstan; to the Committee on Foreign Relations.

EC-1450. A communication from the President and CEO, U.S. African Development Foundation, transmitting, proposed legislation intended to amend the African Development Foundation Act; to the Committee on Foreign Relations.

EC-1451. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a proposed change to the determination of quartz rate sensors on the United States Munitions List; to the Committee on Foreign Relations.

EC-1452. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment of the International Traffic in Arms Regulations: United States Munitions" (Billing Code 4710-25) received on March 30, 2007; to the Committee on Foreign Relations.

EC-1453. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of the discontinuation of service in an acting role for the position of Surgeon General, received on April 4, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-1454. A communication from the Chair, Barry M. Goldwater Scholarship and Excellence in Education Foundation, transmitting, pursuant to law, the Annual Report of the Foundation's activities for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-1455. A communication from the White House Liaison, Office of Planning, Evaluation and Policy Development, Department of Education, transmitting, pursuant to law, the report of the discontinuation of service in an acting role for the position of First Assistant, received on April 4, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-1456. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Advisory Committee: Change of Name and Function" (21 CFR Part 14) received on April 10, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-1457. A communication from the Director, Regulations and Policy Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Substances Affirmed as Generally Recognized as Safe in Feed and Drinking Water of Animals: 25-Hydroxyvitamin D3" (Docket No. 1995G-0321) received on April 10, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-1458. A communication from the Director, Office of Standards, Regulations, and Variances, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Criteria and Procedures for Proposed Assessment of Civil Penalties" (RIN1219-AB51) received on April 3, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-1459. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's Annual Report for fiscal year 2006; to the Committee

on Homeland Security and Governmental Affairs.

EC-1460. A communication from the Director, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Removal of Obsolete Regulations Concerning the Inoperative Provisions Regarding Charitable Payments in Lieu of Honoraria and Conforming Technical Amendments" ((RIN3209-AA00)(RIN3209-AA04)(RIN3209-AA13)) received on April 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-1461. A communication from the Deputy Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the Agency's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-1462. A communication from the Director, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts in the State of South Carolina; to the Committee on Homeland Security and Governmental Affairs.

EC-1463. A communication from the Chemical Security Compliance Division, Office of Infrastructure Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Chemical Facility Anti-Terrorism Standards" (RIN1601-AA41) received on April 6, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-1464. A communication from the Chairman, U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Accomplishing Our Mission: Results of the Merit Principles Survey 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC-1465. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report entitled "Annual Report on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002: Fiscal Year 2006 (March 2007)"; to the Committee on Homeland Security and Governmental Affairs.

EC-1466. A communication from the Acting Executive Director, Office of Compliance, transmitting, pursuant to law, the Office's Annual Report for calendar year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-1467. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Vocational Rehabilitation and Employment Program—Initial Evaluations" (RIN2900-AM25) received on April 10, 2007; to the Committee on Veterans' Affairs.

EC-1468. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans and Dependents Education: Topping-Up Tuition Assistance; Licensing and Certification Tests; Duty to Assist Education Claimants" (RIN2900-AK80) received on April 10, 2007; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. 193. A bill to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, and for other purposes (Rept. No. 110-54).

H.R. 1003. A bill to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy (Rept. No. 110-55).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 112. A resolution designating April 6, 2007, as "National Missing Persons Day."

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LEAHY from the Committee on the Judiciary.

Halil Suleyman Ozerden, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

(Nominations without an asterick 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. DORGAN (for himself, Mr. HAGEL, Mr. JOHNSON, Mr. BROWNBAC, Mr. DURBIN, Mr. CONRAD, Mr. SALAZAR, Mr. ROCKEFELLER, Mr. COLEMAN, Ms. LANDRIEU, Mrs. LINCOLN, Mr. HARKIN, and Mr. PRYOR):

S. 1093. A bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes; to the Committee on Finance.

By Ms. STABENOW (for herself and Mr. CASEY):

S. 1094. A bill to reauthorize and provide additional funding for essential agricultural research, extension, education, and related programs, to establish the National Institutes for Food and Agriculture as an independent agency reporting to and coordinating with the Secretary of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER:

S. 1095. A bill to require airports to screen all individuals with access to the secure areas of an airport upon arrival; to the Committee on Commerce, Science, and Transportation.

By Mr. CORNYN (for himself, Mr. CRAIG, Mr. AKAKA, and Mrs. HUTCHISON):

S. 1096. A bill to amend title 38, United States Code, to provide certain housing benefits to disabled members of the Armed Forces, to expand certain benefits for disabled veterans with severe burns, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. CLINTON (for herself and Ms. COLLINS):

S. 1097. A bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era; to the Committee on Armed Services.

By Mr. DOMENICI (for himself, Mr. KENNEDY, Mr. BINGAMAN, Mr. HARKIN, Mr. LEAHY, and Mr. SANDERS):

S. 1098. A bill to amend the Public Health Service Act to revise the amount of minimum allotments under the Projects for Assistance in Transition from Homelessness program; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself and Mr. HARKIN):

S. 1099. A bill to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HAGEL (for himself, Mr. SUNUNU, Mrs. DOLE, and Mr. MARTINEZ):

S. 1100. A bill to address the regulation of secondary mortgage market enterprises, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. LINCOLN (for herself and Mr. SMITH):

S. 1101. A bill to amend the Energy Policy and Conservation Act to improve energy standards for home appliances, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. SMITH, Mr. KOHL, Ms. SNOWE, Mrs. LINCOLN, and Mr. KERRY):

S. 1102. A bill to amend title XVIII of the Social Security Act to expedite the application and eligibility process for low-income subsidies under the Medicare prescription drug program and to revise the resource standards used to determine eligibility for an income-related subsidy, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. SMITH, and Mr. KERRY):

S. 1103. A bill to amend title XVIII of the Social Security Act to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out-of-pocket threshold under part D of the Medicare program; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. KENNEDY, Mr. BOND, Mr. LEAHY, Mr. COLEMAN, Mr. LIEBERMAN, Mr. ISAACSON, Mr. SMITH, Mr. LEVIN, Mr. SUNUNU, Mr. CORNYN, and Mr. DODD):

S. 1104. A bill to increase the number of Iraqi and Afghani translators and interpreters who may be admitted to the United States as special immigrants; considered and passed.

By Mr. KENNEDY (for himself, Mr. SMITH, Mr. LEAHY, Mr. SPECTER, Ms. MIKULSKI, Ms. COLLINS, Mr. MENENDEZ, Ms. SNOWE, Mr. BROWN, Mr. KERRY, Mr. DURBIN, Mr. LAUTENBERG, Mr. DODD, Mr. NELSON of Nebraska, Mrs. FEINSTEIN, Mr. LEVIN, Mr. HARKIN, Mr. WHITEHOUSE, Ms. STABENOW, Mr. BIDEN, Mrs. MURRAY, Mr. BAYH, Ms. CANTWELL, Mr. CARDIN, Mr. LIEBERMAN, Mr. REED, Mr. SCHUMER, Mr. OBAMA, Mrs. BOXER, Ms. KLOBUCHAR, Mr. AKAKA, Mr. BINGAMAN, Mrs. CLINTON, Ms. LANDRIEU, Mr. ROCKEFELLER, Mrs. LINCOLN, Mr. CASEY, Mrs. MCCASKILL, Mr. INOUE, Mr. NELSON of Florida, Mr. SALAZAR, and Mr. JOHNSON):

S. 1105. A bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. THUNE:

S. 1106. A bill to extend the additional duty on ethanol, to require an investigation into certain ethanol imports, and for other purposes; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. BINGAMAN, Mr. NELSON of Florida, Mrs. CLINTON, Ms. COLLINS, Mrs. LINCOLN, Mrs. BOXER, and Mr. KERRY):

S. 1107. A bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. BINGAMAN, Ms. SNOWE, Mrs. LINCOLN, and Mr. KERRY):

S. 1108. A bill to amend title XVIII of the Social Security Act to provide a special enrollment period for individuals who qualify for an income-related subsidy under the Medicare prescription drug program and to provide funding for the conduct of outreach and education with respect to the premium and cost-sharing subsidies under such program, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ALEXANDER (for himself, Mr. BYRD, Mr. COLEMAN, Mr. KENNEDY, Mr. ALLARD, Mrs. FEINSTEIN, Mr. CORKER, and Mrs. BOXER):

S. Res. 146. A resolution designating June 20, 2007, as "American Eagle Day", and celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States; to the Committee on the Judiciary.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. Res. 147. A resolution congratulating the University of Tennessee women's basketball team for winning the 2007 NCAA Division I Women's Basketball Championship; considered and agreed to.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. Res. 148. A resolution commending The University of Florida men's basketball team for winning the 2007 National Collegiate Athletic Association (NCAA) Division I Basketball Championship; considered and agreed to.

By Mrs. CLINTON (for herself and Mr. HAGEL):

S. Con. Res. 26. A concurrent resolution recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courageous demonstrations of gallantry and heroism on behalf of the United States; to the Committee on Armed Services.

By Mrs. CLINTON (for herself and Mr. HAGEL):

S. Con. Res. 27. A concurrent resolution supporting the goals and ideals of "National Purple Heart Recognition Day"; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 236

At the request of Mr. LEAHY, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 236, a bill to require reports to Congress on Federal agency use of data mining.

S. 261

At the request of Ms. CANTWELL, the name of the Senator from New York (Mrs. CLINTON) 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. 380

At the request of Mr. WYDEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 380, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 404

At the request of Mr. THOMAS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 404, a bill to amend the Agricultural Marketing Act of 1946 to require the implementation of country of origin labeling requirements by September 30, 2007.

S. 430

At the request of Mr. BOND, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

At the request of Mr. LEAHY, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 430, *supra*.

S. 439

At the request of Mr. REID, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 450, a bill to amend title XVIII of the

Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 486

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 486, a bill to establish requirements for lenders and institutions of higher education in order to protect students and other borrowers receiving educational loans.

S. 498

At the request of Mr. FEINGOLD, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 498, a bill to amend title XVIII of the Social Security Act to improve the Medicare program for beneficiaries residing in rural areas.

S. 527

At the request of Mr. FEINGOLD, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 527, a bill to make amendments to the Iran, North Korea, and Syria Nonproliferation Act.

S. 572

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 572, a bill to ensure that Federal student loans are delivered as efficiently as possible in order to provide more grant aid to students.

S. 579

At the request of Mr. REID, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 590

At the request of Mr. SMITH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 590, a bill to amend the Internal Revenue Code of 1986 to extend the investment tax credit with respect to solar energy property and qualified fuel cell property, and for other purposes.

S. 609

At the request of Mr. ROCKEFELLER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 671

At the request of Mr. AKAKA, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 671, a bill to exempt children of certain Filipino World War II veterans from

the numerical limitations on immigrant visas.

S. 735

At the request of Mr. KENNEDY, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Texas (Mr. CORNYN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 735, a bill to amend title 18, United States Code, to improve the terrorist hoax statute.

S. 746

At the request of Mr. ALLARD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 771

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 774

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 774, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 793

At the request of Mr. HATCH, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 793, a bill to provide for the expansion and improvement of traumatic brain injury programs.

S. 799

At the request of Mr. HARKIN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 799, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 851

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 851, a bill to amend the Internal Revenue Code of 1986 to provide a higher education opportunity credit in place of existing education tax incentives.

S. 883

At the request of Mrs. FEINSTEIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 883, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 923

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 923, a bill to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes.

S. 958

At the request of Mr. SESSIONS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 958, a bill to establish an adolescent literacy program.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 970

At the request of Mr. SMITH, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 974

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 974, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries, and for other purposes.

S. 991

At the request of Mr. DURBIN, the names of the Senator from Missouri (Mr. BOND), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1013

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1013, a bill to amend title XIX of the Social Security Act to encourage States to provide pregnant women enrolled in the Medicaid program with access to comprehensive tobacco cessation services.

S. 1018

At the request of Mr. DURBIN, the name of the Senator from Pennsyl-

vania (Mr. CASEY) was added as a cosponsor of S. 1018, a bill to address security risks posed by global climate change and for other purposes.

S. 1062

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1062, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 1065

At the request of Mrs. CLINTON, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1065, a bill to improve the diagnosis and treatment of traumatic brain injury in members and former members of the Armed Forces, to review and expand telehealth and telemental health programs of the Department of Defense and the Department of Veterans Affairs, and for other purposes.

S. 1088

At the request of Ms. STABENOW, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1088, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to market exclusivity for certain drugs, and for other purposes.

S. RES. 82

At the request of Mr. HAGEL, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. Res. 82, a resolution designating August 16, 2007 as "National Airborne Day".

S. RES. 92

At the request of Mrs. CLINTON, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Res. 92, a resolution calling for the immediate and unconditional release of soldiers of Israel held captive by Hamas and Hezbollah.

At the request of Ms. COLLINS, her name was added as a cosponsor of S. Res. 92, *supra*.

S. RES. 122

At the request of Mr. HAGEL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 122, a resolution commemorating the 25th anniversary of the construction and dedication of the Vietnam Veterans Memorial.

S. RES. 130

At the request of Mr. THOMAS, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Res. 130, a resolution designating July 28, 2007, as "National Day of the American Cowboy".

S. RES. 132

At the request of Mr. STEVENS, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Nebraska (Mr. HAGEL) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. Res. 132, a resolution recognizing the Civil Air Patrol for 65 years of service to the United States.

S. RES. 141

At the request of Mrs. CLINTON, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Florida (Mr. NELSON) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. Res. 141, a resolution urging all member countries of the International Commission of the International Tracing Service who have yet to ratify the May 2006 amendments to the 1955 Bonn Accords to expedite the ratification process to allow for open access to the Holocaust archives located at Bad Arolsen, Germany.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN (for himself, Mr. HAGEL, Mr. JOHNSON, Mr. BROWNBACKE, Mr. DURBIN, Mr. CONRAD, Mr. SALAZAR, Mr. ROCKEFELLER, Mr. COLEMAN, Ms. LANDRIEU, Mrs. LINCOLN, Mr. HARKIN, and Mr. PRYOR):

S. 1093. A bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, I am pleased to be joined by Senators HAGEL, JOHNSON, BROWNBACKE and nine of our colleagues today in re-introducing the New Homestead Act of 2007. This legislation will help address a serious threat to the economic future of rural America—the loss of its residents and Main Street businesses.

I have previously described to my Senate colleagues the severe economic and social hardships that population out-migration has had on America's Heartland when businesses are shuttered up, schools and churches are consolidated or closed altogether. Hundreds of thousands of people have left small towns in rural areas throughout the Great Plains. If you are a business owner, mayor, school board member, minister or resident of one of these rural communities, you know firsthand about this problem. People who are from these areas know that you simply can't grow or run a business in an environment where the overall economy is shrinking, current and potential customers are leaving, and public and private investment is falling. Too many communities in North Dakota and other rural States lack the critical mass of people and resources it takes to keep a community alive and growing.

Rural counties in North Dakota and heartland States have experienced massive net out-migration in recent decades and this trend is continuing today. Forty-seven of North Dakota's fifty-three counties suffered net population losses between 2000 and 2005. My home county, Hettinger, saw its population dwindle from 4,257 in 1980 to just 2,715 in 2000. Its population is projected to drop to just 1,877 by 2020.

However, this out-migration problem isn't limited to North Dakota. Nearly all of America's Heartland is facing significant population losses. Over the past fifty years or so, nearly two-thirds of rural counties in the Great Plains lost at least one third of their population.

One of the major problems caused by chronic out-migration is the dwindling workforce of young people. A recent analysis and report prepared by Dr. Richard Rathge at the North Dakota State Data Center highlighted this concern. His report revealed that the steady out-migration of young adults over the last half century or so has significantly reduced the proportion of individuals age 20 to 34 in our rural counties. The report predicts that between 2000 and 2020, the prime working age population in North Dakota, those aged 35 to 54, will decline from 183,435 to 146,717, a loss of nearly 37,000 people. If this trend continues as predicted, there will be more elderly North Dakotans age 65 and older in the year 2020 than individuals who are in their prime working years. As the report concluded, this dwindling labor pool could have a devastating economic impact on rural communities that are already struggling from a loss of residents, businesses and investments needed to survive.

We believe the bipartisan New Homestead Act will help reverse the depopulation of our rural communities by giving people who are willing to commit to live and work in high out-migration areas for 5 years tax and other financial rewards to help them to buy a home, pay for college, build a nest egg, and start a business. These incentives include repaying up to \$10,000 of a college loan, offering a \$5,000 tax credit for the purchase of a new home, protecting home values by allowing losses in home value to be deducted from Federal income taxes, and establishing Individual Homestead Accounts that will help people build savings and have access to credit.

It also provides tax incentives to encourage businesses to move to or expand their operations in high out-migration rural counties, including tax credits for investments in rural buildings and to offset the cost of equipment purchases and operating expenses of small businesses with five or fewer employees. Very little, if any, private venture capital is invested in out-migration rural counties, so the New Homestead Act also establishes a new \$3 billion venture capital fund with state and local governments as partners to ensure that entrepreneurs and companies in these areas get the capital they need to start and grow their businesses.

The United States Senate has previously passed parts of the New Homestead Act, but those and other provisions in the bill have not yet been signed into law. But there is good reason to think we will make significant progress on the New Homestead Act in the 110th Congress.

In March, the Senate passed S. Con. Res. 21, to establish a budget plan for fiscal year 2008. This resolution allows for Senate action on the kinds of policies provided in the New Homestead Act. Specifically, Section 306 of the budget authorizes the Budget Committee Chairman to revise the levels in the resolution by \$15 billion for revenue-neutral legislation that would, among other things, provide rural development investment incentives for counties impacted by high rates of out-migration.

The Senate's action on the budget signals that Federal policy makers in the U.S. Senate do understand that rural out-migration is a serious threat to the economic well-being of the Nation's Heartland. My colleagues and I will work closely with the leaders of the Budget Committee and the tax-writing Senate Finance Committee to secure passage of New Homestead Act provisions in the coming year.

I urge my colleagues to support the New Homestead Act in the 110th Congress by cosponsoring it and helping us move this important bill forward in the legislative process.

By Mr. CORNYN (for himself, Mr. CRAIG, Mr. AKAKA, and Mrs. HUTCHISON):

S. 1096. A bill to amend title 38, United States Code, to provide certain housing benefits to disabled members of the Armed Forces, to expand certain benefits for disabled veterans with severe burns, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CORNYN. Mr. President, for the past several months, our Nation has focused on the tragic stories of the shameful conditions our wounded soldiers have faced as outpatients in Building 18 at Walter Reed Army Medical Center, and the stories of the difficulty they faced as they tried to navigate the military and veterans health care and benefits systems following their return from Afghanistan and Iraq.

This morning, the chairman of the Senate Armed Services Committee and the ranking member—the committee on which I serve—as well as the Veterans' Affairs Committee had further hearings and detailed the work we have to do to bring down another wall, and that is the wall that separates our wounded warriors from the benefits they have earned by their noble service.

Today I introduce the Veterans Housing Benefits Enhancement Act of 2007 that will provide immediate and tangible assistance to our wounded servicemembers and their families by strengthening our current law.

This legislation provides explicit VA housing and automobile grant eligibility to servicemembers and veterans with burn injuries, enhanced eligibility for grant assistance during the Department of Defense-to-Veterans' Administration transition, and requires the Secretary of the Veterans' Administra-

tion to report on possible improvements to the current law that would cover others with special disabilities, such as those with traumatic brain injuries.

I am pleased to say the chairman of the Senate Veterans' Affairs Committee, Senator DANNY AKAKA, and the ranking member, Senator LARRY CRAIG of Idaho, have joined me as original cosponsors of this legislation, as well as my senior Senator from Texas, Mrs. HUTCHISON.

I grew up in a military family. My dad served for 31 years in the Air Force. I saw firsthand the importance of treating our veterans in a fair and equitable manner. The sacrifices our men and women in uniform make every day must not be forgotten when they take that uniform off or when they leave their active-duty military service. No veteran should ever be left behind. The fundamental agreement—I would say even sacred covenant—between our men and women in uniform and our Government does not end when a servicemember is wounded or separates from the active-duty military service and becomes a veteran.

Let there be no question about it, the conditions of these outpatient housing facilities at Walter Reed were absolutely unacceptable. But perhaps the story of that unacceptable condition has led us to finding a way to serve our wounded warriors and their families better. The U.S. military and the Department of Veterans Affairs must conduct a top-to-bottom investigation of our entire military health system and take immediate steps to address any and all problems that might exist.

It is sobering to know—as Senator CRAIG quoted during this morning's hearings in the Senate Armed Services Committee and Veterans' Affairs Committee—that the conclusions reached by GEN Omar Bradley some five decades ago were not fundamentally different from those that are tentative conclusions today about how we can improve that transition, and still we know problems exist.

The President's Commission on Care for America's Returning Wounded Veterans, led by Senator Bob Dole and Secretary Donna Shalala, is an important component of this ongoing effort, which will not be a task for the short-winded. We have an obligation and a duty to ensure that the men and women who are serving and who have served in our military are receiving the very best treatment and benefits for themselves and their families. We cannot and we should not tolerate anything less. We have to do whatever it takes, including providing both the necessary resources and cutting the bureaucratic redtape, to best meet the medical and other needs of those who have so nobly defended our Nation's freedom.

In my State of Texas, my home of San Antonio, Brooke Army Medical Center stands at the forefront of modern army medicine, second to none in

the world. Without a doubt—and this is a personal judgment, and I know my colleagues will indulge me—it is Brooke Army Medical Center that is the crown jewel of modern military medicine. I have seen firsthand the magnificent job our men and women are doing at Brooke Army Medical Center to care for our servicemembers, and they deserve all the credit and our firm support.

When I made my most recent visit to Brooke Army Medical Center, on March 10, I had the chance to not only visit soldiers and their families but I chaired a roundtable of hospital administrators, veterans service organizations, and veterans themselves because I wanted to learn from them what we needed to do here in Washington, DC to craft the laws and policies of this Nation to serve them better. I appreciate the strong opinions and advice expressed by these people who participated in the roundtable, and others who have been a source of information and feedback to me as I try to do what I can in my capacity as their elected representative to accomplish these goals. The care and support our Nation provides to these wounded warriors is a direct reflection of the level of respect we have for both our military, our military families, and our veterans, and will, in many ways, shape the armed services, the all-volunteer services, for many years to come. They depend not only on recruitment but retention.

In conjunction with my most recent visit to Brooke Army Medical Center, I heard from many soldiers, families, and veterans about their individual experiences, as I know the current occupant of the chair has when he has traveled back to Colorado, and as all of us have when we go back to learn more from our constituents about how we can improve our response. I learned in particular of challenges that burn victims and their families have faced because they have not received enough special care and assistance for that particular type of injury in the area of VA housing grants and automobile enhancements.

In particular, I want to recognize two women, heroes in my eyes, and I am sure in the eyes of their families, people such as Christy Patton, whose husband, U.S. Army SSG Everett Patton, is undergoing treatment at Brooke Army Medical Center. He was wounded and badly burned by an IED, an improvised explosive device, in Iraq while with the 172nd Stryker Brigade from Alaska. The Pattons have five children.

Then there is Rosie Babin, whose son Alan, a corporal, a medic, was shot while serving in the 82nd Airborne combat team in 2003, now medically retired and living at home with his parents outside Austin, TX. These two women—Christy Patton, who sought me out and explained to me the difficult challenges that her husband and her family of five children are having transitioning and dealing with these

wounds and transitioning from the military medical care into retirement and the veterans system; as well as Rosie Babin, on behalf of her son Alan—are the most fervent and effective advocates anyone could ever want to have on your side. They have helped me a great deal as I have tried to craft legislation which I have introduced today to help not only them, because I know they didn't come to me advocating just for a solution for their husband or their son, they came to me because they thought we could craft a solution for wounded warriors and their families yet to come. These families, though, are facing unique challenges as they deal with the injuries of their loved ones, and we have a responsibility to ensure they do not go it alone and that they get all the resources and assistance our country can offer them so they can recover to the maximum degree possible.

The intent of the legislation which I have introduced today, along with my cosponsors, is pretty straightforward. Let me describe briefly what it does.

It would strengthen the present code to provide for the specific needs of burn victims for housing and automobile grants. It would ensure that wounded servicemembers and veterans with other specific needs, such as traumatic brain injuries, are also covered by these kinds of grants, if required. It would further strengthen the Department of Defense-to-Veterans' Administration transition.

As the occupant of the chair knows, that has been one of the real problems we have identified early on, is transitioning people from active-duty military service into the Veterans' Administration, with the duplicate bureaucracies and redtape and the different standards for disability determination and the like. But this bill, in particular, would strengthen the Department of Defense-to-Veterans' Administration transition by providing partial housing grants for those veterans residing with a family member to cover servicemembers still on active duty awaiting their final VA disability rating.

I have to say a word here about the family members. When I have been to Walter Reed and when I have been to Brooke Army Medical Center in San Antonio, I have seen young spouses, mostly women, who are attending to their injured warrior husbands, or in the case of Rosie Babin, a mother, a loving mother attending to the needs of her son, who was also injured in 2003. It was brought home to me on a very human level what these wounds mean not just to those who receive them but to the family members, who basically sacrifice everything in order to attend to and care for their loved ones. So we ought to do everything we can for our warriors, such as Alan Babin, who are living in their parents' home, to make sure these housing grants will cover servicemembers still on active duty who are awaiting their Veterans' Administration disability rating.

This legislation will also require the Veterans' Administration to report on the need for a permanent housing grant for wounded veterans who reside with family members; and, finally, it will adjust current law to provide home improvements and structural alteration housing grants to Department of Defense servicemembers who are awaiting final VA disability ratings.

As a direct result of the care and concern of military family members, such as Christy Patton and Rosie Babin, we now have a concrete response to the very real concerns they have raised and ways that we can, working together, strengthen the current law. I hope my colleagues will support this legislation so we can work together on a bipartisan basis, in unison, to support our wounded servicemembers and their families better, particularly people such as the Babins and the Pattons. With continued attention to our veterans, we can fashion a revised system that best supports them and their families. I know we all agree that they deserve nothing less. They are the very finest our Nation has to offer.

By Mr. DOMENICI (for himself, Mr. KENNEDY, Mr. BINGAMAN, Mr. HARKIN, Mr. LEAHY, and Mr. SANDERS):

S. 1098. A bill to amend the Public Health Service Act to revise the amount of minimum allotments under the Projects for Assistance in Transition from Homelessness program; to the Committee on Health, Education, Labor, and Pensions.

Mr. DOMENICI. Mr. President, I rise today with my colleagues, Senator KENNEDY, Senator BINGAMAN, Senator HARKIN, Senator LEAHY and Senator SANDERS to introduce a bill that will raise the minimum grant amounts given to States and territories under the PATH program. The PATH program provides services through formula grants of at least \$300,000 to each State, the District of Columbia and Puerto Rico and \$50,000 to eligible U.S. territories. Subject to available appropriations, this bill will raise the minimum allotments to \$600,000 to each State and \$100,000 to eligible U.S. territories.

When the PATH program was established in fiscal year 1991 as a formula grant program, Congress appropriated \$33 million. That amount has steadily increased over the years with Congress appropriating \$55 million this past year. However, despite these increases, States and territories such as New Mexico that have rural and frontier populations, have not received an increase in their PATH funds. Under the formula, as it currently exists, many States and territories will never receive an increase to their PATH program, even with increasing demand and inflation. This problem is occurring in my home State of New Mexico as well as twenty-five other States and territories throughout the United States.

The PATH program is authorized under the Public Health Service Act

and it funds community-based outreach, mental health, substance abuse, case management and other support services, as well as a limited set of housing services for people who are homeless and have serious mental illnesses. Program services are provided in a variety of different settings, including clinic sites, shelter-based clinics, and mobile units. In addition, the PATH program takes health care services to locations where homeless individuals are found, such as streets, parks, and soup kitchens.

PATH services are a key element in the plan to end chronic homelessness. Every night, an estimated 600,000 people are homeless in America. Of these, about one-third are single adults with serious mental illnesses. I have worked closely with organizations in New Mexico such as Albuquerque Health Care for the Homeless and I have seen first hand the difficulties faced by the more than 15,000 homeless people in New Mexico, 35 percent of whom are chronically mentally ill or mentally incapacitated.

PATH is a proven program that has been very successful in moving people out of homelessness. PATH has been reviewed by the Office of Management and Budget and has scored significantly high marks in meeting program goals and objectives. Unquestionably, homelessness is not just an urban issue. Rural and frontier communities face unique challenges in serving PATH eligible persons and the PATH program funding mechanisms must account for these differences.

I look forward to working with my colleagues on this important issue.

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. 1098

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

SECTION 1. MINIMUM ALLOTMENTS UNDER THE PROJECTS FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS PROGRAM.

Section 524 of the Public Health Service Act (42 U.S.C. 290cc-24) is amended to read as follows:

"SEC. 524. DETERMINATION OF AMOUNT OF ALLOTMENT.

"(a) DETERMINATION UNDER FORMULA.—Subject to subsection (b), the allotment required in section 521 for a State for a fiscal year is the product of—

"(1) an amount equal to the amount appropriated under section 535 for the fiscal year; and

"(2) a percentage equal to the quotient of—
 "(A) an amount equal to the population living in urbanized areas of the State involved, as indicated by the most recent data collected by the Bureau of the Census; and

"(B) an amount equal to the population living in urbanized areas of the United States, as indicated by the sum of the respective amounts determined for the States under subparagraph (A).

"(b) MINIMUM ALLOTMENT.—

"(1) IN GENERAL.—Subject to paragraph (2), the allotment for a State under section 521

for a fiscal year shall, at a minimum, be the greater of—

"(A) the amount the State received under section 521 in fiscal year 2006; and

"(B) \$600,000 for each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, and \$100,000 for each of Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(2) CONDITION.—If the funds appropriated in any fiscal year under section 535 are insufficient to ensure that States receive a minimum allotment in accordance with paragraph (1), then—

"(A) no State shall receive less than the amount they received in fiscal year 2006; and

"(B) any funds remaining after amounts are provided under subparagraph (A) shall be used to meet the requirement of paragraph (1)(B), to the maximum extent possible."

By Ms. COLLINS (for herself and Mr. HARKIN):

S. 1099. A bill to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President. I rise to introduce a bill that would solve a serious health-insurance problem for some Americans who work on Campobello Island, Canada, near the Maine border, at a park that honors the memory of President Franklin D. Roosevelt.

Ten residents of the State of Maine are employed on that beautiful island by the Roosevelt Campobello International Park. The park centers on the spacious summer cottage that FDR loved and visited often, from his childhood in the 1880s up to his last trip in 1939. Today, the Roosevelt cottage and the park draw thousands of visitors from around the world.

The Roosevelt Campobello International Park was dedicated in 1964 as a memorial to President Roosevelt, and is funded by both the U.S. and the Canadian Governments under terms of a treaty.

Unfortunately, the drafters of the treaty did not address the need for health insurance for park employees. As a result, the State Department concluded in 1965 that those employees "shall be subject to the relevant Canadian labor laws." Based on that State Department opinion, the U.S. Civil Service Commission—precursor of the Office of Personnel Management—determined that the employees were not eligible for Federal Employee Health Benefits Program coverage.

Meanwhile, even if the employees could join the Canadian health plan, the park's location makes it impractical for them to seek medical treatment in Canada. The closest doctors and hospitals are in Maine, and the only access to the park is from the United States.

Consequently, the employees have relied on a small-group insurance plan negotiated by the Park Commission and have paid for their own insurance. But as with millions of other Ameri-

cans, drastic increases in premiums have made that small-group plan unaffordable for the Park employees. The result is a genuine hardship for them and their families.

My bill will resolve this problem simply, by making these employees eligible for FEHBP health insurance. This is a matter of equal treatment as well as compassion. Full-time employees of other joint-responsibility parks on the U.S.A.-Canada border, like Glacier National Park, are already eligible for coverage under the FEHBP.

Adding this handful of employees to the rolls is a negligible cost to the government, but a huge relief for these deserving citizens.

I am pleased to be joined in this effort by Senator HARKIN. He serves ably on the Roosevelt Campobello International Park Commission, and so understands the problem faced by my Maine constituents employed at the park.

I hope that our colleagues will join us to support this bill so that the American citizens maintaining a park honoring a great American President will be treated fairly. 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. 1099

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

SECTION 1. HEALTH INSURANCE.

Section 8901(1) of title 5, United States Code, is amended—

(1) in subparagraph (H), by striking "and" at the end;

(2) in subparagraph (I), by inserting "and" after the semicolon; and

(3) by inserting before the matter following subparagraph (I) the following:

"(J) an individual who is employed by the Roosevelt Campobello International Park Commission and is a citizen of the United States,".

By Mr. BINGAMAN (for himself, Mr. SMITH, Mr. KOHL, Ms. SNOWE, Mrs. LINCOLN, and Mr. KERRY):

S. 1102. A bill to amend title XVIII of the Social Security Act to expedite the application and eligibility process for low-income subsidies under the Medicare prescription drug program and to revise the resource standards used to determine eligibility for an income-related subsidy, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. SMITH, and Mr. KERRY):

S. 1103. A bill to amend title XVIII of the Social Security Act to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of the Medicare program; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with my colleague Senator SMITH to introduce two pieces of vitally important, bipartisan legislation that will ensure that low-income seniors have full access to the benefits available to them under the Medicare Drug Benefit. The first piece of legislation makes critical improvements in the Medicare Part D Low-Income Subsidy (LIS) available to assist these individuals in meeting cost sharing, premium, and deductible requirements under Part D. The second will ensure that low-income seniors don't get caught in the Medicare Part D coverage gap, or "doughnut hole," simply because of where they purchase their Part D pharmaceuticals.

These bills were developed in close collaboration with Senator SMITH, who also will be introducing two bills today to achieve other, critical improvements in the Medicare program for low-income seniors. Together, we believe this package of four bills will provide the reforms necessary to ensure that the Medicare program and the LIS function as they were intended, to ensure access to life-saving drug coverage for some of the most vulnerable members of our society.

Data indicates that a shockingly low number of seniors eligible for the LIS benefit are actually receiving the benefit. According to the January 2007 report by the National Council on Aging (NCOA), *The Next Steps: Strategies to Improve the Medicare Part D Low-Income Subsidy*, only 35 percent to 42 percent of beneficiaries who could have successfully applied for the LIS in 2006 were actually receiving it. Exacerbating this problem, NCOA also reports that overall LIS enrollment rates are slowing. In total for 2007, NCOA estimates that between 3.4 and 4.4 million beneficiaries still must be identified and enrolled in the LIS. Furthermore, data indicates that certain LIS requirements result in many low-income seniors that should be eligible for the benefit being denied enrollment in LIS. I believe the modest policy changes created by the legislation I and Senator SMITH are introducing will ensure that all low-income beneficiaries have access to the LIS.

The single most significant barrier to LIS eligibility is the asset test, which accounts for approximately 41 percent of LIS denials. As reported by NCOA, the asset test penalizes low income retirees who may have very modest savings. For example, approximately half of the people that failed the asset test have excess assets of \$35,000 or less. These people tend to be older, female, widowed, and living alone. In addition the asset test is inherently discriminatory against certain categories of people, e.g., people who rent their homes.

My legislation, the Part D Equity for Low-Income Seniors Act, will dramatically improve this inequity by raising the asset test limits to \$27,500 for an individual and \$55,000 for a couple. This will capture about half of individuals

and two-thirds of couples who have been denied LIS because of excess resources.

As recommended by OIG in fall 2006, this legislation also allows the Internal Revenue Service (IRS) to transfer tax filing information to the Social Security Administration (SSA) so they can better target beneficiaries who might be eligible for the LIS. In addition, this legislation creates an expedited LIS application process for pre-screened beneficiaries, prohibits the reporting of retirement account balances, life-insurance policies and in-kind contributions when determining a beneficiary's resource level, and prohibits LIS benefits from being counted as resources for the purposes of determining eligibility for other federal programs.

I also am introducing the Low-Income True Out-Of Pocket (TroOP) Expense under Part D Assistance bill, which ensures that low-income Americans do not get "stuck" in the Part D "doughnut hole" simply because of where they choose to purchase Part D pharmaceuticals.

Unbelievably, under current regulation and guidance, individuals who are in the doughnut hole and receive Part D drugs from commercial pharmacies are permitted to count waivers or reductions in Part D cost-sharing to count towards their TroOP. However, low-income individuals who tend to receive Part D drugs from safety-net pharmacies and other safety-net providers are not permitted to count similar waivers or reductions in Part D cost-sharing by safety-net providers towards their TroOP. Thus, current law penalizes low-income individuals and makes it easier for them to get stuck in the doughnut hole—never accessing the catastrophic coverage to which they are entitled.

My legislation would undo this inequity and permit waivers and reductions for beneficiaries receiving care from safety-net providers to count towards beneficiaries' TroOP. Specifically, the legislation will count waivers and reductions by certain safety-net hospitals and pharmacies, Federally Qualified Health Centers (FQHCs), AIDS Drug Assistance Programs (ADAPs), Pharmacy Assistance Programs (PAPs), and the Indian Health Service (IRS) toward TroOP.

In closing, I would also like to offer my strong support for the two bills on which we worked very closely with Senator Smith and that he is introducing today. The first is the Medicare Part D Outreach and Enrollment Enhancement Act, which creates a permanent 90-day special enrollment period for any beneficiary who becomes eligible for the LIS. It also requires CMS to provide such beneficiaries facilitated enrollment into the plans allowing, within 90 days, the beneficiary to be enrolled into the most appropriate plan for his or her needs. The legislation also waives the late enrollment penalty for LIS beneficiaries, provides a \$1 per beneficiary authorization for State

Health Insurance Programs, and funds the National Center on Senior Benefits and Outreach, which was created last year in the Older Americans Act.

The second piece of legislation creates important equity between institutionalized Part D beneficiaries dually eligible for Medicare and Medicaid and those dual eligibles who avoid institutionalization through a Home and Community Based Waiver (HCBW). Currently under Federal law, Part D cost-sharing requirements are waived for dual-eligible individuals that are institutionalized but are not waived for individuals in HCBWs. Senator SMITH's legislation would make an important change to Federal law to all allow cost sharing under Part D to be waived for dual eligibles regardless of whether they are institutionalized or receiving care through HCBWs.

I also would like to express my gratitude for the assistance of several key senior citizen advocates in crafting all four important pieces of legislation, including: Paul Cotton and Kristen Sloan from the American Association of Retired Persons, Howard Bedlin and Sara Duda from the National Council on Aging, Lena O'Rourke and Marc Steinberg from Families USA, Patricia Nemoire and Vicki Gottlich from the Center for Medicare Advocacy and Paul Precht, from the Medicare Rights Center. I would also like to thank the Staff at the Social Security Administration (SSA) for their prompt feedback and invaluable assistance.

I urge my colleagues to join me in supporting these important pieces of legislation, which will ensure that life saving pharmaceuticals are available to low-income Americans.

I ask unanimous consent that the National Council on Aging Report, and the text of these bills to be printed in the RECORD.

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

THE NEXT STEPS: STRATEGIES TO IMPROVE THE MEDICARE PART D LOW-INCOME SUBSIDY

The passage of the Medicare Modernization Act (MMA) was the largest expansion of the Medicare program since its inception in 1965 and over 90 percent of Medicare beneficiaries now have prescription drug coverage due to unprecedented efforts by the public and private sectors. However, millions of those in greatest need have still not signed up for the Low-Income Subsidy (LIS or Extra Help) program, which provides generous financial assistance to beneficiaries with limited income and resources, including coverage through the "donut hole." HHS has estimated that at least 75% of the Medicare beneficiaries still without any prescription drug coverage are eligible for the Low-Income Subsidy.

The challenge of finding and enrolling people with limited means in needs-based programs is not new. After forty years, take-up rates remain low for many federal means-tested benefits. As a result of unprecedented efforts by the public, non-profit and private sectors in the first year of the program, NCOA estimates that 35% to 42% of beneficiaries who could have successfully applied for the LIS in 2006 are actually receiving it. While the LIS take-up rate so far is on a par

with historic enrollment rates in other federal, needs-based programs (especially after the first year of effort), there are signs that overall enrollment rates are slowing. We estimate that there are between 3.4 and 4.4 million beneficiaries that we still need to find and sign up for the program in 2007.

These are people who would benefit most from the coverage that Part D and the LIS can offer them. With targeted investments and modest policy changes, significantly higher participation rates can be achieved in 2007.

This paper identifies recommended legislative, administrative, and regulatory reforms that should be made to the LIS to improve access to the program for seniors and people with disabilities with limited means. Some of the key legislative reforms recommended include: (1) eliminating the asset test, as it is the single-most significant barrier to Part D LIS eligibility; (2) enacting legislation to make the LIS Special Enrollment Period (SEP) permanent and eliminate the late enrollment premium penalty for this population; and (3) establishing and funding a dedicated, nationwide network of enrollment centers through the new National Center on Senior Benefits Outreach and Enrollment in order to find and enroll remaining LIS eligibles.

There are also significant administrative and regulatory reforms recommended in this paper. Some of the reforms include having the Social Security Administration (SSA): (1) designate at least one dedicated worker in each field office who is assigned specifically to process LIS applications where practical; (2) amend the LIS application to allow applicants to designate a third party to assist them through the LIS application process and interact with SSA on their behalf; and (3) maintain a link from the online LIS application to a webpage that provides seniors and people with disabilities—as well as their family members, friends, or advocates—with state-specific information on other public benefits for which they may be eligible.

In addition to implementing reforms to the Part D LIS program, Prescription Drug Plans (PDPs) and Medicare Advantage-Prescription Drug plans (MAPDs) should be required to screen their member lists for individuals who are potentially eligible for the Low-Income Subsidy. We estimate that up to 1.1 million more people in plans could enroll in the LIS if they knew they were eligible for the program and received application assistance. PDPs and MA-PDs could partner with nonprofit organizations to help screen their members for LIS eligibility.

We commend CMS for its recent decisions to permit low-income beneficiaries to sign up for LIS and enroll in a plan throughout the remainder of 2007 without penalty. This action is necessary, but not sufficient in itself to achieve higher LIS enrollments in 2007. To reach the remaining LIS eligibles, additional investment in proven strategies that work is needed, along with progress on the other recommendations included in this paper.

With the beginning of the second year of this program, the Access to Benefits Coalition and NCOA call on the Administration, foundations, corporations and advocacy groups to renew their commitment to outreach and enrollment efforts and to invest in effective strategies to help seniors and people with disabilities in greatest need to receive the important benefits available to them.

S. 1102

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 “Part D Equity for Low-Income Seniors Act of 2007”.

SEC. 2. EXPEDITED LOW-INCOME SUBSIDIES UNDER THE MEDICARE PRESCRIPTION DRUG PROGRAM.

(a) IN GENERAL.—Section 1860D-14 of the Social Security Act (42 U.S.C. 1395w-114) is amended by adding at the end the following new subsection:

“(e) EXPEDITED APPLICATION AND ELIGIBILITY PROCESS.—

“(1) EXPEDITED PROCESS.—

“(A) IN GENERAL.—The Commissioner of Social Security shall provide for an expedited process under this subsection for the qualification for low-income assistance under this section through a request to the Secretary of the Treasury as provided in subparagraph (B) for information described in section 6103(l)(21) of the Internal Revenue Code of 1986. Such process shall be conducted in cooperation with the Secretary.

“(B) CURRENTLY ELIGIBLE INDIVIDUALS.—The Commissioner of Social Security shall, as soon as practicable after implementation of subparagraph (A), screen such individual for eligibility for the low-income subsidy provided under this section through such a request to the Secretary of the Treasury.

“(2) NOTIFICATION OF POTENTIALLY ELIGIBLE INDIVIDUALS.—Under such process, in the case of each individual identified under paragraph (1) who has not otherwise applied for, or been determined eligible for, benefits under this section (or who has applied for and been determined ineligible for such benefits based only on excess resources), the Commissioner of Social Security shall send a notification that the individual is likely eligible for low-income subsidies under this section. Such notification shall include the following:

“(A) APPLICATION INFORMATION.—Information on how to apply for such low-income subsidies.

“(B) DESCRIPTION OF THE LIS BENEFIT.—A description of the low-income subsidies available under this section.

“(C) INFORMATION ON STATE HEALTH INSURANCE PROGRAMS.—Information on—

“(i) the State Health Insurance Assistance Program for the State in which the individual is located; and

“(ii) how the individual may contact such Program in order to obtain assistance regarding enrollment and benefits under this part.

“(D) ATTESTATION.—An application form that provides for a signed attestation, under penalty of law, as to the amount of income and assets of the individual and constitutes an application for the low-income subsidies under this section. Such form—

“(i) shall not require the submittal of additional documentation regarding income or assets;

“(ii) shall permit the appointment of a personal representative described in paragraph (4); and

“(iii) shall allow for the specification of a language (other than English) that is preferred by the individual for subsequent communications with respect to the individual under this part.

If a State is doing its own outreach to low-income seniors regarding enrollment and low-income subsidies under this part, such process shall be coordinated with the State's outreach effort.

“(3) HOLD-HARMLESS.—Under such process, if an individual in good faith and in the absence of fraud executes an attestation described in paragraph (2)(D) and is provided low-income subsidies under this section on the basis of such attestation, if the individual is subsequently found not eligible for such subsidies, there shall be no recovery

made against the individual because of such subsidies improperly paid.

“(4) USE OF AUTHORIZED REPRESENTATIVE.—Under such process, with proper authorization (which may be part of the attestation form described in paragraph (2)(D)), an individual may authorize another individual to act as the individual's personal representative with respect to communications under this part and the enrollment of the individual under a prescription drug plan (or MA-PD plan) and for low-income subsidies under this section.

“(5) USE OF PREFERRED LANGUAGE IN SUBSEQUENT COMMUNICATIONS.—In the case an attestation described in paragraph (2)(D) is completed and in which a language other than English is specified under clause (iii) of such paragraph, the Commissioner of Social Security shall provide that subsequent communications to the individual under this part shall be in such language.

“(6) CONSTRUCTION.—Nothing in this subsection shall be construed as precluding the Commissioner of Social Security or the Secretary from taking additional outreach efforts to enroll eligible individuals under this part and to provide low-income subsidies to eligible individuals.”.

(b) DISCLOSURE OF RETURN INFORMATION FOR PURPOSES OF DETERMINING INDIVIDUALS ELIGIBLE FOR SUBSIDIES UNDER MEDICARE PART D.—

(1) IN GENERAL.—Subsection (1) of section 6103 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(21) DISCLOSURE OF RETURN INFORMATION TO CARRY OUT MEDICARE PART D SUBSIDIES.—

“(A) IN GENERAL.—The Secretary shall, upon written request from the Commissioner of Social Security under section 1860D-14(e)(1) of the Social Security Act, disclose to officers and employees of the Social Security Administration return information of a taxpayer who (according to the records of the Secretary) may be eligible for a subsidy under section 1860D-14 of the Social Security Act. Such return information shall be limited to—

“(i) taxpayer identity information with respect to such taxpayer,

“(ii) the filing status of such taxpayer,

“(iii) the gross income of such taxpayer,

“(iv) such other information relating to the liability of the taxpayer as is prescribed by the Secretary by regulation as might indicate the eligibility of such taxpayer for a subsidy under section 1860D-14 of the Social Security Act, and

“(v) the taxable year with respect to which the preceding information relates.

“(B) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Return information disclosed under this paragraph may be used by officers and employees of the Social Security Administration only for the purposes of identifying eligible individuals for, and, if applicable, administering—

“(i) low-income subsidies under section 1860D-14 of the Social Security Act, and

“(ii) the Medicare Savings Program implemented under clauses (i), (iii), and (iv) of section 1902(a)(10)(E) of such Act.

“(C) TERMINATION.—Return information may not be disclosed under this paragraph after the date that is one year after the date of the enactment of this paragraph.”.

(2) CONFORMING AMENDMENTS.—Paragraph (4) of section 6103(p) of the Internal Revenue Code of 1986 is amended—

(A) by striking “(14) or (17)” in the matter preceding subparagraph (A) and inserting “(14), (17), or (21)”; and

(B) by striking “(15) or (17)” in subparagraph (F)(ii) and inserting “(15), (17), or (21)”.

SEC. 3. MODIFICATION OF RESOURCE STANDARDS FOR DETERMINATION OF ELIGIBILITY FOR LOW-INCOME SUBSIDY.

(a) **INCREASING THE ALTERNATIVE RESOURCE STANDARD.**—Section 1860D-14(a)(3)(E)(i) of the Social Security Act (42 U.S.C. 1395w-114(a)(3)(E)(i)) is amended—

(1) in subclause (I), by striking “and” at the end;

(2) in subclause (II)—

(A) by striking “a subsequent year” and inserting “2007”;

(B) by striking “in this subclause (or subclause (I)) for the previous year” and inserting “in subclause (I) for 2006”;

(C) by striking the period at the end and inserting a semicolon; and

(D) by inserting before the flush sentence at the end the following new subclauses:

“(III) for 2008, \$27,500 (or \$55,000 in the case of the combined value of the individual’s assets or resources and the assets or resources of the individual’s spouse); and

“(IV) for a subsequent year the dollar amounts specified in this subclause (or subclause (III)) for the previous year increased by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of such previous year.”; and

(3) in the flush sentence at the end, by inserting “or (IV)” after “subclause (II)”.

(b) **EXEMPTIONS FROM RESOURCES.**—Section 1860D-14(a)(3) of the Social Security Act (42 U.S.C. 1395w-114(a)(3)) is amended—

(1) in subparagraph (D), in the matter preceding clause (i), by inserting “subject to the additional exclusions provided under subparagraph (G)” before “);”;

(2) in subparagraph (E)(i), in the matter preceding subclause (I), by inserting “subject to the additional exclusions provided under subparagraph (G)” before “);” and

(3) by adding at the end the following new subparagraph:

“(G) **ADDITIONAL EXCLUSIONS.**—In determining the resources of an individual (and their eligible spouse, if any) under section 1613 for purposes of subparagraphs (D) and (E) the following additional exclusions shall apply:

“(i) **LIFE INSURANCE POLICY.**—No part of the value of any life insurance policy shall be taken into account.

“(ii) **IN-KIND CONTRIBUTIONS.**—No in-kind contribution shall be taken into account.

“(iii) **PENSION OR RETIREMENT PLAN.**—No balance in any pension or retirement plan shall be taken into account.”.

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

SEC. 4. INDEXING DEDUCTIBLE AND COST-SHARING ABOVE ANNUAL OUT-OF-POCKET THRESHOLD FOR INDIVIDUALS WITH INCOME BELOW 150 PERCENT OF POVERTY LINE.

(a) **INDEXING DEDUCTIBLE.**—Section 1860D-14(a)(4)(B) of the Social Security Act (42 U.S.C. 1395w-114(a)(4)(B)) is amended—

(1) in clause (i), by striking “or”;

(2) in clause (ii)—

(A) by striking “a subsequent year” and inserting “2008”;

(B) by striking “this clause (or clause (i)) for the previous year” and inserting “clause (i) for 2007”; and

(C) by striking “involved.” and inserting “involved; and”;

(3) by adding after clause (ii) the following new clause:

“(iii) for 2008 and each succeeding year, the amount determined under this subparagraph for the previous year increased by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of such previous year.”; and

(4) in the flush sentence at the end, by striking “clause (i) or (ii)” and inserting “clause (i), (ii), or (iii)”.

(b) **INDEXING COST-SHARING.**—Section 1860D-14(a) of the Social Security Act (42 U.S.C. 1395w-114(a)) is amended—

(1) in paragraph (1)(D)(iii), by striking “exceed the copayment amount” and all that follows through the period at the end and inserting “exceed—

“(I) for 2006 and 2007, the copayment amount specified under section 1860D-2(b)(4)(A)(i)(I) for the drug and year involved; and

“(II) for 2008 and each succeeding year, the amount determined under this subparagraph for the previous year increased by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of such previous year.”; and

(2) in paragraph (2)(E), by striking “exceed the copayment or coinsurance amount” and all that follows through the period at the end and inserting “exceed—

“(i) for 2006 and 2007, the copayment or coinsurance amount specified under section 1860D-2(b)(4)(A)(i)(I) for the drug and year involved; and

“(ii) for 2008 and each succeeding year, the amount determined under this clause for the previous year increased by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of such previous year.”.

SEC. 5. NO IMPACT ON ELIGIBILITY FOR BENEFITS UNDER OTHER PROGRAMS.

(a) **IN GENERAL.**—Section 1860D-14(a)(3) of the Social Security Act (42 U.S.C. 1395w-114(a)(3)), as amended by section 3(c)(3), is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking “subparagraph (F)” and inserting “subparagraphs (F) and (H)”;

(2) by adding at the end the following new subparagraph:

“(H) **NO IMPACT ON ELIGIBILITY FOR BENEFITS UNDER OTHER PROGRAMS.**—The availability of premium and cost-sharing subsidies under this section shall not be treated as benefits or otherwise taken into account in determining an individual’s eligibility for, or the amount of benefits under, any other Federal program.”.

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

S. 1103

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 “Helping Fill the Medicare Rx Gap Act of 2007”.

SEC. 2. INCLUDING COSTS INCURRED BY THE INDIAN HEALTH SERVICE, A FEDERALLY QUALIFIED HEALTH CENTER, AN AIDS DRUG ASSISTANCE PROGRAM, CERTAIN HOSPITALS, OR A PHARMACEUTICAL MANUFACTURER PATIENT ASSISTANCE PROGRAM IN PROVIDING PRESCRIPTION DRUGS TOWARD THE ANNUAL OUT OF POCKET THRESHOLD UNDER PART D.

(a) **IN GENERAL.**—Section 1860D-2(b)(4)(C) of the Social Security Act (42 U.S.C. 1395w-102(b)(4)(C)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii)—

(A) by striking “such costs shall be treated as incurred only if” and inserting “subject to clause (iii), such costs shall be treated as incurred if”;

(B) by striking “, under section 1860D-14, or under a State Pharmaceutical Assistance Program”;

(C) by striking “(other than under such section or such a Program)”;

(D) by striking the period at the end and inserting “; and”;

(3) by inserting after clause (ii) the following new clause:

“(iii) such costs shall be treated as incurred and shall not be considered to be reimbursed under clause (ii) if such costs are borne or paid—

“(I) under section 1860D-14;

“(II) under a State Pharmaceutical Assistance Program;

“(III) by the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act);

“(IV) by a Federally qualified health center (as defined in section 1861(aa)(4));

“(V) under an AIDS Drug Assistance Program under part B of title XXVI of the Public Health Service Act;

“(VI) by a subsection (d) hospital (as defined in section 1886(d)(1)(B)) that meets the requirements of clauses (i) and (ii) of section 340B(a)(4)(L) of the Public Health Service Act; or

“(VII) by a pharmaceutical manufacturer patient assistance program, either directly or through the distribution or donation of covered part D drugs, which shall be valued at the negotiated price of such covered part D drug under the enrollee’s prescription drug plan or MA-PD plan as of the date that the drug was distributed or donated.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to costs incurred on or after January 1, 2008.

By Mr. KENNEDY (for himself, Mr. SMITH, Mr. LEAHY, Mr. SPECTER, Ms. MIKULSKI, Ms. COLLINS, Mr. MENENDEZ, Ms. SNOWE, Mr. BROWN, Mr. KERRY, Mr. DURBIN, Mr. LAUTENBERG, Mr. DODD, Mr. NELSON of Nebraska, Mrs. FEINSTEIN, Mr. LEVIN, Mr. HARKIN, Mr. WHITEHOUSE, Ms. STABENOW, Mr. BIDEN, Mrs. MURRAY, Mr. BAYH, Ms. CANTWELL, Mr. CARDIN, Mr. LIEBERMAN, Mr. REED, Mr. SCHUMER, Mr. OBAMA, Mrs. BOXER, Ms. KLOBUCHAR, Mr. AKAKA, Mr. BINGAMAN, Mrs. CLINTON, Ms. LANDRIEU, Mr. ROCKEFELLER, Mrs. LINCOLN, Mr. CASEY, Mrs. MCCASKILL, Mr. INOUE, Mr. NELSON of Florida, Mr. SALAZAR, and Mr. JOHNSON):

S. 1105. A bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, hate crimes violate everything our country stands for. They send the poisonous message that certain Americans deserve to be victimized solely because of who they are. These are crimes committed against entire communities, the Nation as a whole and the very ideals upon which our country was founded.

The vast majority of Congress agrees. In 2000, 57 Senators voted in support of this bill. In 2002, 54 Senators voted with us, and, in 2004, we had 65 votes. Today, we are re-introducing this bicameral, bipartisan bill with the support of 39 original cosponsors, and we have the

votes to get cloture. We have the votes in the House too. This year, we are going to get it done.

Our legislation is supported by a broad coalition of over 210 law enforcement, civic, religious and civil rights groups, including the International Association of Chiefs of Police, the National Sheriffs Association, the Anti-Defamation League, the Interfaith Alliance, the U.S. Conference of Mayors, the Leadership Conference on Civil Rights, the National District Attorneys Association, and the National Center for Victims of Crime.

Data from the National Crime Victimization Survey are especially disturbing because they indicate that a large number of hate crimes go unreported. The data indicates that an average of 191,000 hate crimes take place every year, but only a small percentage are reported to the police.

We obviously need to strengthen the ability of Federal, State and local governments to investigate and prosecute these vicious and senseless crimes. The existing Federal hate crime statute was passed in 1968, soon after the assassination of Dr. Martin Luther King, Jr. It was such an important step forward at the time, but it is now a generation out of date.

The absence of effective legislation has undoubtedly resulted in the failure to solve many hate-motivated crimes. The recent action of the Justice Department in reopening 40 civil-rights-era murders demonstrates the need for adequate laws. Many of the victims in these cases have been denied justice for decades, and for some, justice will never come.

This bill corrects two major deficiencies in current law—one, the excessive restrictions requiring proof that victims were attacked because they were engaged in certain “federally protected activities,” and, two, the limited scope of the law, which covers only hate crimes based on race, religion, or ethnic background, excluding violence committed against persons because of their sexual orientation, gender, gender identity, or disability.

The federally protected activity requirement is outdated, unwise and unnecessary, particularly when we consider the unjust outcomes that result from this requirement. Hate crimes can occur in a variety of circumstances, and citizens are often targeted during routine activities that should be protected.

For example, in June 2003, six Latino teenagers went to a family restaurant on Long Island. They knew one another from their involvement in community activities and were together to celebrate one of their birthdays. As the group entered the restaurant, three men who were leaving the bar assaulted them, pummeling one boy and severing a tendon in his hand with a sharp weapon. During the attack, the men yelled racial slurs and one identified himself as a skinhead.

Two of the men were tried under the current Federal law for committing a

hate crime and were acquitted. The jurors said the government failed to prove that the attack took place because the victims were engaged in a federally protected activity—using the restaurant. The result in this case is only one example of the inadequate protection under current law. The bill we introduce today will eliminate the federally protected activity requirement. Under this bill, the defendants who left the courtroom as free men would almost certainly have left in handcuffs through a different door.

The bill also recognizes that hate crimes are also committed against people because of their sexual orientation, their gender, their gender identity, or their disability. It's up to Congress to make sure that tough Federal penalties also apply to those who commit such crimes as well. Passing this bill will send a loud and clear message. All hate crimes will face Federal prosecution. Action is long overdue.

Examples of the problem abound. Two years ago, a 52-year-old Alabama man was beaten on the head with a hammer because he was gay. Still waiting for justice, the man lies in a coma as a result of that attack.

In 1993, a 21-year-old transgender man, Brandon Teena, was raped and beaten in Humboldt, NE, by two male friends. The local sheriff refused to arrest the offenders, and they later shot and stabbed Brandon to death.

In 1999, four women in Yosemite National Park were targeted by a man who admitted to having fantasized about killing women for most of his life. The current hate crime law did not apply to this horrific crime because enjoyment of a Federal park is not a federally protected right.

In 2001, Fred C. Martinez, Jr., a Navajo, openly gay, transgender youth, was murdered while walking home from a party in Cortez, CO. The perpetrator, Shaun Murphy, had traveled from New Mexico to Colorado with a friend in order to sell illegal drugs. He met Fred at a carnival that night, and the next morning, while driving, he saw Fred walking down the street. Shaun and his friend offered Fred a ride and dropped him off close to home. Shortly thereafter, Shaun attacked Fred and beat him to death with a large rock. His body was discovered several days later. The attackers bragged about this vicious crime, describing the victim with vulgar epithets.

The perpetrator could not be charged with a hate crime because no State or Federal law protecting gender identity existed. He received a 40-year sentence under a plea agreement and he will be eligible for parole in 25 years. His victim did not live long enough to see his 20th birthday. If the defendant had been charged with a Federal hate crime, he could have received a life sentence. If the prosecutor had greater aid for his investigation under the proposed legislation, he could have had a stronger case against the defendant and prosecuted him more effectively.

In October 2002, two deaf girls in Somerville, MA—one of whom was wheelchair bound due to cerebral palsy—were harassed and sexually assaulted by four suspected gang members in a local park. Although the alleged perpetrators were charged in the incident, the assaults could not be charged as hate crimes because there is no Federal protection for hate crimes against disabled individuals.

These examples graphically illustrate the senseless brutality that our fellow citizens face simply for being who they are. They also highlight the importance of passing this legislation, which is long overdue. The vast majority of us in Congress have recognized the importance of this legislation since it was first introduced—nearly 10 years ago. This year, we have an opportunity to pass it in both the Senate and the House, and enact it into law. Let's make the most of this opportunity, and do all we can to end these senseless crimes.

I ask unanimous consent to print in the RECORD this list of organizations who support the Matthew Shepard bill.

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

1. American-Arab Anti-Discrimination Committee.
2. American Association of University Women.
3. American Civil Liberties Union.
4. American Jewish Committee.
5. American Psychological Association.
6. Anti-Defamation League.
7. Asian American Justice Center.
8. Center for the Study of Hate and Extremism.
9. Human Rights Campaign.
10. Interfaith Alliance.
11. International Association of Chiefs of Police.
12. Japanese American Citizens League.
13. Jewish Council for Public Affairs.
14. Leadership Conference on Civil Rights.
15. Matthew Shepard Foundation.
16. National Association for the Advancement of Colored People.
17. National Council of Jewish Women.
18. National District Attorneys Association.
19. National Sheriffs' Association.
20. People for the American Way.
21. Religious Action Center of Reform Judaism.
22. SALDEF (Sikh American Legal Defense and Education Fund).
23. Unitarian Universalist Association.
24. The United States Conference of Mayors.
25. Group Letter: Religious Organizations: African American Ministers in Action, American Jewish Committee, Anti-defamation League, Buddhist Peace Fellowship, Catholics for a Free Choice, Church Women United, The Episcopal Church, Hadassah, Hindu American Foundation, The Interfaith Alliance, Jewish Council for Public Affairs, Jewish Women International, Muslim Public Affairs Council, NA'AMAT USA, National Council of Churches of Christ, National Council of Jewish Women, North American Federation of Temple Youth, Presbyterian Church USA, Sikh Council on Religion and Education, United Church of Christ Justice and Witness Ministries, Union for Reform Judaism, United Methodist Church General Board of Church and Society, Unitarian Universalist Association of Congregations,

United Synagogues of Conservative Judaism and Women of Reform Judaism.

26. Group Letter: Consortium for Citizens with Disabilities; Alexander Graham Bell Association for the Deaf and Hard of Hearing; American Association on Health and Disability; American Association on Intellectual and Developmental Disabilities; American Association on Mental Retardation; American Association of People with Disabilities; American Council of the Blind; American Counseling Association; American Dance Therapy Association; American Medical Rehabilitation Providers Association; American Music Therapy Association; American Network of Community Options and Resources; American Occupational Therapy Association; American Psychological Association; American Therapeutic Recreation Association; American Rehabilitation Association; Association of Tech Act Projects; Association of University Centers of Disabilities; Autism Society of America; Bazelon Center for Mental Health Law; Council for Learning Disabilities; Council of State Administrators of Vocational Rehabilitation; Easter Seals; Epilepsy Foundation; Hellen Keller National Center; Learning Disabilities Association of America; National Alliance on Mental Illness; National Association of Councils on Developmental Disabilities; National Coalition on Deaf-Blindness; National Disability Rights Network; National Down Syndrome Society; National Fragile X Foundation; National Rehabilitation Association; National Respite Coalition; National Structured Settlement Trade Association; NISH; Paralyzed Veterans of America; Research Institute for Independent Living; School Social Work Association of America; Spina Bifida Association; The Arc of the United States; United Cerebral Palsy; United Spinal Association; World Institute on Disability.

27. Group Letter: National Partnership for Women and Families; 9to5 Bay Area; 9to5 Colorado; 9to5 Poverty Network Initiative (Wisconsin); 9to5 National Association of Working Women; AFL-CIO Department of Civil, Human and Women's Rights; American Association of University Women; Atlanta 9to5; Break the Cycle; Coalition of Labor Union Women; Colorado Coalition Against Sexual Assault (CCASA); Communications Workers of America; AFL-CIO; Democrats.com; Equal Rights Advocates; Feminist Majority; Gender Public Advocacy Coalition; GenderWatchers; Hadassah the Women's Zionist Organization of America; Legal Momentum; Los Angeles 9to5; NA'AMAT USA; National Abortion Federation; National Asian Pacific American Women's Forum; National Association of Social Workers; National Center for Lesbian Rights; National Congress of Black Women; National Council of Jewish Women; National Council of Women's Organizations; National Organization for Women; National Partnership for Women and Families; National Women's Conference; National Women's Committee; National Women's Law Center; Northwest Women's Law Center; Sargent Shriver National Center on Poverty Law; The Women's Institute for Freedom of the Press; Washington Teachers Union; Women Employed; Women's Law Center of Maryland; Women's Research and Education Institute; YWCA USA.

28. Excerpts of Support for the Hate Crime Prevention Act of 2007.

29. General List of Supporting Organizations 2007.

Mr. BAYH. Mr. President, like acts of terrorism, hate crimes have an impact far greater than the impact on the individual victim. They are crimes against entire communities, the whole Nation, and the ideals of liberty and justice upon which America was founded.

First enacted nearly 40 years ago after the assassination of Martin Luther King, Federal hate crime laws have provided an important basis for prosecuting those who commit violent acts against another due to the person's race, color, religion or national origin.

Current law, however, makes it unnecessarily difficult to investigate and prosecute these and other insidious hate crimes. Consequently, the time has come to remove some of these hurdles and to expand the scope of Federal law so Americans who fall victim to hate crimes can receive protection under Federal law.

That is why I have cosponsored the Local Law Enforcement Hate Crimes Act of 2007, a bipartisan bill with broad political support that has been endorsed by 210 law enforcement, civil rights, civic, and religious organizations.

The bill will strengthen the ability of Federal, State, and local governments to investigate and prosecute hate crimes based on race, ethnic background, religion, gender, sexual orientation, disability, and gender identity.

The bill will also provide grants to help State and local governments meet the extraordinary expenses involved in hate crime cases.

This bill, while adding to Federal authority, properly leaves with the State or local law enforcement officials the primary responsibility of protecting citizens against crimes of violence. The bill authorizes actual Federal prosecutions only when a State does not have jurisdiction, when a State asks the Federal Government to take jurisdiction, or when a State fails to act. It is a Federal back-up for State and local law enforcement.

While State and local governments should continue to have the primary responsibility for investigating and prosecuting hate crimes, an expanded Federal role is necessary to ensure an adequate and fair response in all cases. The Federal Government must have jurisdiction to address those limited, but important cases in which local authorities are either unable or unwilling to investigate and prosecute.

Failure to pass Federal hate crimes legislation would signify our failure as a nation to accord each of our citizens the respect and value they deserve.

According to FBI statistics, 27,432 people were victims of hate-motivated violence over the last three years. That's an average of over 9,100 people per year, with nearly 25 people being victimized every day of the year, based on their race, religion, sexual orientation, ethnic background, or disability. But it is estimated that the vast majority of hate crimes goes unreported. Survey data from the biannual National Crime Victimization Survey suggests that an average of 191,000 hate crime victimizations take place per year.

While hatred and bigotry cannot be eradicated by an act of Congress, as a

nation, we must send a strong, clear, moral response to these cowardly acts of violence. I believe that the Federal Government must play a leadership role in confronting criminal acts motivated by prejudice.

All Americans have a stake in responding decisively to violent bigotry. We must pull together to combat ignorance and hatred. The devastation caused by hate crimes impacts the victims, members of his or her family, as well as entire communities, and the Nation as a whole.

I am reminded of the great wisdom of Martin Luther King, "Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that. Hate multiplies hate, violence multiplies violence, and toughness multiplies toughness in a descending spiral of destruction. The chain reaction of evil—hate begetting hate, wars producing wars—must be broken, or we shall be plunged into the dark abyss of annihilation." Strength to Love, 1963.

I urge my colleagues to stand up against ignorance and intolerance and vote for the Local Law Enforcement Hate Crimes Prevention Act.

Mr. SCHUMER. Mr. President, I am proud to be a co-sponsor of the Local Law Enforcement Hate Crimes Prevention Act of 2007, and I commend my friend and colleague, Senator KENNEDY, for his leadership and determination on this issue. We have tried for the better half of a decade to get this legislation passed, signed, and enacted into law. Today represents our strongest effort to date, and it is long past time that crimes based on hate be recognized and criminalized under Federal law. The need for Federal hate crimes legislation has been apparent for years as hate crimes know no State borders and—in part because their impacts often affect the very fabric of our society—they are a problem that affects all Americans.

This act sends the message that we will not tolerate acts of aggression and violence towards targeted communities or individuals who become victims of violence merely for being themselves. Perpetrators of this type of violence will now be subject to Federal prosecution under this act. Before we had to rely on the States to act, and some simply have failed to do enough to stem this type of criminal behavior. This act recognizes that hate crimes have national consequences and are not mere localized occurrences.

Put simply, a hate crime tends to impact an entire community, as opposed to being limited to the victim or the victim's family. It is a crime against a particular group, and must be treated as such. In essence, there are two crimes—one against the victim, and one against the victim's group or community. Some have asked, "But aren't all crimes based on hate?" No, they are not. Hate crimes are unique because they cut at the very fabric of our national values; they undermine shared

principles like tolerance and equal protection under the law, and in so doing, harm us all. It is the responsibility of the Federal Government to address this issue and arm prosecutors with the tools they need to seek justice, promote order and provide all American with equal protection under the law.

The framework of the Constitution provides a sound basis for our actions today—both the Commerce Clause and the Thirteenth Amendment are implicated by these crimes. The effects of hate crimes do not end at a State's border, but rather transcend those borders. These crimes implicate a citizen's ability to move and travel freely. Additionally, violence based on someone's race, religion, sexual orientation, or the other characteristics noted in the act are reminiscent of the ultimate hate crime—slavery. As such, the 13th Amendment allows for Federal action to remedy this problem. The courts have ruled time and time again that discrimination in housing and discrimination in contractual agreements could be remedied through Federal statutes promulgated under the authority of the Thirteenth Amendment. It matters not what the discrimination is based on, what matters is the, discrimination itself. In an attempt to rid the last vestiges of slavery from our society, the courts have allowed the 13th Amendment to be the basis of such legislation.

Let us be very clear, we are not criminalizing speech. Violent acts against an African American, a woman, or a Sikh because of who they are do not constitute free expression. Nor are we are criminalizing evil thoughts. We are only criminalizing action—harmful and violent action that cuts against our society and against the very meaning of what it is to be an American. Congress and local law enforcement are not becoming the “thought-police.” Rather, we are criminalizing the violent actions of closed-minded and hateful individuals.

In today's society, we see all too frequently violence based on the person's race, religion, sexual orientation, or other characteristics. We must act to address these injustices. This is not about special rights to any particular group. Actually, it is quite the contrary. This is about equal rights. This is about going after those individuals who act on their harmful beliefs. By committing hate crimes, they are attempting to relegate certain people to second-class citizenship. They think they can do this through violence. But they are wrong, and this legislation is a forceful statement that this country will not tolerate this behavior.

The victims of these crimes have done nothing to bring on this violence. Because of these crimes, the victims' communities frequently live in fear. Unfortunately, these crimes are not few and far between. These crimes are all too common, and when committed, they send a shockwave that can be felt across the country. Matthew Shepard

and James Byrd are just two of the many thousands of victims of hate crimes whose deaths horrified this country. Additionally, we mustn't forget the thousands of loyal and patriotic Americans, who after 9/11, were attacked by ruthless thugs, all because they “looked” like—or were—Muslims or Arab Americans. We saw many of these attacks in New York, and let me say, those attacks were not just a New York problem, they were an American problem. Every State experienced similar violence in the months after 9/11, and that is one reason why Federal legislation is appropriate.

The Act not only makes hate crimes a Federal crime, but it also serves to benefit local police departments as well, considering they are the front line of defense and prevention. This Act delivers much needed financial assistance to local police departments who may be struggling to deal with the crimes. It will also assist them in helping the community which they protect.

The point is, that we should be protecting communities who are targets of this shameful violence, and this Act today marks a great step in that direction. I urge all of my colleagues to vote for this Act and look forward to working with you all to see this Act gets passed and signed into law.

By Mr. SMITH (for himself, Mr. BINGAMAN, Mr. NELSON of Florida, Mrs. CLINTON, Ms. COLLINS, Mrs. LINCOLN, Mrs. BOXER, and Mr. KERRY):

S. 1107. A bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. BINGAMAN, Ms. SNOWE, Mrs. LINCOLN, and Mr. KERRY):

S. 1108. A bill to amend title XVIII of the Social Security Act to provide a special enrollment period for individuals who qualify for an income-related subsidy under the Medicare prescription drug program and to provide funding for the conduct of outreach and education with respect to the premium and cost-sharing subsidies under such program, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, today I am proud to join my colleague, Senator BINGAMAN, to introduce a package of four bills aimed at helping seniors get the assistance they need with their Medicare prescription drug costs. Thirty-nine million individuals now have access to affordable prescription drug therapies through Medicare Part D, many for the very first time. But low-income beneficiaries still are experiencing difficulties taking full advantage of the program's benefits. I believe the bipartisan package of legislation we have developed will go a long way to removing programmatic barriers that are limiting seniors from

getting the help we intended them to have when we created Medicare Part D Prescription Drug Program.

The low-income subsidy (LIS) is one of the best features of Medicare's new prescription drug benefit. Over the past few years, I have conducted extensive oversight of the program's implementation, especially through my work as Chairman and now Ranking Member of the Special Committee on Aging. Through hearings and staff-level investigations, I have identified a number of concerns with both the administration and the overall effectiveness of Medicare Part D's LIS. The Centers for Medicare and Medicaid Services (CMS) and the Social Security Administration (SSA) have made a great deal of progress to ensure that the benefit is working well for all beneficiaries. But their efforts can only go so far. Ultimately, it is Congress' responsibility to ensure that all low-income seniors who have difficulty paying their prescription drugs costs get the help they need.

Two of the four bills that Senator BINGAMAN and I are filing today are based upon initiatives that I introduced during the 109th Congress. The first is a measure that would create parity in the cost-sharing charged beneficiaries living in nursing homes and assisted living facilities. Under current law, dual-eligible Medicare beneficiaries, those who qualify for both Medicaid and Medicare coverage, receive a subsidy from the government to pay the benefit's required \$250 deductible. These individuals also qualify for reduced copayments for both generic and brand named drugs in the amount of one and three dollars respectively. If a dual-eligible beneficiary receives long-term care services in an institutional setting, such as a nursing home, he or she is exempt from paying the required copayment. Congress decided to provide this assistance because dual-eligible beneficiaries residing in nursing homes live off of very limited incomes. For instance, in Oregon the personal needs allowance beneficiaries receive each month for incidentals, including medications, is only \$30. As many institutionalized beneficiaries are on multiple medications, they would not be able to meet their share of drug costs.

This is the very reason Congress provided institutionalized dual-eligible beneficiaries with an exemption from all copayments under Medicare Part D. However, many dual-eligible beneficiaries choose to receive long-term care services in home or community-based settings, such as assisted living or resident care program facilities. Almost all states have chosen to establish Home and Community Based Services (HCS) Medicaid demonstration projects that have expanded access to community based alternatives to an even greater number of low-income elderly Americans. The State of Oregon operates one of the Nation's most successful HCS waivers, serving an average of 23,500 dual-eligible beneficiaries

each year. My state has a thriving community based care industry that has provided many dual-eligible Oregonians the freedom to choose the care setting that best meets their own physical and social needs.

While dual-eligible beneficiaries are exempted from prescription drug copayments under Medicare Part D, those choosing community-based alternatives are required to pay them. This is despite the fact that beneficiaries choosing community based care options typically live off of the same limited incomes as those residing in nursing homes. While some states provide HCS beneficiaries' a larger personal stipend each month, many may have greater financial demands. At the end of the day, they are in no better position to pay the costs of prescription drugs than those beneficiaries living in nursing homes.

I also should note that their less restrictive living environments may require them to take additional medications to support their daily routines. It is not uncommon for dual-eligible beneficiaries in community-based care settings to be on 8 to 10 medications at a given time. At that level, even minimal copayments create a significant financial burden to these individuals.

The current dual-eligible copayment exemption policy not only is creating inequity in Medicare Part D, it is potentially restricting access to life-saving medications. This is not what Congress intended. I believe we need to do everything possible to support choice in long-term care, and by applying the current institutional copayment exemption more uniformly, Congress will ensure the Medicare drug benefit does not adversely affect beneficiaries' choices.

The second measure I am introducing today is based upon a bill I filed last year. That legislation sought to provide beneficiaries applying for LIS extra time to enroll into Part D if they had not received notification of their eligibility status by the time an open enrollment period ended. The bill also would have also waived the late enrollment penalty assessed to all beneficiaries who enroll outside of an enrollment period. Fortunately, CMS enacted an administrative solution to this problem, and allowed all LIS eligible beneficiaries to enroll into Medicare Part D at any point during 2006, and later extended that policy into 2007.

Now that Medicare Part D is fully implemented and policymakers have had an opportunity to assess how well the program is working, I believe that the administrative actions taken by CMS last year to create a special enrollment period for LIS beneficiaries should be made permanent. The Medicare Part D Outreach Enrollment Enhancement Act of 2007 does just that. It would create a 90-day special enrollment period for any beneficiary who applies and is approved for the LIS at any point during the year. It also

would allow them to undergo a facilitated enrollment process overseen by CMS, so they get the help they need to select a prescription drug plan that best meets their needs.

Additionally, the bill exempts low-income beneficiaries from Medicare Part D's late enrollment penalty. While an enrollment penalty can be an effective means of helping drug plans better assess their risk in a given period, it is not fair to ask our low-income seniors—many who struggle with a number of challenging healthcare problems—to pay a higher cost simply because they need additional time to enroll in the program. Selecting a prescription drug plan can be a challenging feat, and it can be even more complicated if you are trying to make your limited income stretch as far as it can. We need to guarantee that beneficiaries have sufficient time to choose the most affordable plan that also meets all their prescription drug needs.

The measure also would create a new authorization to support the valuable work of State Health Insurance Programs (SHIPs). SHIPs provide a range of services to our nation's seniors, such as help choosing a quality prescription drug plan, applying for financial assistance with their drug costs and resolving general problems experienced with the drug benefit. Unfortunately, funding for SHIPs has not kept pace with the number of beneficiaries that age into Medicare each year. To remedy that, my bill creates a new authorization that increases funding in conjunction with growth in enrollment. The bill also provides funding for the new National Center of Senior Benefits and Outreach, created in the Older Americans Act last year. The Center is charged with developing ways to assist organizations like SHIPs to better target their efforts so that all seniors are fully aware of the benefits that might be available to them.

The next bill in the package we are filing today addresses a problem low-income seniors encounter if and when they enter into the drug benefit's coverage gap. While beneficiaries still have access to medications through their drug plans during the coverage gap, they may have to pay more for them. For those living on fixed incomes, this could present a serious problem as the out-of-pocket cost of many common prescription drugs can be quite steep. Fortunately, many safety-net programs, like community health centers and the AIDS Drug Assistance Program (ADAP), provide assistance to eligible low-income beneficiaries during the coverage gap. Effectively, they fill the role of the drug plan in providing beneficiaries access to their medications at a heavily subsidized cost.

This scenario presently works well for a number of low-income beneficiaries, but it is simply unsustainable in the long-run for two key reasons. First, from the perspective of beneficiaries, it is not right to ask them to

continue paying premiums to their drug plans during the coverage gap when they are unable to generate sufficient out-of-pocket expenses to qualify for the program's catastrophic benefit. Many low-income beneficiaries who get "caught" in the coverage gap struggle with significant health problems, such as cancer or HIV/AIDS. These conditions often require costly treatment that a low-income beneficiary would likely have to forge without the assistance of a safety-net provider.

Second, the current scenario is placing a disadvantageous strain on the safety-net programs that assist low-income beneficiaries with their drug costs during the coverage gap. One of the primary reasons Medicare Part D was created was to provide relief to states and other safety-net providers who bore a lion's share of the responsibility of providing access to drug therapies for the Nation's seniors. While Part D has gone a long way to fulfill that intention, there is still much that can be done to help our safety-net providers. It is not right that service providers like community health centers and ADAP have been forced to provide discounted medications to low-income beneficiaries during the coverage gap, especially when the beneficiary has no way of accruing enough out-of-pocket costs for their Part D coverage to resume.

The bill Senator BINGAMAN and I are filing today resolves both these problems. It would allow safety net providers' drug costs to count toward a beneficiary's out-of-pocket costs so they are able to reach Medicare Part D's catastrophic benefit at some point. This will ensure that low-income beneficiaries have access to the full range of coverage under the program and will provide much needed fiscal relief to already strained safety net providers. Congress intended for all beneficiaries—especially those with limited incomes—to have full access to the benefits through Medicare Part D. This bill will guarantee that happens.

Despite the progress we have made in providing low-income seniors access to affordable prescription drugs, I find it troubling that recent estimates still show that there may be at least three million seniors eligible for the low-income subsidy who have yet to apply for it. While CMS, SSA and their community partners continue their vital outreach to capture these seniors, I believe the existing LIS application is too complex and is preventing seniors from getting the help they need. We need a simpler process that better reflects the true levels of assets and resources held by low-income seniors.

The last bill in the package I am filing today does just that. The Part D Equity for Low-Income Seniors Act is the product of months of bipartisan collaboration with representatives of groups like AARP, the National Council on Aging and Families USA. It aims to help SSA better target potentially

eligible beneficiaries and make the application process much simpler to complete.

First, drawing from a recommendation from the Health and Human Services Office of Inspector General, SSA is given the authority to use select tax information to help determine which Medicare beneficiaries might be eligible for extra help with their drug costs. With this data, they would be able to more efficiently contact beneficiaries and prescreen them for potential eligibility. I realize that some of my colleagues might have privacy concerns with such an arrangement, but I want to make clear that my bill is not giving SSA access to any data that they already do not have. In order to implement the Part B subsidy adjustment, the Medicare Modernization Act requires that the Internal Revenue Service (IRS) send tax data to the SSA—they are legally prohibited from using it for any other purpose than Part B. We simply are establishing the same process for data exchange that already exists between the IRS and SSA so that SSA can more efficiently conduct its outreach work for Medicare Part D's low-income subsidy.

The bill also seeks to make the LIS application easier for seniors to complete. I have heard a number of complaints that the current form uses confusing verbiage and is overly burdensome in its reporting requirements. As a remedy, we eliminate the reporting of retirement account balances, the face value of life savings policies and in-kind contributions. This not only will make the form easier to complete, it will prevent seniors from the pressure of having to determine whether they should sacrifice their retirement income or long-term risk protection in order to pay their healthcare bills. I believe we need to be encouraging seniors to save for their later years in life, not requiring them to liquidate their futures to fill their prescriptions.

In order to make the LIS benefit more accurately reflect the assets and resources low-income seniors possess, our bill also proposes raising the current asset test limit to \$27,500 for an individual and \$55,000 for a couple. According to data from the SSA, this increase should help capture almost 40 percent of the individuals who are ineligible for the LIS benefit due to excess resources, and 50 percent of the couples. I realize this can be a sensitive issue for some of my colleagues—especially on my side of the aisle. We want to ensure that only those beneficiaries who truly are in need of help with their drug are eligible for government assistance. But, I also believe that we can be too heavyhanded and prevent those with legitimate need from getting it. The new asset/resource limits Senator BINGAMAN and I have proposed represent a good, bipartisan solution to the problem. I know many would like to see the full asset test repealed, but this year that may be a difficult feat to accomplish politically and financially. This is a reasonable step forward, one the advocates support. I hope my colleagues will as well.

I believe that the Medicare Prescription Drug Program is working for America's seniors and that we should not undertake a significant overhaul of the new benefit in this Congress. However, there is room for improvement, especially in regard to making the program work better for America's low-income seniors. I firmly believe that if Congress does not address some of these lingering problems this year, Medicare's long-term public image could be severely tarnished in the eyes of the very people it was created to serve.

One can learn a great deal about the character of a society by looking at how well it cares for its poor and vulnerable citizens. I believe my four bills that improve upon how Medicare Part D serves low-income beneficiaries will help cement the United States as a country that looks out for its citizens in need. I hope my colleagues will join me in supporting the full package and assist me in moving it through the process.

I ask unanimous consent that the text of these bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1107

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 "Home and Community Services Copayment Equity Act of 2007".

SEC. 2. ELIMINATION OF PART D COST-SHARING FOR CERTAIN NON-INSTITUTIONALIZED FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Section 1860D-14(a)(1)(D)(i) of the Social Security Act (42 U.S.C. 1395w-114(a)(1)(D)(i)) is amended—

(1) in the heading, by striking "INSTITUTIONALIZED INDIVIDUALS.—In" and inserting "ELIMINATION OF COST-SHARING FOR CERTAIN FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS.—

"(I) INSTITUTIONALIZED INDIVIDUALS.—In"; and

(2) by adding at the end the following new subclauses:

"(II) CERTAIN OTHER INDIVIDUALS.—In the case of an individual who is a full-benefit dual eligible individual and who is a resident of a facility described in subclause (III) or who is receiving home and community-based services in a home setting provided under a home and community-based waiver approved for the State under section 1915 or 1115, the elimination of any beneficiary coinsurance described in section 1860D-2(b)(2) (for all amounts through the total amount of expenditures at which benefits are available under section 1860D-2(b)(4)).

"(III) FACILITY DESCRIBED.—For purposes of subclause (II), a facility described in this subclause is—

"(aa) an assisted living facility or a resident care program facility (as such terms are defined by the Secretary);

"(bb) a board and care facility (as defined in section 1903(q)(4)(B)); or

"(cc) any other facility that is licensed or certified by the State and is determined appropriate by the Secretary, such as a community mental health center that meets the requirements of section 1913(c) of the Public Health Service Act, a psychiatric health facility, a mental health rehabilitation center, and a mental retardation developmental disability facility.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to drugs dispensed on or after the date of enactment of this Act.

S. 1108

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 "Medicare Part D Outreach and Enrollment Enhancement Act of 2007".

SEC. 2. SPECIAL ENROLLMENT PERIOD FOR INDIVIDUALS ELIGIBLE FOR AN INCOME-RELATED SUBSIDY.

(a) SPECIAL ENROLLMENT PERIOD.—Section 1860D-1(b)(3) of the Social Security Act (42 U.S.C. 1395w-101(b)(3)) is amended by adding at the end the following new subparagraph:

"(F) ELIGIBILITY FOR LOW-INCOME SUBSIDY.—

"(i) IN GENERAL.—Subject to clause (iii), in the case of an applicable individual (as defined in clause (ii)).

"(ii) APPLICABLE INDIVIDUAL DEFINED.—For purposes of this subparagraph, the term 'applicable individual' means a part D eligible individual who is determined to be a subsidy-eligible individual (as defined in section 1860D-14(a)(3)), including such an individual who was enrolled in a prescription drug plan or an MA-PD plan on the date of such determination.

"(iii) TIMING OF SPECIAL ENROLLMENT PERIOD.—The special enrollment period established under this subparagraph shall be for a 90-day period beginning on the date the applicable individual receives notification of such determination.".

(b) ENROLLMENT PROCESS FOR SUBSIDY-ELIGIBLE INDIVIDUALS ELIGIBLE FOR SPECIAL ENROLLMENT PERIOD.—Section 1860D-1(b)(1) is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR SUBSIDY-ELIGIBLE INDIVIDUALS ELIGIBLE FOR SPECIAL ENROLLMENT PERIOD.—The process established under subparagraph (A) shall include, in the case of an applicable individual (as defined in clause (ii) of paragraph (3)(F)) the following:

"(i) FACILITATED ENROLLMENT.—During the 90-day period described in clause (iii) of such paragraph, a process for the facilitated enrollment of the individual in the prescription drug plan or MA-PD plan that is most appropriate for such individual (as determined by the Secretary). At the end of such 90-day period, the individual shall be enrolled in such plan unless the individual declines enrollment in the plan or in the program under this part, or chooses to enroll in another plan selected by the individual prior to the end of such 90-day period.

"(ii) ONE-TIME CHANGE OF ENROLLMENT.—The opportunity to change enrollment with a prescription drug plan or an MA-PD plan not less than once during a plan year. Nothing in the previous sentence shall limit the ability of a part D eligible individual who is a full-benefit dual eligible individual (as defined in section 1935(c)(6)) to change enrollment under subparagraph (C)".

(c) WAIVER OF LATE ENROLLMENT PENALTY.—Section 1860D-13(b) of the Social Security Act (42 U.S.C. 1395w-113(b)) is amended by adding at the end the following new paragraph:

"(8) WAIVER OF PENALTY FOR SUBSIDY-ELIGIBLE INDIVIDUALS.—In no case shall a part D eligible individual who is determined to be a subsidy-eligible individual (as defined in section 1860D-14(a)(3)) be subject to an increase

in the monthly beneficiary premium established under subsection (a).''.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 2008.

SEC. 3. OUTREACH AND EDUCATION FOR PREMIUM AND COST-SHARING SUBSIDIES UNDER PART D.

(a) **ADDITIONAL FUNDING FOR OUTREACH AND ASSISTANCE.**—

(1) **STATE HEALTH INSURANCE ASSISTANCE PROGRAMS.**—There are authorized to be appropriated for each of fiscal years 2008, 2009, 2010, and 2011, an amount equal to \$1 multiplied by the total number of individuals entitled to benefits, or enrolled, under part A of title XVIII of the Social Security Act, or enrolled under part B of such title during the fiscal year (as determined by the Secretary of Health and Human Services, based on the most recent available data before the beginning of the fiscal year) to be used to provide additional grants to State Health Insurance Assistance Programs (SHIPs) to conduct outreach and education related to the Medicare program under such title.

(2) **NATIONAL CENTER ON SENIOR BENEFITS OUTREACH AND ENROLLMENT.**—

(A) **IN GENERAL.**—There are appropriated \$4,000,000 to the National Center on Senior Benefits Outreach and Enrollment established under section 202(a)(20)(B) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(20)(B)) to be used to provide outreach and enrollment assistance with respect to premium and cost-sharing subsidies under the Medicare prescription drug program under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.).

(B) **COORDINATION.**—The National Center on Senior Benefits Outreach and Enrollment shall coordinate outreach and enrollment assistance conducted under subparagraph (A) with activities conducted by State Health Insurance Assistance Programs (SHIPs) and other appropriate entities that conduct outreach and education related to such premium and cost-sharing subsidies.

(b) **ENCOURAGING STATES TO DIRECT SUBSIDY-ELIGIBLE INDIVIDUALS TO ORGANIZATIONS PROVIDING ASSISTANCE.**—

(1) **IN GENERAL.**—The Secretary of Health and Human Services shall encourage States to direct applicable individuals to appropriate organizations and entities that provide assistance with respect to—

(A) applying for premium and cost-sharing subsidies under section 1860D–14 of the Social Security Act (42 U.S.C. 1395w–114); and

(B) enrolling in a prescription drug plan or an MA–PD plan under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.).

(2) **APPLICABLE INDIVIDUALS DEFINED.**—In this subsection, the term “applicable individual” means an individual the State believes to be, or determines to be, eligible for premium and cost-sharing subsidies under section 1860D–14 of the Social Security Act (42 U.S.C. 1395w–114).

SEC. 4. SCREENING BY COMMISSIONER OF SOCIAL SECURITY FOR ELIGIBILITY UNDER MEDICARE SAVINGS PROGRAMS.

(a) **IN GENERAL.**—Section 1860D–14(a)(3)(B)(i) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)(B)(i)) is amended by inserting after the first sentence the following: “As part of making an eligibility determination under the preceding sentence for an individual, the Commissioner shall screen for the individual’s eligibility for medical assistance for any medicare cost-sharing described in section 1905(p)(3) and, if the screening indicates the individual is likely eligible for any such medicare cost-sharing, transmit the pertinent information to the appropriate State Medicaid agency for the determination

of eligibility and enrollment of the individual for such medicare cost-sharing under the State plan (or under a waiver of such plan).’’.

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

SEC. 5. ADMINISTRATION ON AGING STUDY AND REPORT ON SCREENING PROCESSES USED BY GOVERNMENT NEEDS-BASED PROGRAMS.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Assistant Secretary of the Administration on Aging (in this section referred to as the “Assistant Secretary”) shall conduct a comprehensive study of screening processes used by government needs-based programs.

(2) **MATTERS STUDIED.**—In conducting the study under paragraph (1), the Assistant Secretary shall—

(A) assess any duplications of effort under existing screening processes used by government needs-based programs;

(B) determine the feasibility of creating a uniform screening process for such needs-based programs;

(C) determine how the Federal government, State governments, and community-based organizations can better coordinate existing screening processes in order to facilitate the enrollment of seniors into needs-based programs;

(D) include a cost-benefit analysis with respect to creating a uniform screening process or better streamlining existing screening processes; and

(E) determine the feasibility of using the Internet to administer screening processes, as well as the costs and benefits of migrating to an online system.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Assistant Secretary shall submit a report to Congress containing the results of the study conducted under subsection (a), together with recommendations—

(1) to streamline and improve the effectiveness of screening processes used by government needs-based programs; and

(2) for such legislation or administrative action as the Assistant Secretary determines appropriate.

(c) **AUTHORIZATION.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 146—DESIGNATING JUNE 20, 2007, AS “AMERICAN EAGLE DAY”, AND CELEBRATING THE RECOVERY AND RESTORATION OF THE AMERICAN BALD EAGLE, THE NATIONAL SYMBOL OF THE UNITED STATES

Mr. ALEXANDER (for himself, Mr. BYRD, Mr. COLEMAN, Mr. KENNEDY, Mr. ALLARD, Mrs. FEINSTEIN, Mr. CORKER, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 146

Whereas, the bald eagle was designated as the national emblem of the United States on June 20, 1782, by our country’s Founding Fathers at the Second Continental Congress;

Whereas, the bald eagle is the central image used in the Great Seal of the United States and the seals of the President and Vice President;

Whereas, the image of the bald eagle is displayed in the official seal of many branches

and departments of the Federal Government, including—

- (1) Congress;
- (2) the Supreme Court;
- (3) the Department of Defense;
- (4) the Department of the Treasury;
- (5) the Department of Justice;
- (6) the Department of State;
- (7) the Department of Commerce;
- (8) the Department of Homeland Security;
- (9) the Department of Veterans Affairs;
- (10) the Department of Labor;
- (11) the Department of Health and Human Services;
- (12) the Department of Energy;
- (13) the Department of Housing and Urban Development;
- (14) the Central Intelligence Agency; and
- (15) the United States Postal Service;

Whereas, the bald eagle is an inspiring symbol of the American spirit of freedom and democracy;

Whereas, the image, meaning, and symbolism of the bald eagle have played a significant role in American art, music, history, literature, architecture, and culture since the founding of our Nation;

Whereas, the bald eagle is featured prominently on United States stamps, currency, and coinage;

Whereas, the habitat of bald eagles exists only in North America;

Whereas, by 1963, the number of nesting pairs of bald eagles in the lower 48 States had dropped to about 417;

Whereas, the bald eagle was first listed as an endangered species in 1967 under the Endangered Species Preservation Act, the Federal law that preceded the Endangered Species Act of 1973;

Whereas, caring and concerned citizens of the United States in the private and public sectors banded together to save, and help ensure the protection of, bald eagles;

Whereas, in 1995, as a result of the efforts of those caring and concerned citizens, bald eagles were removed from the “endangered” species list and upgraded to the less imperiled “threatened” status under the Endangered Species Act of 1973;

Whereas, by 2006, the number of bald eagles in the lower 48 States had increased to approximately 7,000 to 8,000 nesting pairs;

Whereas, the administration is likely to officially delist the bald eagle from both the “endangered” and “threatened” species lists under the Endangered Species Act of 1973, with a final decision expected no later than June 29, 2007;

Whereas, if delisted under the Endangered Species Act of 1973, bald eagles should be provided strong protection under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act;

Whereas, bald eagles would have been permanently extinct if not for vigilant conservation efforts of concerned citizens and strict protection laws;

Whereas, the dramatic recovery of the bald eagle population is an endangered species success story and an inspirational example for other wildlife and natural resource conservation efforts around the world;

Whereas, the initial recovery of the bald eagle population was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals; and

Whereas, the sustained recovery of the bald eagle population will require the continuation of recovery, management, education, and public awareness programs, to ensure that the population and habitat of bald eagles will remain healthy and secure for future generations: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 20, 2007, as “American Eagle Day”; and

(2) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate on education information for use in schools; and

(B) the people of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

SENATE RESOLUTION 147—CONGRATULATING THE UNIVERSITY OF TENNESSEE WOMEN'S BASKETBALL TEAM FOR WINNING THE 2007 NCAA DIVISION I WOMEN'S BASKETBALL CHAMPIONSHIP

Mr. ALEXANDER (for himself and Mr. COCKER) submitted the following resolution; which was considered and agreed to:

S. RES. 147

Whereas, on April 3, 2007, before a crowd of over 20,000 fans, the University of Tennessee women's basketball team (the "Lady Vols") defeated the Scarlet Knights of Rutgers by a score of 59-46 to win the 2007 National Collegiate Athletic Association (NCAA) Division I Women's Basketball Championship;

Whereas this championship was the first national title for the Lady Vols since their 3-year championship run in 1996-98, and their 7th national title in the last 20 years;

Whereas the Lady Vols were successful due to the leadership of Coach Pat Summitt, the Nation's all-time winningest NCAA basketball coach (men's or women's) with 947 wins over 33 seasons at the University of Tennessee;

Whereas Joan Cronan, the Women's Athletics Director, has shown vision and leadership throughout her 24-year career at the University of Tennessee and created one of the most visible and respected athletic programs in the country;

Whereas the Lady Vols were undefeated in conference games during the 2006-2007 season and compiled an impressive overall record of 34 wins and 3 losses;

Whereas Candace Parker tallied 17 points, 7 rebounds, and 3 assists and was selected the Most Outstanding Player for the 2007 tournament, becoming the 5th Lady Volunteer to be so honored, following in the footsteps of Chamique Holdsclaw (1998, 1997), Michelle Marciniak (1996), Bridgette Gordon (1989), and Tonya Edwards (1987);

Whereas Shannon Bobbitt, who at only 5 feet, 2 inches, is the smallest player ever at the University of Tennessee, scored 3 decisive 3-pointers in the 2nd half, finished the game with 13 points, and was named to the 2007 All-Tournament Team;

Whereas Nicky Anosike had a career high of 16 rebounds and was named to the 2007 All-Tournament team;

Whereas senior Sidney Spencer scored 11 points and Alberta Augustine scored 10 points, with both players achieving a combined 6 for 6 from the free throw line;

Whereas Alexis Hornbuckle played outstanding defense and created energy on the court;

Whereas Dominique Redding and Alex Fuller also contributed to the team's victory;

Whereas the 2006-2007 team has an average GPA above 3.0; and

Whereas Coach Pat Summitt's Lady Vols continue their remarkable graduation rate, with every student athlete who has completed her eligibility at the University of Tennessee either graduating or working toward all of the requirements for graduation: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Tennessee women's basketball team for being champions on and off the court and for their victory in the 2007 NCAA Division I Women's Basketball Championship;

(2) recognizes the significant achievements of the players, coaches, students, alumni, and support staff whose dedication and hard work helped the University of Tennessee Lady Vols win the NCAA championship; and

(3) respectfully requests the Secretary of the Senate to transmit copies of this resolution to the following for appropriate display—

(A) Dr. John D. Petersen, President of the University of Tennessee;

(B) Dr. Loren Crabtree, Chancellor of the University of Tennessee, Knoxville;

(C) Joan Cronan, Women's Athletics Director; and

(D) Pat Summitt, Women's Basketball Head Coach.

SENATE RESOLUTION 148—COMMENDING THE UNIVERSITY OF FLORIDA MEN'S BASKETBALL TEAM FOR WINNING THE 2007 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (NCAA) DIVISION I BASKETBALL CHAMPIONSHIP

Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 148

Whereas, on April 2nd, 2007, the University of Florida men's basketball team made history with its 84-75 win over the Ohio State University Buckeyes – becoming only the seventh school to repeat as national champions in men's hoops, and the first team since Duke University accomplished this feat in 1991 and 1992, and the first school to hold national titles in both basketball and football in the same year;

Whereas, the Gators entered the 2006-2007 season as the defending national champions and posted a 35-5 win-loss record during their second run for the title, finishing the season with a ten-game winning streak and securing the Southeastern Conference Championship, in addition to the 2007 NCAA Division I men's basketball crown;

Whereas, Head Coach Billy Donovan joined elite company as he became one of only four active coaches to win multiple NCAA titles;

Whereas, University of Florida junior Corey Brewer was chosen as the Most Outstanding Player of the Final Four;

Whereas, each player, coach, trainer, and manager dedicated his or her time and effort to ensuring that the Florida Gators defended their title and captured a second consecutive national championship; and

Whereas, the families of the players, students, alumni, and faculty of the University of Florida, and all of the supporters of the University of Florida, are to be congratulated for their commitment to, and pride in, the basketball program at the University: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Florida men's basketball team for winning the 2007 NCAA Division I Basketball Championship;

(2) recognizes the achievements of all of the players, coaches, and support staff who were instrumental in helping the University of Florida men's basketball team win consecutive NCAA Division I Basketball Championships; and

(3) respectfully requests the Secretary of the Senate to transmit enrolled copies of this resolution to—

(A) the University of Florida for appropriate display;

(B) the President of the University of Florida, Dr. J. Bernard Machen;

(C) the Athletic Director of the University of Florida, Jeremy Foley; and

(D) the Head Coach of the University of Florida men's basketball team, Billy Donovan.

SENATE CONCURRENT RESOLUTION 26—RECOGNIZING THE 75TH ANNIVERSARY OF THE MILITARY ORDER OF THE PURPLE HEART AND COMMENDING RECIPIENTS OF THE PURPLE HEART FOR THEIR COURAGEOUS DEMONSTRATIONS OF GALLANTRY AND HEROISM ON BEHALF OF THE UNITED STATES

Mrs. CLINTON (for herself and Mr. HAGEL) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 26

Whereas the Purple Heart is a combat decoration awarded to members of the Armed Forces who are wounded by an instrument of war wielded by the enemy;

Whereas the Purple Heart is awarded posthumously to the next of kin in the name of members of the Armed Forces who are killed in action or die of wounds received in action;

Whereas the Purple Heart was originally conceived as the Badge of Military Merit by General George Washington on August 7, 1782;

Whereas 2007 marks the 225th anniversary of the Badge of Military Merit, the predecessor of the Purple Heart;

Whereas the practice of awarding the Purple Heart was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements;

Whereas more than 1,535,000 Purple Hearts have been awarded to members of the Armed Forces who fought in defense of freedom and democracy in World War I, World War II, the Korean War, the Vietnam War, Operation Desert Storm, Operation Enduring Freedom, Operation Iraqi Freedom, and other expeditionary conflicts;

Whereas approximately 550,000 recipients of the Purple Heart are alive today;

Whereas the organization known as the Military Order of the Purple Heart was formed on October 19, 1932, for the protection and mutual interest of members of the Armed Forces who have received the Purple Heart; and

Whereas the Military Order of the Purple Heart is composed exclusively of recipients of the Purple Heart and is the only veterans' service organization comprised strictly of combat veterans: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates the Military Order of the Purple Heart on its 75th anniversary as a national organization whose goals are to preserve and sustain the honor of the Armed Forces;

(2) commends all recipients of the Purple Heart for their courageous demonstrations of gallantry and heroism on behalf of the United States; and

(3) encourages the people of the United States to take time to learn about the Purple Heart and the honor, courage, and bravery it symbolizes.

SENATE CONCURRENT RESOLUTION 27—SUPPORTING THE GOALS AND IDEALS OF “NATIONAL PURPLE HEART RECOGNITION DAY”

Mrs. CLINTON (for herself and Mr. HAGEL) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 27

Whereas the Purple Heart is the oldest military decoration in the world in present use;

Whereas the Purple Heart is awarded in the name of the President of the United States to members of the Armed Forces who are wounded in a conflict with an enemy force or are wounded while held by an enemy force as prisoners of war, and is awarded posthumously to the next of kin of members of the Armed Forces who are killed in a conflict with an enemy force or who die of wounds received in a conflict with an enemy force;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit;

Whereas the award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements; and

Whereas observing National Purple Heart Recognition Day is a fitting tribute to George Washington and to the more than 1,535,000 recipients of the Purple Heart, approximately 550,000 of whom are still living: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of “National Purple Heart Recognition Day”;

(2) encourages all people in the United States to learn about the history of the Purple Heart and to honor its recipients; and

(3) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for members of the Armed Forces who have been awarded the Purple Heart.

AMENDMENTS SUBMITTED AND PROPOSED

SA 842. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 842. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes;

which was ordered to lie on the table; as follows:

At the end of title V, insert the following:
SEC. 509. SHARING OF SOCIAL SECURITY DATA FOR IMMIGRATION ENFORCEMENT PURPOSES.

(a) SOCIAL SECURITY ACCOUNT NUMBERS.—Section 264(f) of the Immigration and Nationality Act (8 U.S.C. 1304(f)) is amended to read as follows:

“(f) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), the Secretary of Homeland Security, the Secretary of Labor, and the Attorney General are authorized to require an individual to provide the individual's social security account number for purposes of inclusion in any record of the individual maintained by either such Secretary or the Attorney General, or of inclusion in any application, document, or form provided under or required by the immigration laws.”.

(b) EXCHANGE OF INFORMATION.—Section 290(c) of the Immigration and Nationality Act (8 U.S.C. 1360(c)) is amended by striking paragraph (2) and inserting the following new paragraphs:

“(2)(A) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), if earnings are reported on or after January 1, 1997, to the Social Security Administration on a social security account number issued to an alien not authorized to work in the United States, the Commissioner of Social Security shall provide the Secretary of Homeland Security with information regarding the name, date of birth, and address of the alien, the name and address of the person reporting the earnings, and the amount of the earnings.

“(B) The information described in subparagraph (A) shall be provided in an electronic form agreed upon by the Commissioner and the Secretary.

“(3)(A) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), if a social security account number was used with multiple names, the Commissioner of Social Security shall provide the Secretary of Homeland Security with information regarding the name, date of birth, and address of each individual who used that social security account number, and the name and address of the person reporting the earnings for each individual who used that social security account number.

“(B) The information described in subparagraph (A) shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws.

“(C) The Secretary, in consultation with the Commissioner, may limit or modify the requirements of this paragraph, as appropriate, to identify the cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

“(4)(A) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), if more than one person reports earnings for an individual during a single tax year, the Commissioner of Social Security shall provide the Secretary of Homeland Security information regarding the name, date of birth, and address of the individual, and the name and address of the each person reporting earnings for that individual.

“(B) The information described in subparagraph (A) shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws.

“(C) The Secretary, in consultation with the Commissioner, may limit or modify the

requirements of this paragraph, as appropriate, to identify the cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

“(5)(A) The Commissioner of Social Security shall perform, at the request of the Secretary of Homeland Security, a search or manipulation of records held by the Commissioner if the Secretary certifies that the purpose of the search or manipulation is to obtain information that is likely to assist in identifying individuals (and their employers) who are using false names or social security account numbers, who are sharing a single valid name and social security account number among multiple individuals, who are using the social security account number of a person who is deceased, too young to work, or not authorized to work, or who are otherwise engaged in a violation of the immigration laws. The Commissioner shall provide the results of such search or manipulation to the Secretary, notwithstanding any other provision law (including section 6103 of the Internal Revenue Code of 1986).

“(B) The Secretary shall transfer to the Commissioner the funds necessary to cover the costs directly incurred by the Commissioner in carrying out each search or manipulation requested by the Secretary under subparagraph (A).”.

(c) FALSE CLAIMS OF CITIZENSHIP OR NATIONALITY.—Section 212(a)(6)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(ii)) is amended—

(1) in the heading, by inserting “OR NATIONALITY” after “CITIZENSHIP”; and

(2) in subclause (I), by inserting “or national” after “citizen”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEES ON ARMED SERVICES AND VETERANS' AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committees on Armed Services and Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, April 12, 2007, at 9:30 a.m., in open session to receive testimony on the Departments of Defense and Veterans Affairs disability rating systems and the transition from the Department of Defense to the Department of Veterans Affairs.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROCKEFELLER. 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, April 12, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of this hearing is to examine the implementation of the Transportation Worker Identification Credential (TWIC) Program.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing

during the session of the Senate on Thursday, April 12, 2007, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building. The purpose of the hearing is to receive testimony on S. 987, the Biofuels for Energy Security and Transportation Act.

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

COMMITTEE ON FINANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 12, 2007, at 10 a.m., in G50 Dirksen Senate Office Building, to hear testimony on "Filing Your Taxes: An Ounce of Prevention is Worth a Pound of Cure."

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

COMMITTEE ON FINANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the Session of the Senate on Thursday, April 12, 2007, at 2:15 p.m., in 215 Dirksen Senate Office Building, to hear testimony on "International Perspectives on Alternative Energy Policy: Incentives and Mandates and their Impacts."

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

COMMITTEE ON FINANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the Session of the Senate on Thursday, April 12, 2007, at 6:40 p.m., in 215 Dirksen Senate Office Building, to consider a substitute to S. 3, the Medicare Prescription Drug Price Negotiation Act of 2007.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing on equal pay for women workers during the session of the Senate on Thursday, April 12, 2007 at 2 p.m. in SD-628.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, April 12, 2007, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting to consider pending legislation, to be followed immediately by an Oversight Hearing on Tribal Colleges and Universities.

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

COMMITTEE ON THE JUDICIARY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 12, 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, Federal Agency Data Mining Reporting Act of 2007, Feingold, Sununu, Leahy, Kennedy, Carin; S. 376, Law Enforcement Officers Safety Act of 2007, Leahy, Specter, Grassley, Kyl, Sessions, Cornyn; S. 849, OPEN Government Act, Leahy, Cornyn, Specter, Feingold; S. 119, War Profiteering Prevention Act of 2007, Leahy, Feinstein, Feingold, Schumer, Durbin; S. 621, Wartime Treatment Study Act of 2007, Feingold, Grassley, Kennedy; S. 798, Star-Spangled Banner and War of 1812 Bicentennial Commission Act, Cardin, Warner, Kennedy; S. 735, Terrorist Hoax Improvements Act of 2007, Kennedy, Kyl, Coleman, Schumer; H.R. 740, Preventing Harassment through Outbound Number Enforcement (PHONE) Act of 2007, Scott, Conyers, Forbes, Boucher, Jackson-Lee, Gutierrez, Sherman.

III. Nominations, Robert Gideon Howard, Jr., to be United States Marshall for the Eastern District of Arkansas; Frederick J. Kapala, to be United States District Judge for the Northern District of Illinois; Halil Suleyman Ozerden, to be United States District Judge for the Southern District of Mississippi; Benjamin Hale Settle, to be United States District Judge for the Western District of Washington.

IV. Resolutions, S. Res. 112, designating April 6, 2007, as "National Missing Person's Day," Schumer, Crapo, Feinstein.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 12, 2007 at 2:30 p.m. to hold a closed hearing.

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

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery be authorized to meet on Thursday, April 12, 2007, at 2 p.m. for a hearing titled "GAO's Analysis of the Gulf Coast Recovery: A Dialogue on Removing Obstacles to the Recovery Effort."

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

SUBCOMMITTEE ON SECURITY AND INTERNATIONAL TRADE AND FINANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Subcommittee on Security and International Trade and Finance be authorized to meet during the session of the Senate on April 12, 2007, at 2 p.m., to conduct a hearing on "Pirating the American Dream: Intellectual Property Theft's Impact on America's Place in the Global Economy and Strategies for Improving Enforcement."

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

PRIVILEGES OF THE FLOOR

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the following staff members of the Intelligence Committee be given access to the floor during consideration of S. 372 and all pending matters.

Sameer Bhalotra, Randy Bookout, Tom Corcoran, Mike Davidson John Dickas, Melvin Dubee, Lorenzo Goco, Evan Gottesman, David Grannis, Christine Healey, Andy Johnson, Dan Jones, David Koger, Jack Livingston, John Maguire, Paul Matulic, Don Mitchell, Matt Pollard, Kathleen Rice, Eric Rosenbach, Todd Rosenblum, Jacqueline Russell, Alissa Starzak, Don Stone, Greg Thielmann, Louis Tucker, Jennifer Wagner, Christopher White.

I ask further that Ken Johnson, of the Committee staff, be given unrestricted floor privileges during consideration of S. 372 and related pending matters.

Mr. CORNYN. Mr. President, I ask unanimous consent that Jack Kammerer be granted the privilege of the floor during the course of debate on the Intelligence authorization bill.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 75; that the nomination be confirmed; that the motion to reconsider be laid upon the table; that any statements be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

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

The nomination was considered and confirmed as follows:

DEPARTMENT OF DEFENSE

Claude M. Kicklighter, of Georgia, to be Inspector General, Department of Defense.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

IRAQI AND AFGHANI TRANSLATORS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1104.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1104) to increase the number of Iraqi and Afghani translators and interpreters who may be admitted to the United States as special immigrants.

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, and that any statements relating to this bill be printed in the RECORD.

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

The bill (S. 1104) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1104

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

SECTION 1. SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS SERVING AS TRANSLATORS OR INTERPRETERS WITH FEDERAL AGENCIES.

(a) INCREASE IN NUMBERS ADMITTED.—Section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B), by striking “as a translator” and inserting “, or under Chief of Mission authority, as a translator or interpreter”;

(B) in subparagraph (C), by inserting “the Chief of Mission or” after “recommendation from”; and

(C) in subparagraph (D), by inserting “the Chief of Mission or” after “as determined by”; and

(2) in subsection (c)(1), by striking “section during any fiscal year shall not exceed 50.” and inserting the following: “section—

“(A) during each of the fiscal years 2007, 2008, and 2009, shall not exceed 500; and

“(B) during any other fiscal year shall not exceed 50.”.

(b) ALIENS EXEMPT FROM EMPLOYMENT-BASED NUMERICAL LIMITATIONS.—Section 1059(c)(2) of such Act is amended—

(1) by amending the paragraph heading to read as follows:

“(2) ALIENS EXEMPT FROM EMPLOYMENT-BASED NUMERICAL LIMITATIONS.—”; and

(2) by inserting “and shall not be counted against the numerical limitations under section 201(d), 202(a), and 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4))” before the period at the end.

(c) ADJUSTMENT OF STATUS.—Section 1059 of such Act is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) ADJUSTMENT OF STATUS.—Notwithstanding paragraphs (2), (7) and (8) of section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)), the Secretary of Homeland Security may adjust the status of an alien to that of a lawful permanent resident under section 245(a) of such Act if the alien—

“(1) was paroled or admitted as a non-immigrant into the United States; and

“(2) is otherwise eligible for special immigrant status under this section and under the Immigration and Nationality Act.”.

RAYMOND G. MURPHY DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 229 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 229) to redesignate a Federal building in Albuquerque, New Mexico, as the “Raymond G. Murphy Department of Veterans Affairs Medical Center”.

There being no objection, the Senate proceeded to consider the bill.

Mr. DOMENICI. Mr. President, I am very pleased today that we will have renamed the Albuquerque VA facility as the Raymond G. Murphy Department of Veterans Affairs Medical Center. I thank my colleague Senator BINGAMAN for his support on this issue, as well as Senator AKAKA and Senator CRAIG and the staff on the Committee of Veterans' Affairs for their help.

Raymond “Jerry” Murphy died last Friday at the age of 77. His obituary described him as “one of the softest-spoken, most modest men to ever wear the Medal of Honor.” Jerry Murphy was a true American hero who in war and peace dedicated himself to others. CPT Jerry Murphy was the 39th U.S. Marine to be awarded the Medal of Honor for heroism in the Korean war. When he returned from war he dedicated his entire life to taking care of other veterans. He spent 23 years working in the Albuquerque VA regional office. Upon his retirement, he continued to serve veterans as a volunteer until he became too sick to do so. I think it is only right that the medical center in Albuquerque bear his name in recognition of his great service to veterans and to the Nation.

I came to the floor earlier in the week and spoke about my good friend after he died. I stand by that statement and again send my condolences to Jerry's wife Maryann, his sons John, Michael, and Tim, his daughter Eleanor, as well as his eight grandchildren. It is never easy to lose a loved one, but at these trying moments, we can take solace in the fact that Jerry lived a long and fulfilling life. He helped many people and touched many lives. His service is a shining example to civilians and veterans alike of a life dedicated to service.

I am very proud to have known Jerry Murphy and to have been able to call him my friend. It is a privilege to play a part in bestowing this deserving honor on a great man and a great American, Raymond Gerald Murphy.

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, and that any statements relating to this bill be printed in the RECORD.

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

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 229

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

SECTION 1. REDESIGNATION.

The Federal building known and designated as the “Department of Veterans Af-

fairs Medical Center” located at 1501 San Pedro Drive, SE, in Albuquerque, New Mexico, shall be known and redesignated as the “Raymond G. Murphy Department of Veterans Affairs Medical Center”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the “Raymond G. Murphy Department of Veterans Affairs Medical Center”.

CONGRATULATING THE UNIVERSITY OF TENNESSEE WOMEN'S BASKETBALL TEAM

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 147.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 147) congratulating the University of Tennessee women's basketball team for winning the 2007 NCAA Division I Women's Basketball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, if I can just comment, that was a remarkable tournament. The final four was exciting, and the game between the Rutgers University team and the University of Tennessee was very exciting. It was high-quality basketball. I enjoyed it a lot more than the men's final four.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

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

The resolution (S. Res. 147) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 147

Whereas, on April 3, 2007, before a crowd of over 20,000 fans, the University of Tennessee women's basketball team (the “Lady Vols”) defeated the Scarlet Knights of Rutgers by a score of 59-46 to win the 2007 National Collegiate Athletic Association (NCAA) Division I Women's Basketball Championship;

Whereas this championship was the first national title for the Lady Vols since their 3-year championship run in 1996-98, and their 7th national title in the last 20 years;

Whereas the Lady Vols were successful due to the leadership of Coach Pat Summitt, the Nation's all-time winningest NCAA basketball coach (men's or women's) with 947 wins over 33 seasons at the University of Tennessee;

Whereas Joan Cronan, the Women's Athletics Director, has shown vision and leadership throughout her 24-year career at the University of Tennessee and created one of the most visible and respected athletic programs in the country;

Whereas the Lady Vols were undefeated in conference games during the 2006-2007 season and compiled an impressive overall record of 34 wins and 3 losses;

Whereas Candace Parker tallied 17 points, 7 rebounds, and 3 assists and was selected the Most Outstanding Player for the 2007 tournament, becoming the 5th Lady Volunteer to

be so honored, following in the footsteps of Chamique Holdsclaw (1998, 1997), Michelle Marciniak (1996), Bridgette Gordon (1989), and Tonya Edwards (1987);

Whereas Shannon Bobbitt, who at only 5 feet, 2 inches, is the smallest player ever at the University of Tennessee, scored 3 decisive 3-pointers in the 2nd half, finished the game with 13 points, and was named to the 2007 All-Tournament Team;

Whereas Nicky Anosike had a career high of 16 rebounds and was named to the 2007 All-Tournament team;

Whereas senior Sidney Spencer scored 11 points and Alberta Auguste scored 10 points, with both players achieving a combined 6 for 6 from the free throw line;

Whereas Alexis Hornbuckle played outstanding defense and created energy on the court;

Whereas Dominique Redding and Alex Fuller also contributed to the team's victory;

Whereas the 2006-2007 team has an average GPA above 3.0; and

Whereas Coach Pat Summitt's Lady Vols continue their remarkable graduation rate, with every student athlete who has completed her eligibility at the University of Tennessee either graduating or working toward all of the requirements for graduation: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Tennessee women's basketball team for being champions on and off the court and for their victory in the 2007 NCAA Division I Women's Basketball Championship;

(2) recognizes the significant achievements of the players, coaches, students, alumni, and support staff whose dedication and hard work helped the University of Tennessee Lady Vols win the NCAA championship; and

(3) respectfully requests the Secretary of the Senate to transmit copies of this resolution to the following for appropriate display—

(A) Dr. John D. Petersen, President of the University of Tennessee;

(B) Dr. Loren Crabtree, Chancellor of the University of Tennessee, Knoxville;

(C) Joan Cronan, Women's Athletics Director; and

(D) Pat Summitt, Women's Basketball Head Coach.

COMMENDING THE UNIVERSITY OF FLORIDA MEN'S BASKETBALL TEAM

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 148.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 148) commending The University of Florida men's basketball team for winning the 2007 National Collegiate Athletic Association (NCAA) Division I Basketball Championship.

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, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 148) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 148

Whereas, on April 2nd, 2007, the University of Florida men's basketball team made history with its 84-75 win over the Ohio State University Buckeyes—becoming only the seventh school to repeat as national champions in men's hoops, and the first team since Duke University accomplished this feat in 1991 and 1992, and the first school to hold national titles in both basketball and football in the same year;

Whereas, the Gators entered the 2006-2007 season as the defending national champions and posted a 35-5 win-loss record during their second run for the title, finishing the season with a ten-game winning streak and securing the Southeastern Conference Championship, in addition to the 2007 NCAA Division I men's basketball crown;

Whereas, Head Coach Billy Donovan joined elite company as he became one of only four active coaches to win multiple NCAA titles;

Whereas, University of Florida junior Corey Brewer was chosen as the Most Outstanding Player of the Final Four;

Whereas, each player, coach, trainer, and manager dedicated his or her time and effort to ensuring that the Florida Gators defended their title and captured a second consecutive national championship; and

Whereas, the families of the players, students, alumni, and faculty of the University of Florida, and all of the supporters of the University of Florida, are to be congratulated for their commitment to, and pride in, the basketball program at the University: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Florida men's basketball team for winning the 2007 NCAA Division I Basketball Championship;

(2) recognizes the achievements of all of the players, coaches, and support staff who were instrumental in helping the University of Florida men's basketball team win consecutive NCAA Division I Basketball Championships; and

(3) respectfully requests the Secretary of the Senate to transmit enrolled copies of this resolution to—

(A) the University of Florida for appropriate display;

(B) the President of the University of Florida, Dr. J. Bernard Machen;

(C) the Athletic Director of the University of Florida, Jeremy Foley; and

(D) the Head Coach of the University of Florida men's basketball team, Billy Donovan.

CALLING FOR IMMEDIATE AND UNCONDITIONAL RELEASE OF SOLDIERS OF ISRAEL

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on Foreign Relations be discharged from further consideration of S. Res. 92.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 92) calling for the immediate and unconditional release of soldiers of Israel held captive by Hamas and Hezbollah.

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, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD, with no intervening action or debate.

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

The resolution (S. Res. 92) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 92

Whereas Israel withdrew from southern Lebanon on May 24, 2000;

Whereas Congress expressed concern for soldiers of Israel missing in Lebanon and Syrian-controlled territory of Lebanon in the Act entitled "To locate and secure the return of Zachary Baumel, a United States citizen, and other Israeli soldiers missing in action", approved November 8, 1999 (Public Law 106-89), which required the Secretary of State to raise the status of missing soldiers of Israel with appropriate government officials of Syria, Lebanon, the Palestinian Authority, and other governments in the region, and to submit to Congress reports on those efforts and any subsequent discovery of relevant information;

Whereas, on June 18, 2000, the United Nations Security Council welcomed and endorsed the report by United Nations Secretary-General Kofi Annan that Israel had withdrawn completely from Lebanon under the terms of United Nations Security Council Resolution 425 (1978);

Whereas Israel completed its withdrawal from Gaza on September 12, 2005;

Whereas, on June 25, 2006, Hamas and allied terrorists crossed into Israel to attack a military post, killing 2 soldiers and wounding a third, Gilad Shalit, who was kidnapped;

Whereas, on July 12, 2006, terrorists of Hezbollah crossed into Israel to attack troops of Israeli patrolling the Israeli side of the border with Lebanon, killing 3 soldiers, wounding 2 more, and kidnapping Ehud Goldwasser and Eldad Regev;

Whereas Gilad Shalit has been held in captivity by Hamas for more than 7 months;

Whereas Ehud Goldwasser and Eldad Regev have been held in captivity by Hezbollah for more than 6 months;

Whereas Hamas and Hezbollah have withheld all information on the health and welfare of the men they have kidnapped; and

Whereas, contrary to the most basic standards of humanitarian conduct, Hamas and Hezbollah have prevented access to the Israeli captives by competent medical personnel and representatives of the International Committee of the Red Cross: Now, therefore, be it

Resolved, That the Senate—

(1) demands that—

(A) Hamas immediately and unconditionally release Israeli soldier Gilad Shalit;

(B) Hezbollah accept the mandate of United Nations Security Council Resolution 1701 (2006) by immediately and unconditionally releasing Israeli soldiers Ehud Goldwasser and Eldad Regev; and

(C) Hezbollah and Hamas accede to the most basic standards of humanitarian conduct and allow prompt access to the Israeli captives by competent medical personnel and representatives of the International Committee of the Red Cross;

(2) expresses—

(A) vigorous support and unwavering commitment to the welfare and survival of the

State of Israel as a Jewish and democratic state with secure borders;

(B) strong support and deep interest in achieving 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;

(C) ongoing concern and sympathy for the families of Gilad Shalit, Ehud Goldwasser, Eldad Regev, and all other missing soldiers of Israel; and

(D) full commitment to seek the immediate and unconditional release of the Israeli captives; and

(3) condemns—

(A) Hamas and Hezbollah for the cross border attacks and kidnappings that precipitated weeks of intensive armed conflict between Israel and Hezbollah and armed Palestinian groups; and

(B) Iran and Syria for their ongoing support of Hezbollah and Hamas.

AUTHORITY FOR COMMITTEE TO REPORT

Mr. REID. Mr. President, I ask unanimous consent that on Friday, April 13, notwithstanding an adjournment of the Senate, the Senate Finance Committee be permitted to report S. 3 during the hours of 12 noon to 2 p.m.; further, that if the bill is reported, it be in order for the majority leader to move to proceed to the bill on Monday, April 16.

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

Mr. REID. Mr. President, I also ask unanimous consent that Members have until 2:30 p.m. on Monday to file amendments to S. 3.

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

Mr. REID. I further ask unanimous consent that if the committee does not file S. 3 tomorrow, it be in order for the majority leader, on Monday, to introduce a bill dealing with the same subject matter and that it be in order for the majority leader to move to proceed to that bill on Monday.

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

ORDERS FOR MONDAY, APRIL 16, 2007

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m. on Monday, April 16, and 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 there then be a period of morning business for 60 minutes with Senators permitted to speak for up to 10 minutes each; that at the close of morning business the Senate resume consideration of S. 372, as provided for under a previous order.

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

PROGRAM

Mr. REID. I commend the Republican leader for his willingness to work with us in getting an agreement where we debated two stem cell bills. I also would be remiss if I did not mention the primary individuals who were here

during most, if not all, of that debate: Senators Harkin, Specter, Brownback, Coleman, and Isakson. They conducted the debate in a manner which shows Members can disagree and not be disagreeable. Although there were different points of view, the debate was clearly very informative and educational.

Also, we just entered an order allowing the Senate to consider the Intelligence authorization bill on Monday. There will be a cloture vote on that bill at 5:30 p.m. on Monday.

The Senate will not be in session on Friday. Therefore, there will be no roll-call votes.

ADJOURNMENT UNTIL MONDAY, APRIL 16, 2007, AT 2 P.M.

Mr. REID. If there is no further business to be brought before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:24 p.m., adjourned until Monday, April 16, 2007, at 2 p.m.

CONFIRMATION

Executive nomination confirmed by the Senate Thursday, April 12, 2007:

DEPARTMENT OF DEFENSE

CLAUDE M. KICKLIGHTER, OF GEORGIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.